



Criminal Justice and Courts Act 2015

CHAPTER 2

CRIMINAL JUSTICE AND COURTS ACT 2015

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Status: Point in time view as at 01/12/2016.

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SCHEDULE 1 — Sentence and Parole Board release for offenders of particular concern

PART 1 — SENTENCE AND RELEASE

Introduction

- 1 The Criminal Justice Act 2003 is amended as follows.

Sentence

- 2 After Chapter 5 of Part 12 (sentencing) insert— CHAPTER 5A...
- 3 In section 330(5)(a) (orders subject to affirmative procedure), at the...

Offences of particular concern

- 4 After Schedule 18 insert— SCHEDULE 18A Sentence under section 236A:...

Release on licence to be directed by Parole Board

- 5 In section 244(1) (duty to release prisoners), after “243A” insert...
- 6 After section 244 insert— Release on licence of prisoners serving...
- 7 (1) Section 246 (power to release prisoners on licence before...
PART 2 — OFFENDERS CONVICTED OF SERVICE OFFENCES

Armed Forces Act 2006 (c. 52)

- 8 In the Armed Forces Act 2006, after section 224 insert—...
PART 3 — TRANSITIONAL AND TRANSITORY PROVISION

Application of new provisions about special custodial sentences

- 9 (1) Section 236A of the Criminal Justice Act 2003, inserted...

Detention in a young offender institution

- 10 (1) This paragraph applies in relation to any time before...
PART 4 — CONSEQUENTIAL PROVISION

Road Traffic Offenders Act 1988 (c. 53)

- 11 (1) Section 35A(4) of the Road Traffic Offenders Act 1988...

Crime (Sentences) Act 1997 (c. 43)

- 12 (1) Schedule 1 to the Crime (Sentences) Act 1997 (transfer...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 13 (1) Section 147A(4) of the Powers of Criminal Courts (Sentencing)...

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Criminal Justice Act 2003 (c. 44)

- 14 The Criminal Justice Act 2003 is amended as follows.
- 15 (1) Section 237 (meaning of “fixed-term prisoner”) is amended as...
- 16 In section 240ZA(11) (time remanded in custody to count as...
- 17 (1) Section 250 (licence conditions) is amended as follows.
- 18 In section 256AA(1) (supervision after end of sentence of prisoners...
- 19 In section 258(3A) (early release of fine defaulters and contemnors),...
- 20 (1) Section 260 (early removal of prisoners liable to removal...
- 21 In section 261(5)(b) (re-entry into United Kingdom of offender removed...
- 22 In section 263(4) (concurrent terms), for “or 228” substitute “...
- 23 (1) Section 264 (consecutive terms) is amended as follows.
- 24 In section 265(2) (restriction on consecutive sentences for released prisoners),...

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

- 25 (1) Section 128 of the Legal Aid, Sentencing and Punishment...

SCHEDULE 2 — Electronic monitoring and licences etc: consequential provision

Crime (Sentences) Act 1997 (c. 43)

- 1 In section 31 of the Crime (Sentences) Act 1997 (duration...

Criminal Justice and Court Services Act 2000 (c. 43)

- 2 (1) Section 62 of the Criminal Justice and Court Services...

Criminal Justice Act 2003 (c. 44)

- 3 The Criminal Justice Act 2003 is amended as follows.
- 4 (1) Section 250(4) (licence conditions) is amended as follows.
- 5 (1) Section 253 (curfew condition for licence under section 246,...
- 6 In section 256B(7) (supervision after release of certain young offenders...

SCHEDULE 3 — Recall adjudicators: further provision

Mental Health Act 1983 (c. 20)

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Criminal Justice Act 2003 (c. 44)

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Domestic Violence, Crime and Victims Act 2004 (c. 28)

12

Offender Management Act 2007 (c. 21)

13

14

15

Coroners and Justice Act 2009 (c. 25)

16

Equality Act 2010 (c. 15)

17

SCHEDULE 4 — Ill-treatment or wilful neglect: excluded health care

Excluded health care

1 (1) For the purposes of section 20, “excluded health care”...

