STATUTORY INSTRUMENTS

2025 No. 411

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Crown Development) (Urgent Applications) (Procedure) (England) Order 2025

Made - - - -	*2nd April 2025*
Laid before Parliament	*3rd April 2025*
Coming into force - -	*1st May 2025*

The Secretary of State makes this Order in exercise of the powers conferred by sections 59, 69(1), (4) and (9), 92(1), 293B(4)(a), (9), (10) and (12), 293C(3), 327ZA(7) and (8), and 333(8) of the Town and Country Planning Act 1990(**a**).

PART 1

Preliminary

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Town and Country Planning (Crown Development) (Urgent Applications) (Procedure) (England) Order 2025 and comes into force on 1st May 2025.

(2) This Order extends to England and Wales.

(3) This Order applies in relation to England only.

(4) This Order applies to all land in England, but where land is the subject of a special development order(**b**) this Order applies to that land only to such extent and subject to such modifications as may be specified in the special development order.

Interpretation

2. In this Order—

"the 1990 Act" means the Town and Country Planning Act 1990;

(**a**) 1990 c. 8. Section 69 was substituted by paragraph 3 of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5). Sections 293B and 293C were inserted by section 109 of the Levelling-up and Regeneration Act 2023 (c. 55) ("the 2023 Act"). Section 327ZA was inserted by section 124(1) of the 2023 Act and amended by S.I. 2025/418. Section 333(8) was inserted by section 130(1)(b) of the 2023 Act. See section 336(1) for the definitions of "development order" and "planning permission". The definition of "planning permission" in section 336(1) was amended by paragraph 40(3) of Schedule 12 to the Housing and Planning Act 2016 (c. 22), Part 1 of Schedule 19 to the Planning and Compensation Act 1991 (c. 34) and paragraph 10(b) of Schedule 10 to the 2023 Act.

(**b**) See section 59(3)(b) of the 1990 Act for the meaning of special development order.

"the 2015 Order" means the Town and Country Planning (Development Management Procedure) (England) Order 2015(**a**);

"access" in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network, where "site" means the site or part of the site in respect of which outline planning permission is granted, or, as the case may be, in respect of which an application for such permission has been made;

"appearance" means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

"building" includes any structure or erection, and any part of a building, as defined in this article but does not include plant, machinery or any structure in the nature of plant or machinery;

"document" includes a photograph, map or plan;

"EIA application" means a urgent Crown development application in respect of EIA development which is accompanied by an environmental statement;

"EIA development" and "environmental statement" have the same meaning as in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017(**b**);

"electronic communication" has the meaning given in section 15(1) of the Electronic Communications Act 2000(**c**);

"landscaping", in relation to a site or any part of a site for which outline planning permission has been granted, or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

(a) screening by fences, walls or other means,

(b) the planting of trees, hedges, shrubs or grass,

(c) the formation of banks, terraces or earthworks,

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art, and

(e) the provision of other amenity features;

"layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

"local planning register authority" has the meaning given in article 40(1) of the 2015 Order;

"outline planning permission" means a planning permission for the erection of a building which is granted subject to a condition requiring subsequent approval with respect to one or more reserved matters;

(**a**) S.I. 2015/595; relevant amending instruments are S.I. 2016/873, 2018/119, 2018/1234, 2021/746, 2023/142.
(**b**) S.I. 2017/571, to which there are amendments not relevant to this Order. See regulation 2(1).
(**c**) 2000 c. 7. The definition of "electronic communication" in section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

"public holiday" means Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971(**a**) is a bank holiday in England;

"relevant local planning authority" means the local planning authority to whom an application could otherwise have been made had it not been made to the Secretary of State under section 293B of the 1990 Act;

"reserved matters" in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application—

(a) access,

(b) appearance,

(c) landscaping,

(d) layout, and

(e) scale;

"scale", except in article 8, means the height, width and length of each building proposed within the development in relation to its surroundings;

"by site display" means by the posting of the notice by firm fixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

"urgent Crown development application" means an application made in accordance with section 293B of the 1990 Act;

"working day" means a day which is not a Saturday, Sunday or public holiday.

Electronic communications

3.—(1) In this Order, and in relation to the use of electronic communications for any purpose of this Order which is capable of being carried out electronically—

(a) the expression "address" includes any number or address used for the purpose of such communications, and

(b) references to applications, notices, documents, drawings, certificates or other documents, or to copies of such things, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (6) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in this Order to give or send any application, notice, other document or information to any other person ("the recipient").

(3) A requirement is taken to be fulfilled where the application, notice or other document transmitted by the electronic communication is—

(a) capable of being accessed by the recipient,

(b) legible in all material respects, and

(c) sufficiently permanent to be used for subsequent reference.

(4) In paragraph (3), "legible in all material respects" means that the information contained in the application, notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(5) Where the electronic communication is received by the recipient outside the recipient's business hours, it is taken to have been received on the next working day.

