

2016 No. 717 (C. 52)

CIVIL PROCEEDINGS, ENGLAND AND WALES
SENIOR COURTS OF ENGLAND AND WALES
SUPREME COURT OF THE UNITED KINGDOM
TRIBUNALS AND INQUIRIES

The Criminal Justice and Courts Act 2015 (Commencement No. 4 and Transitional Provisions) Order 2016

Made - - - -

6th July 2016

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

Citation and interpretation

1. This Order may be cited as the Criminal Justice and Courts Act 2015 (Commencement No. 4 and Transitional Provisions) Order 2016.

2. In this Order “the Act” means the Criminal Justice and Courts Act 2015.

Provisions coming into force on 8th August 2016

3. The following provisions of the Act come into force on 8th August 2016 —

- (a) section 64 (appeals from the Upper Tribunal to the Supreme Court);
- (b) section 65 (appeals from the Employment Appeal Tribunal to the Supreme Court);
- (c) section 84(4) to (6) (likelihood of substantially different outcome for applicant);
- (d) section 88 (capping of costs);
- (e) section 89 (capping of costs: orders and their terms); and
- (f) section 90 (capping of costs: environmental cases).

Transitional provisions

4. The amendments made by section 64 of the Act do not apply in relation to a decision of the Upper Tribunal made before 8th August 2016.

5. The amendments made by section 65 of the Act do not apply in relation to a decision or order of the Employment Appeal Tribunal made before 8th August 2016.

6. The amendments made by section 84(4) to (6) of the Act do not apply in relation to an application for relief under section 15 of the Tribunals, Courts and Enforcement Act 2007(a) (Upper Tribunal's "judicial review" jurisdiction), or an application for permission to apply for relief under that section, where the application for permission to apply for relief in that case was received by the Upper Tribunal before 8th August 2016.

7. Sections 88 to 90 of the Act do not apply in relation to judicial review proceedings where the claim form was filed in the High Court before 8th August 2016.

6th July 2016

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fourth commencement Order made under the Criminal Justice and Courts Act 2015 (c. 2) ("the Act").

Article 3 brings into force certain of the provisions of the Act relating to appeals and judicial review on 8th August 2016. Article 3(a) and (b) commences sections 64 and 65 which make provision for appeals from the Upper Tribunal and the Employment Appeal Tribunal respectively to the Supreme Court if certain conditions are met. Article 3 also commences the provisions in section 84(4) to (6) relating to the likelihood of a substantially different outcome for judicial reviews in the Upper Tribunal as well as the provisions on a new costs capping order made by the High Court and the Court of Appeal in judicial review proceedings in sections 88 to 90.

Articles 4 to 7 of the Order make transitional provisions.

Articles 4 and 5 provide that amendments made by sections 64 and 65 of the Act concerning appeals from the Upper Tribunal and the Employment Appeal Tribunal to the Supreme Court do not apply to a decision or order made before 8th August 2016, so that only decisions made on or after that date may be the subject of a "leapfrog" appeal.

Article 6 provides that the provisions relating to the likelihood of a substantially different outcome in applications for relief, or for permission to apply for relief, in the Upper Tribunal (section 84(4) to (6) of the Act) only apply in cases where the application for permission to apply for relief was received by the Upper Tribunal on or after 8th August 2016. Similarly, article 7 provides that the provisions about costs capping orders which can be made by the High Court and the Court of Appeal in connection with judicial review proceedings (sections 88 to 90 of the Act) only apply where the claim form was filed with the High Court on or after 8th August 2016.

(a) 2007 c. 15. Section 15 has been amended by the Constitutional Reform Act 2005 (c. 4), section 59(5) and Schedule 11, Part 1, paragraph 1(2).

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>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 7	13th April 2015	2015/778
Sections 12 to 27	13th April 2015	2015/778
Section 28	17th July 2015	2015/1463
Sections 29 and 30	13th April 2015	2015/778
Sections 32 to 37	13th April 2015	2015/778
Section 38 (partially)	20th March 2015	2015/778
Section 39	20th March 2015	2015/778
Sections 40 and 41	13th April 2015	2015/778
Section 42	26th October 2015	2015/1778
Sections 43 to 51	13th April 2015	2015/778
Sections 53 to 61	13th April 2015	2015/778
Section 63	13th April 2015	2015/778
Section 67	13th April 2015	2015/778
Sections 69 to 83	13th April 2015	2015/778
Section 84(1) to (3)	13th April 2015	2015/778
Section 87	13th April 2015	2015/778
Section 91	26th October 2015	2015/1778
Section 92	13th April 2015	2015/778
Schedules 1 and 2	13th April 2015	2015/778
Schedule 4	13th April 2015	2015/778
Schedule 5	17th July 2015	2015/1463
Schedule 6	13th April 2015	2015/778
Schedule 8	13th April 2015	2015/778
Schedules 9 and 10	20th March 2015	2015/778
Schedules 11 to 15	13th April 2015	2015/778
Schedule 16	26th October 2015	2015/1778

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