Use “for an education or childcare purpose”

2 A part of premises is used “for an education or...

Educational institutions

3 The educational institutions mentioned in paragraphs 1(1)(a) and (b) and...

Definitions

4 In this Schedule— “childminding” has the same meaning as in...

SCHEDULE 5 — Minimum sentence for repeat offences involving offensive weapons etc: consequential provision

Mental Health Act 1983 (c. 20)

1 In section 37(1A) of the Mental Health Act 1983 (powers...

Criminal Justice Act 1988 (c. 33)

2 In section 36(2)(b) of the Criminal Justice Act 1988 (reviews...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

3 The Powers of Criminal Courts (Sentencing) Act 2000 is amended...

4 (1) Section 12 (absolute and conditional discharge) is amended as...

5 In section 100(1A) (offenders under 18: detention and training orders),...

6 (1) Section 130 (compensation orders against convicted persons) is amended...

7 (1) Section 146 (driving disqualification for any offence) is amended...

8 In section 164(3) (further interpretive provisions)— (a) in paragraph (aa),...

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Criminal Justice Act 2003 (c. 44)

- 9 The Criminal Justice Act 2003 is amended as follows.
 10 (1) Section 142 (purposes of sentencing: offenders aged 18 or...
 11 (1) Section 142A (purposes of sentencing: offenders under 18) is...
 12 (1) Section 144 (reduction in sentences for early guilty pleas)...
 13 In section 150(2) (community order not available where sentence
 fixed...
 14 (1) Section 152 (general restrictions on imposing discretionary custodial
 sentence)...
 15 (1) Section 153 (length of discretionary custodial sentences: general
 provision)...
 16 (1) Section 305(4) (interpretation of Part 12) is amended as...

Coroners and Justice Act 2009 (c. 25)

- 17 (1) Section 125(6) of the Coroners and Justice Act 2009...

SCHEDULE 6 — Offences committed by disqualified drivers: further amendments

Road Traffic Act 1988 (c. 52)

- 1 (1) Section 3ZB of the Road Traffic Act 1988 (causing...

Road Traffic Offenders Act 1988 (c. 53)

- 2 The Road Traffic Offenders Act 1988 is amended as follows....
 3 (1) Section 24 (alternative verdicts: general) is amended as follows....
 4 In section 34(4)(a) (disqualification for certain offences), after sub-
 paragraph (ia)...
 5 (1) Section 36(2) (disqualification until test is passed) is amended...
 6 In section 45 (effect of endorsement of counterparts), for subsection...
 7 In section 45A (effect of endorsement of driving records), for...
 8 (1) The table in Schedule 1 (offences to which sections...
 9 In the table in Part 1 of Schedule 2 (prosecution...

Crime (International Co-operation) Act 2003 (c. 32)

- 10 (1) Paragraph 3 of Schedule 3 to the Crime (International...

Criminal Justice Act 2003 (c. 44)

- 11 In Part 1 of Schedule 15 to the Criminal Justice...

Coroners and Justice Act 2009 (c. 25)

- 12 (1) In paragraph 1(6) of Schedule 1 to the Coroners...

SCHEDULE 7 — Mutual recognition of driving disqualification in UK and
 Republic of Ireland

PART 1 — FURTHER PROVISION

Crime (International Co-operation) Act 2003 (c. 32)

- 1 Chapter 1 of Part 3 of the Crime (International Co-operation)...
 2 (1) Section 54 (road traffic offences in UK: application of...
 3 (1) Section 55 (duty to give notice to foreign authorities...

