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## 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.