STATUTORY INSTRUMENTS

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—

(**1**) 2015 c.2.

(i) an order confirmed or taking effect(**2**) before 26th October 2015;

(ii) a relevant costs order(**3**) 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)(**4**) 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(**5**)) 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

(**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.