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- 4 For the italic heading before section 56 substitute “ Road...
- 5 (1) Section 56 (road traffic offences in Republic of Ireland:...
- 6 (1) Section 57 (recognition in United Kingdom of foreign driving...
- 7 In section 58(1)(a) and (b) (notice under section 57), for...
- 8 (1) Section 63 (production of licence: Great Britain) is amended...
- 9 (1) Section 64 (production of licence: Northern Ireland) is amended...
- 10 In section 65(3) (production of licence: Community licence holders),
for...
- 11 In section 68 (endorsement of licence: Great Britain), for subsection...
- 12 In section 69 (endorsement of licence: Northern Ireland), for
subsection...
- 13 In section 70(1) (duty of appropriate Minister to inform competent...
- 14 (1) Section 72 (regulations: Great Britain) is amended as follows....
- 15 (1) Section 73 (regulations: Northern Ireland) is amended as follows....
- 16 (1) Section 74(1) (interpretation) is amended as follows.
- 17 In section 74(2) (interpretation of references to disqualification for
life),...
- 18 In section 74, at the end insert—
- 19 (1) Schedule 3 (offences for the purposes of section 54)...
- 20 After Schedule 3 insert— SCHEDULE 3A Offences for the purposes...
- 21 After Schedule 3A insert— SCHEDULE 3B Offences for the
purposes...

Coroners and Justice Act 2009 (c. 25)

- 22 In Schedule 21 to the Coroners and Justice Act 2009...
PART 2 — TRANSITION FROM EU CONVENTION TO NEW AGREEMENT

Transitional period

- 23 In this Part of this Schedule, “the transitional period” means...

Disapplication of duties and powers to give notices during the transitional period

- 24 During the transitional period, the Secretary of State and the...
- 25 Paragraphs 23 and 24 are to be treated as having...

Application of duties and powers to give notices after the transitional period

- 26 After the end of the transitional period, the Secretary of...

Saving for pre-1 December 2014 cases

- 27 The amendments made by section 31 and Part 1 of...

SCHEDULE 8 — Disclosing private sexual photographs or films: providers of
information society services

England and Wales service providers: extension of liability

- 1 (1) This paragraph applies where a service provider is established...

Non-UK service providers: restriction on institution of proceedings

- 2 (1) This paragraph applies where a service provider is established...

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Exceptions for mere conduits

- 3 (1) A service provider is not capable of being guilty...

Exception for caching

- 4 (1) This paragraph applies where an information society service consists...

Exception for hosting

- 5 (1) A service provider is not capable of being guilty...

Interpretation

- 6 (1) This paragraph applies for the purposes of this Schedule....

SCHEDULE 9 — Secure colleges etc: further amendments

Prison Act 1952 (c. 52)

- 1 The Prison Act 1952 is amended as follows.
2 In section 37(4) (closing of prisons etc), for “or secure...
3 (1) Section 47 (rules for the management of prisons etc)...
4 In section 49(5) (persons unlawfully at large: definition of “youth...”

Criminal Justice Act 1961 (c. 39)

- 5 The Criminal Justice Act 1961 is amended as follows.
6 In section 23(4) (prison rules), after “a young offender institution”...
7 In section 38(3)(a) (construction of references to sentence of imprisonment...

Criminal Justice Act 1982 (c. 48)

- 8 (1) Section 32 of the Criminal Justice Act 1982 (early...

Police and Criminal Evidence Act 1984 (c. 60)

- 9 In section 17(1)(cb)(i) of the Police and Criminal Evidence Act...

Water Industry Act 1991 (c. 56)

- 10 In paragraph 13(2) of Schedule 4A to the Water Industry...

Prisoners (Return to Custody) Act 1995 (c. 16)

- 11 In section 1(2) of the Prisoners (Return to Custody) Act...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 12 In section 107(1) of the Powers of Criminal Courts (Sentencing)...

Children Act 2004 (c. 31)

- 13 The Children Act 2004 is amended as follows.
14 In section 11(1) (arrangements to safeguard and promote welfare), after...

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- 15 In section 13(3) (establishment of Local Safeguarding Children Boards), after...
- 16 In section 15(3)(c) (funding of Local Safeguarding Children Boards), after...
- 17 In section 25(4A) (co-operation to improve well-being: Wales)—
- 18 In section 28(1) (arrangements to safeguard and promote welfare: Wales),...
- 19 In section 31(3) (establishment of Local Safeguarding Children Boards in...
- 20 In section 33(3)(c) (funding of Local Safeguarding Children Boards in...

