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STATUTORY INSTRUMENTS

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**2015 No. 1778 (C. 108)**

**CRIMINAL PROCEDURE,  
ENGLAND AND WALES  
TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

The Criminal Justice and Courts Act 2015 (Commencement  
No. 3 and Transitional Provisions) Order 2015

*Made* - - - - *12th October 2015*

The Secretary of State, in exercise of the powers conferred by sections 95(1) and (6) of the Criminal Justice and Courts Act 2015(1), makes the following Order:

**Citation and Interpretation**

1. This Order may be cited as the Criminal Justice and Courts Act 2015 (Commencement No. 3 and Transitional Provisions) Order 2015.
2. In this Order “the Act” means the Criminal Justice and Courts Act 2015.

**Commencement of Provisions of the Criminal Justice and Courts Act 2015**

3. The following provisions of the Act come into force on 26th October 2015—
  - (a) section 42 (duties of custody officer after charge: arrested juveniles); and
  - (b) subject to the transitional provisions in article 4—
    - (i) section 91 (procedure for certain planning challenges); and
    - (ii) Schedule 16 (procedure for certain planning challenges).

**Transitional Provisions**

4. The following transitional provisions have effect in relation to Schedule 16 to the Act—
  - (a) the amendments made by paragraphs 2 and 4 to 7 do not apply in relation to proceedings challenging—

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- (i) an order confirmed or taking effect<sup>(2)</sup> before 26th October 2015;
  - (ii) a relevant costs order<sup>(3)</sup> made before 26th October 2015; or
  - (iii) an action or decision taken before 26th October 2015.
- (b) the amendments made by paragraph 3 do not apply to proceedings challenging a relevant document where the relevant date (within the meaning of section 287(5) of the Town and Country Planning Act 1990)<sup>(4)</sup> is a date earlier than 26th October 2015; and
- (c) the amendments made by paragraph 8 do not apply in relation to proceedings challenging a relevant document where the relevant date (within the meaning of section 113(11) of the Planning and Compulsory Purchase Act 2004)<sup>(5)</sup> is a date earlier than 26th October 2015.

Signed by authority of the Secretary of State for Department for Communities and Local Government

*Brandon Lewis*  
Minister of State  
Department for Communities and Local  
Government

12th October 2015

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(2) Orders under section 97 of the Town and Country Planning Act 1990 (c.8) and under section 23 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) take effect without confirmation by virtue of, respectively, sections 99 and 25 of those Acts. The amendments made by Schedule 16 make it clear that in those situations the date used for the calculation of time limits is the date on which the order takes effect; in all other cases, the date on which the order is confirmed is used.

(3) The amendments made by Schedule 16 insert the defined term “relevant costs order” into sections 284 and 288 of the Town and Country Planning Act 1990 and into section 62 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The meaning is materially identical in both cases: a relevant costs order is an order made under section 250(5) of the Local Government Act 1972 (orders as to the costs of parties), as applied by virtue of any provision of the Act in question.

(4) 1990 c.8.

(5) 2004 c.5.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order commences section 42 and 91 of, and Schedule 16 to the Criminal Justice and Courts Act 2015 (c.2).

Section 42 of the Act amends section 37(15) of the Police and Criminal Evidence Act 1984, which defines “arrested juvenile” for the purposes of Part 4 of that Act (detention). The effect of the change is that 17 year olds are included in the definition of “arrested juvenile”. The amendments made by section 42 of the Act come into force on 26th October 2015.

Section 91 introduces Schedule 16 of the Act which provides that challenges to a range of planning-related decisions, orders and actions may only be brought with leave of the High Court. Applications for leave must be made within the six-week period following the decision order or action being challenged. Schedule 16 also provides that challenges to the validity of relevant costs orders connected with specific planning decisions, orders and actions can only be brought by way of statutory review.

The amendments made by section 91 and Schedule 16 of the Act only apply to decisions, orders or actions which are confirmed or take effect before 26th October 2015 or to any relevant documents where the date from which they can be challenged is before 26th October 2015.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Criminal Justice and Courts Act 2015 (c.2) have been brought into force by commencement order made before the date of this Order.

| <i>Provision</i>     | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|----------------------|-----------------------------|-----------------|
| Sections 1 to 7      | 13.04.2015                  | 2015/778        |
| Section 12 to 27     | 13.04.2015                  | 2015/778        |
| Section 28           | 17.07.2015                  | 2015/1463       |
| Sections 29 and 30   | 13.04.2015                  | 2015/778        |
| Sections 32 to 37    | 13.04.2015                  | 2015/778        |
| Sections 38 and 39   | 20.03.2015                  | 2015/778        |
| Sections 40 and 41   | 13.04.2015                  | 2015/778        |
| Sections 43 to 51    | 13.04.2015                  | 2015/778        |
| Sections 53 to 61    | 13.04.2015                  | 2015/778        |
| Sections 63          | 13.04.2015                  | 2015/778        |
| Sections 67          | 13.04.2015                  | 2015/778        |
| Sections 69 to 83    | 13.04.2015                  | 2015/778        |
| Section 84(1) to (3) | 13.04.2015                  | 2015/778        |

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| <i>Provision</i>   | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--------------------|-----------------------------|-----------------|
| Section 87         | 13.04.2015                  | 2015/778        |
| Section 92         | 13.04.2015                  | 2015/778        |
| Schedules 1 and 2  | 13.04.2015                  | 2015/788        |
| Schedule 4         | 13.04.2015                  | 2015/788        |
| Schedule 5         | 17.07.2015                  | 2015/1463       |
| Schedule 6         | 13.04.2015                  | 2015/788        |
| Schedule 8         | 13.04.2015                  | 2015/788        |
| Schedules 9 and 10 | 20.03.2015                  | 2015/778        |
| Schedules 11 to 15 | 13.04.2015                  | 2015/788        |