(**a**) 1971 c. 80.

(6) A requirement in this Order that any application, notice or other document is in writing is fulfilled where the document satisfies the criteria in paragraph (3).

PART 2

Applications

Notice of applications for planning permission to be given by the applicant

4.—(1) Before making a urgent Crown development application for planning permission, the applicant must give requisite notice of the application to any person (other than the applicant) who is on the relevant date—

(a) an owner of the land to which the application relates, or an agricultural tenant, and

(b) whose name and address is known to the applicant.

(2) Where the applicant has taken reasonable steps to ascertain the names and addresses of every person to whom paragraph (1) applies but has been unable to do so, the applicant must give notice by site display in at least one place on or near the land to which the application relates and must leave the notice in position for a period of not less than 7 days immediately preceding the relevant date.

(3) Where a notice displayed under paragraph (2) is, without any fault or intention of the applicant, removed, obscured or defaced before the period referred to in paragraph (2) has elapsed, the applicant is to be treated as having complied with the requirements of paragraph (2) if the applicant has taken reasonable steps for the protection of the notice and, if need be, its replacement.

(4) In this article —

"agricultural tenant" has the meaning given in section 65(8) of the 1990 Act;

"owner" in relation to any land means any person who—

(a) is the estate owner in respect of the fee simple;

(b) is entitled to a tenancy granted or extended for a term of years certain of which not less than 7 years remain unexpired;

"relevant date" means the date which is—

(a) the date on which the applicant intends to make a urgent Crown development application for planning permission to the Secretary of State, and

(b) specified in a requisite notice;

"requisite notice" means notice given at least 7 days before the relevant date in the form set out in Schedule 1 or in a form substantially to the same effect.

Time for making a urgent Crown development application for planning permission

5.—(1) Unless paragraph (3) applies a urgent Crown development application for planning permission may not be made before the relevant date.

(2) Paragraph (3) applies if the applicant—

(a) has complied with the requirements of article 4, and

(b) is satisfied that every person who is an owner or an agricultural tenant of the land to which the application relates is aware of the proposed application.

(3) The applicant may make the application on a date earlier than the relevant date.

(4) In this article, "owner", "agricultural tenant" and "relevant date" have the same meanings as in article 4 but where more than one notice has been given under that article the relevant date for the purposes of this article is the latest of the dates specified in the notices.

Applications for planning permission

6.—(1) A urgent Crown development application for planning permission must—

(a) be made in writing to the Secretary of State on a form published by the Secretary of State on a website (or a document to substantially the same effect),

(b) include the particulars specified or referred to in the form, and

(c) be accompanied by—

(i) a plan which identifies the land to which the application relates;

(ii) any other plans, drawings and information necessary to describe the development which is the subject of the application;

(iii) where the application is made by a person authorised in writing by the applicant, a copy of that authorisation;

(iv) a statement setting out the reasons the applicant considers that—

(aa) the development to which the application relates is of national importance, and

(bb) it is necessary that the development is carried out as a matter of urgency;

(v) a statement setting out the reasons the applicant considers that the application is acceptable in planning terms;

(vi) a statement setting out how the applicant has complied with the requirements in articles 4 and 5.

(2) Subject to paragraph (4), in the case of a urgent Crown development application for outline planning permission details need not be given of any reserved matters.

(3) Where a urgent Crown development application is made for outline planning permission, the Secretary of State may grant permission subject to a condition specifying the reserved matters which are to be subject to subsequent approval.

(4) Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.

Applications for approval of reserved matters

7. A urgent Crown development application for approval of a reserved matter must—

(a) be made in writing to the Secretary of State and give sufficient information to enable the Secretary of State to identify the outline planning permission in respect of which it is made,

(b) include such particulars and be accompanied by such plans and drawings documents as are necessary to deal with the matters reserved in the outline planning permission, and

(c) be accompanied by—

(i) where the application is made by a person authorised in writing by the applicant, a copy of that authorisation;

(ii) a statement setting out the reasons the applicant considers that—

(aa) the development to which the application relates is of national importance, and

(bb) it is necessary that the development is carried out as a matter of urgency.

Plans and drawings

8. Any plans or drawings required to be provided by articles 6 or 7 must be drawn to an identified scale and, in the case of plans, must show the direction of North.

Publicity of urgent Crown development applications

9.—(1) Article 12 provides an exception to the requirements of this article.

(2) As soon as practicable after giving notice agreeing to determine a urgent Crown development application for planning permission under section 293B(5) of the 1990 Act, the Secretary of State must publish on a website —

(a) the application;

(b) the plans, drawings, other information and documents required to accompany the application under article 6(1)(c).