Childcare Act 2006 (c. 21)

- 21 In section 18(7) of the Childcare Act 2006 (meaning of...

Education and Inspections Act 2006 (c. 40)

- 22 (1) Section 146 of the Education and Inspections Act 2006...

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

- 23 In section 2(7) of the Corporate Manslaughter and Corporate Homicide...

Offender Management Act 2007 (c. 21)

- 24 The Offender Management Act 2007 is amended as follows.
- 25 In section 1(4) (meaning of “the probation purposes”), in the...
- 26 In section 14(5)(a) (disclosure)— (a) in sub-paragraph (i), omit “and”,...

Policing and Crime Act 2009 (c. 26)

- 27 In paragraph 14(3) of Schedule 5A to the Policing and...

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

- 28 The Legal Aid, Sentencing and Punishment of Offenders Act 2012...
- 29 In section 102(2) (definition of “youth detention accommodation” for the...
- 30 In section 103(1) (arrangements for remand), for “the accommodation in...

Prisons (Interference with Wireless Telegraphy) Act 2012 (c. 20)

- 31 (1) Section 4 of the Prisons (Interference with Wireless Telegraphy)...

Social Services and Well-being (Wales) Act 2014 (anaw 4)

- 32 (1) The Social Services and Well-being (Wales) Act 2014 is...

SCHEDULE 10 — Contracting out secure colleges
PART 1 — CONTRACTING OUT PROVISION AND RUNNING OF SECURE COLLEGES

Power to contract out

- 1 (1) The Secretary of State may enter into a contract...

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Running a contracted-out secure college

- 2 A contracted-out secure college must be run in accordance with—...

Leases and tenancies of land

- 3 (1) Where the Secretary of State grants a lease or...

Principal

- 4 (1) The principal of a contracted-out secure college must be...

Monitor

- 5 (1) Every contracted-out secure college must have a monitor.

Officers

- 6 (1) Section 8 of the Prison Act 1952 (powers of...

Officers who perform custodial duties

- 7 Every officer of a contracted-out secure college who performs custodial...

- 8 A secure college custody officer performing custodial duties at a...

- 9 (1) A secure college custody officer performing custodial duties at...

- 10 If authorised to do so by secure college rules, a...

- 11 (1) This paragraph applies where a secure college custody officer...

Intervention by Secretary of State

- 12 (1) This paragraph applies where it appears to the Secretary...

Obstruction etc of secure college custody officers

- 13 (1) A person who resists or wilfully obstructs a secure...

Assault of secure college custody officers

- 14 (1) A person who assaults a secure college custody officer...

Wrongful disclosure of information relating to persons in youth detention accommodation

- 15 (1) A person who is or has been employed at...

PART 2 — CERTIFICATION OF SECURE COLLEGE CUSTODY OFFICERS

Meaning of “secure college custody officer”

- 16 In this Schedule, “secure college custody officer” means a person...

Issue of certificate

- 17 (1) The Secretary of State may, on an application by...

Suspension of certificate

- 18 (1) This paragraph applies where— (a) in the case of...

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Revocation of certificate

- 19 Where it appears to the Secretary of State that a...
PART 3 — CONTRACTING OUT FUNCTIONS AT DIRECTLY MANAGED SECURE COLLEGES

Power to contract out functions at directly managed secure college

- 20 (1) The Secretary of State may enter into a contract...

Powers of officers carrying out contracted-out functions

- 21 Paragraphs 6(1) and 8 to 11 apply in relation to...
22 In relation to a directly managed secure college, the reference...

Obstruction etc of secure college custody officers

- 23 (1) A person who resists or wilfully obstructs a secure...

Assault of secure college custody officers

- 24 (1) A person who assaults a secure college custody officer...

Wrongful disclosure of information relating to persons in youth detention accommodation

- 25 (1) A person who is or has been employed to...

