

*These notes refer to the Criminal Justice and Courts Act
2015 (c.2) which received Royal Assent on 12 February 2015*

CRIMINAL JUSTICE AND COURTS ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Judicial Review

Judicial review in the High Court and Upper Tribunal

Section 90: Capping of costs: environmental cases

672. **Section 90** enables provision to be made excluding from the codified regime established under sections 88 and 89 judicial reviews about issues which, in the Lord Chancellor's opinion, relate entirely or partly to the environment. Different considerations may apply in those cases (and a separate costs protection regime, which is set out in the Civil Procedure Rules, already applies).
673. *Subsections (1), (2) and (3)* allow the Lord Chancellor to set out in regulations (subject to the negative procedure) the types of judicial review that are excluded from the costs capping regime set out in these sections. This section does not require all cases which may be argued to relate to the environment to be excluded.