(3) As soon as practicable after giving notice agreeing to determine a urgent Crown development application for approval of a reserved matter under section 293B(5) of the 1990 Act, the Secretary of State must publish on a website—

(a) the application;

(b) plans and drawings accompanying the application under article 7(b) (if any);

(c) the statement required under article 7(c).

(4) As soon as practicable after publishing a urgent Crown development application under paragraph (2) or (3), the Secretary of State must notify the relevant local planning authority and the local planning register authority, if different, of the fact of publication and the website where the application and accompanying documents may be viewed.

(5) As soon as practicable after receiving a notification under paragraph (4) , the local planning register authority must place a copy of the application and accompanying documents on the register required to be kept under article 40 of the 2015 Order.

(6) The Secretary of State must give to any person who so requests—

(a) details of the website where the application and accompanying documents have been published, and

(b) details of where the application and accompanying documents may be physically inspected and, if practicable, copies taken of them.

(7) Article 11 contains additional publicity requirements for applications which are also EIA applications.

(8) In this article "accompanying documents" means the material specified in paragraph (2)(b) or, as the case may be, paragraph (3)(b) and (c).

Representations in relation to urgent Crown development applications

10.—(1) The Secretary of State may publish on the website referred to in paragraph (2) of article 9 an address for representations to be made to the Secretary of State about the application and the period within which any representations must be made.

(2) The Secretary of State may take such other steps as the Secretary of State considers are appropriate to bring the information referred to in paragraph (1) to the attention of those who may have an interest in making representations in relation to the application.

(3) If the Secretary of State has published information about a period within which representations may be made under this article the Secretary of State—

(a) must not determine the application before the end of the period for representations specified under paragraph (1),

(b) must, in determining the application, take into account any representations received within that period, and

(c) may disregard any representations received after the end of that period.

Publicity for EIA development

11.—(1) This article applies where the application is an EIA application.

(2) The Secretary of State must—

(a) publicise the application in accordance with the requirements of article 9, and

(b) within 5 working days of giving notice agreeing to determine the application under section 293B(5) of the 1990 Act, publish the required information about it on the website referred to in paragraph (2) of article 9.

(3) In this article, "the required information", in relation to an application, means—

(a) the address or location of the proposed development,

(b) a description of the proposed development,

(c) the date by which any representations about the application must be made, which must be not before the last day of the period of 30 days, beginning with the date on which the required information is published,

(d) details of where and when the application may be inspected, and

(e) the Secretary of State's address for receipt of representations about the application.

(4) Where the relevant local planning authority receives a copy of a notice under section 293B(7) of the 1990 Act in relation to an EIA application, the relevant local planning authority must before the end of a period of 5 working days beginning with the day the notice was sent—

(a) give the requisite notice in relation to the application by—

(i) site display in at least one place on or near the land to which the application relates for not less than 30 days, or

(ii) serving the requisite notice on each adjoining owner or occupier, and

(b) send a copy of the requisite notice to the Secretary of State.

(5) Where a notice displayed under paragraph (4) is, without any fault or intention of the relevant local planning authority, removed, obscured or defaced before the period referred to in paragraph (4) has elapsed, the relevant local planning authority is to be treated as having complied with the requirements of paragraph (4) if the relevant local planning authority has taken reasonable steps for the protection of the notice and, if need be, its replacement.

(6) For the purposes of this article—

"adjoining owner or occupier" means any owner or occupier of any land adjoining the land to which the application relates;

"the requisite notice" means notice in the form set out in Schedule 2 or in a form substantially to the same effect.

Prohibition on disclosure of sensitive information

12.—(1) This article applies where the Secretary of State directs that information relating to, or contained within, a urgent Crown development application is sensitive information in accordance with section 293B(11) of the 1990 Act.

(2) Where any information relating to, or contained within, an application is sensitive information, any provision of this Order that would otherwise require the disclosure of such information does not apply in relation to that information.

Consultation before determination of application

13.—(1) Before determining a urgent Crown development application for planning permission for development, the Secretary of State must consult such of the following persons whose interests the Secretary of State considers would be affected by the proposed development if granted planning permission—

(a) Natural England(**a**);

(b) the Environment Agency(**b**);

(c) National Highways Limited(**c**);

(d) the Coal Authority(**d**);

(e) the Historic Buildings and Monuments Commission for England(**e**);

(f) local highway authorities;

(g) the Health and Safety Executive(**f**).

(2) Where, by or under this article, the Secretary of State is required to consult any authority or person ("the consultee") before granting planning permission—

(a) the Secretary of State must notify the consultee of—

(i) the website where the application has been published by the Secretary of State under article 9, and

(ii) the period within which any representations must be made to the Secretary of State about the application and the address to which representations must be sent

(b) subject to paragraph (3), the Secretary of State must not determine the application before the end of the period for representations notified under sub-paragraph (a).