Supplementary

- 26 The references in paragraphs 20, 21 and 22 to the...
PART 4 — DEFINITIONS
27 In this Schedule— “contracted-out functions” has the meaning given in...
PART 5 — FURTHER AMENDMENTS

Prison Act 1952 (c. 52)

- 28 In section 52 of the Prison Act 1952 (exercise of...

Criminal Justice Act 1967 (c. 80)

- 29 Omit section 66(4) of the Criminal Justice Act 1967 (exercise...

Firearms Act 1968 (c. 27)

- 30 (1) Schedule 1 to the Firearms Act 1968 (offences to...

Criminal Justice Act 1988 (c. 33)

- 31 In section 40(3) of the Criminal Justice Act 1988 (powers...

Private Security Industry Act 2001 (c. 12)

- 32 In paragraph 2(7) of Schedule 2 to the Private Security...

Children Act 2004 (c. 31)

- 33 The Children Act 2004 is amended as follows.
34 In section 15(3) (funding of Local Safeguarding Children Boards)—

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- 35 In section 33(3) (funding of Local Safeguarding Children Boards in...
36 (1) Section 65 (interpretation) is amended as follows.

Offender Management Act 2007 (c. 21)

- 37 In section 14(9) of the Offender Management Act 2007 (disclosure)—...

SCHEDULE 11 — Trial by single justice on the papers: further amendments

Criminal Law Act 1977 (c. 45)

- 1 (1) Section 39 of the Criminal Law Act 1977 (service...

Magistrates' Courts Act 1980 (c. 43)

- 2 The Magistrates' Courts Act 1980 is amended as follows.
3 (1) Section 1 (issue of summons to accused etc) is...
4 In section 11 (non-appearance of accused: general provisions), after
subsection...
5 In section 123 (defect in process), after subsection (2) insert—...
6 In section 150(1) (interpretation of other terms)—

Prosecution of Offences Act 1985 (c. 23)

- 7 (1) Section 15 of the Prosecution of Offences Act 1985...

Road Traffic Offenders Act 1988 (c. 53)

- 8 The Road Traffic Offenders Act 1988 is amended as follows....
9 (1) Section 7 (duty of accused to provide licence) is...
10 In section 8 (duty to include date of birth and...
11 (1) Section 27 (production of licence) is amended as follows....

Pension Schemes Act 1993 (c. 48)

- 12 (1) Section 68 of the Pension Schemes Act 1993 (unpaid...

Vehicle Excise and Registration Act 1994 (c. 22)

- 13 (1) Section 55 of the Vehicle Excise and Registration Act...

Criminal Justice and Public Order Act 1994 (c. 33)

- 14 (1) Section 51 of the Criminal Justice and Public Order...

Drug Trafficking Act 1994 (c. 37)

- 15 (1) Section 60 of the Drug Trafficking Act 1994 (Revenue...

Merchant Shipping Act 1995 (c. 21)

- 16 (1) Section 145 of the Merchant Shipping Act 1995 (interpretation...

Terrorism Act 2000 (c. 11)

- 17 (1) In Schedule 4 to the Terrorism Act 2000 (forfeiture...

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Proceeds of Crime Act 2002 (c. 29)

18 (1) Section 85 of the Proceeds of Crime Act 2002...

Education Act 2002 (c. 32)

19 (1) Section 141F of the Education Act 2002 (restrictions on...

Crime (International Co-operation) Act 2003 (c. 32)

20 The Crime (International Co-operation) Act 2003 is amended as follows...

21 (1) Section 4A (general requirements for service of written charge...

22 (1) Section 4B (service of written charge or requisition otherwise...

Criminal Justice Act 2003 (c. 44)

23 In section 164 of the Criminal Justice Act 2003 (fixing...

SCHEDULE 12 — Further provision about criminal courts charge

Rehabilitation of Offenders Act 1974 (c. 53)

1 In section 1(3) of the Rehabilitation of Offenders Act 1974...

Magistrates' Courts Act 1980 (c. 43)

2 The Magistrates' Courts Act 1980 is amended as follows.

3 In section 82 (restriction on power to impose imprisonment for...

4 In section 108 (right of appeal to the Crown Court),...

Prosecution of Offences Act 1985 (c. 23)

5 In the Prosecution of Offences Act 1985, at the beginning...

Insolvency Act 1986 (c. 45)

6 In section 281(4A) of the Insolvency Act 1986 (effect of...

Criminal Justice Act 1991 (c. 53)

7 In section 24(4) of the Criminal Justice Act 1991 (recovery...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

8 The Powers of Criminal Courts (Sentencing) Act 2000 is amended...

9 (1) Section 12 (absolute and conditional discharge) is amended as...

10 In section 142(1) (power of Crown Court to order search...

Proceeds of Crime Act 2002 (c. 29)

11 In section 13(3)(a) of the Proceeds of Crime Act 2002...

Criminal Justice Act 2003 (c. 44)

12 The Criminal Justice Act 2003 is amended as follows.

13 In section 151(5) (community order or youth rehabilitation order for...

14 In section 256AC(11) (breach of supervision requirements imposed under section...

Status: Point in time view as at 01/12/2016.

Changes to legislation: Criminal Justice and Courts Act 2015 is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 15 In Schedule 8 (breach or amendment of community order), in...
- 16 In Schedule 12 (breach or amendment of suspended sentence order),...

SCHEDULE 13 — Juries at inquests

Jurors and electronic communications devices

- 1 After section 9 of the Coroners and Justice Act 2009...
- 2 (1) Part 4 of the Courts Act 2003 (court security...

Offences relating to research by jurors etc

- 3 Part 1 of Schedule 6 to the Coroners and Justice...
- 4 Before paragraph 1 insert— “ Serving while disqualified, failure to...
- 5 After paragraph 5 insert— Research by jurors (1) It is an offence for a member of a...

Offence relating to jury's deliberations

- 6 In Schedule 6 to the Coroners and Justice Act 2009...

Saving for contempt of court

- 7 In Part 3 of Schedule 6 to the Coroners and...

SCHEDULE 14 — Members of the Court Martial

PART 1 — OFFENCES

- 1 The Armed Forces Act 2006 is amended as follows.
- 2 In Chapter 2 of Part 7 (trial by Court Martial:...
- 3 After Schedule 2 insert— SCHEDULE 2A Offences relating to members...

PART 2 — FURTHER AMENDMENTS

- 4 The Armed Forces Act 2006 is amended as follows.
- 5 In section 50(2) (jurisdiction of the Court Martial: service offences),...
- 6 In section 51(3) (jurisdiction of the Service Civilian Court: excluded...
- 7 In section 373 (orders, regulations and rules), after subsection (1)...
- 8 In Schedule 2 (offences required to be referred to a...
- 9 The reference in section 286(4) of the Armed Forces Act...

SCHEDULE 15 — Reporting restrictions: providers of information society services

Children and Young Persons Act 1933 (c. 12)

- 1 After Schedule 1 to the Children and Young Persons Act...

Youth Justice and Criminal Evidence Act 1999 (c. 23)

- 2 After Schedule 2 to the Youth Justice and Criminal Evidence...

SCHEDULE 16 — Procedure for certain planning challenges

Town and Country Planning Act 1990 (c. 8)

- 1 Part 12 of the Town and Country Planning Act 1990...
- 2 In section 284 (validity of development plans and certain orders,...

Status: Point in time view as at 01/12/2016.

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- 3 (1) Section 287 (proceedings for questioning validity of development plans...
- 4 (1) Section 288 (proceedings for questioning validity of other orders,...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)
- 5 In section 62 of the Planning (Listed Buildings and Conservation...
- 6 (1) Section 63 of that Act (proceedings for questioning validity...

Planning (Hazardous Substances) Act 1990 (c. 10)
- 7 (1) Section 22 of the Planning (Hazardous Substances) Act 1990...

Planning and Compulsory Purchase Act 2004 (c. 5)
- 8 (1) Section 113 of the Planning and Compulsory Purchase Act...

Status:

Point in time view as at 01/12/2016.

Changes to legislation:

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