(3) Paragraph (2)(b) does not apply if before the end of the period notified under paragraph (2)(a) the Secretary of State has received a substantive response (within the meaning of article 16) concerning the application from each consultee.

(4) The Secretary of State must, in determining the application, take into account any representations received from a consultee within the period notified under paragraph (2)(a).

(5) The Secretary of State may disregard any representations received after the end of the period notified under sub-paragraph (a) of paragraph (2).

(6) Article 14 contains additional consultation requirements for applications which are also EIA applications.

(**a**) See section 1 of the Natural Environment and Rural Communities Act 2006 (c. 16).
(**b**) See section 1(1) of the Environment Act 1995 (c. 25).
(**c**) National Highways Limited a company incorporated in England and Wales, with the company registration number 09346363.
(**d**) See section 1 of the Coal Industry Act 1994 (c. 21).
(**e**) See section 32 of the National Heritage Act 1983 (c. 47). This body is also known as Historic England.
(**f**) See section 10 of the Health and Safety at Work Act 1974 (c. 37). Section 10 was substituted by S.I. 2008/960.

Consultation before determination of application: EIA development

14.—(1) Before determining an EIA application for planning permission for development, the Secretary of State must—

(a) comply with the consultation requirements set out in article 13, and

(b) in the case of an application for development which, in the Secretary of State's opinion, falls within a category set out in the Table in Schedule 4 to the 2015 Order, consult the authority or person mentioned in relation to that category, except where—

(i) the Secretary of State is specified as the consultee;

(ii) the Secretary of State is required to consult the authority so mentioned under article 13.

(2) Where, by or under this article, the Secretary of State is required to consult any authority or person ("the consultee") before determining an application, the Secretary of State must—

(a) send a copy of the application to the consultee, and

(b) not determine the application until at least 30 days after the date on which the application was sent to the consultee.

(3) The Secretary of State must, in determining the application, take into account any representations received from the consultee within the period referred to in paragraph (2)(b).

(4) The Secretary of State may disregard any representations received after the end of the period referred to in paragraph (2)(b).

Consultation with relevant local planning authority

15.—(1) The Secretary of State must, before determining a urgent Crown development application, notify the relevant local planning authority of the period within which any representations must be made to the Secretary of State and the address to which any representations must be sent.

(2) Subject to paragraph (3) the Secretary of State must not determine the application before the end of the period notified under paragraph (1).

(3) Paragraph (2) does not apply if before the end of the period notified under paragraph (1) the Secretary of State has received a substantive response (within the meaning of article 16) from the relevant local planning authority.

(4) The Secretary of State must, in determining the application, take into account any representations received from the relevant local planning authority within the period notified under paragraph (1).

(5) The Secretary of State may disregard any representations received after the end of the period notified under paragraph (1).

Substantive response to consultation

16. A substantive response is one which—

(a) states that the consultee has no comment to make,

(b) states that on the basis of the information available the consultee is content with the development proposed,

(c) refers the Secretary of State to current standing advice by the consultee on the subject of the consultation, or

(d) provides advice to the Secretary of State.

Time periods for decision: EIA application

17.—(1) In the case of an EIA application, the Secretary of State must not determine the application, where any notice of, or information about, the application has been—

(a) published on a website under article 11, within the period of 30 days beginning with the date on which the information was published;

(b) given by site display under article 11, within the period of 30 days beginning with the date when the notice was first displayed by site display.

(2) Where under paragraph (1), more than one period applies, the Secretary of State must not determine the application before the end of the latest of such periods.

Notice of the decision

18.—(1) The Secretary of State must give notice of their decision on a urgent Crown development application to the applicant as soon as practicable after the decision has been made.

(2) The notice given under paragraph (1) must include the reasons for reaching the decision.

Publishing the decision and representations

19.—(1) Within 5 working days of sending a notice under article 18(1) ("the decision notice"), the Secretary of State must—

(a) publish on the website referred to in paragraph (2) of article 9—

(i) the decision notice;

(ii) any written representations made in relation to the application which were received within a representation period published or notified under article 10, 11, 13, 14 or 15 (as the case may be);

(b) notify the relevant local planning authority and the local planning register authority (if different) that the documents required to be published under paragraph (a) have been so published;

(c) send to any person who has asked the Secretary of State to be notified of the decision in relation to a urgent Crown development application, a notice explaining that the decision has been made and details of where on the website referred to in paragraph (2) of article 9 a copy of the decision notice can be found.

(2) As soon as practicable after receiving notification under paragraph (1)(b) that the Secretary of State has published the decision notice, the local planning register authority must place on the register required to be kept under article 40 of the 2015 Order a copy of the decision and any written representations published by the Secretary of State .

Representations received by the relevant local planning authority

20. Where representations in relation to a urgent Crown development application are received by the relevant local planning authority the authority must, as soon as practicable, forward the representations to the Secretary of State at an address notified to that authority by the Secretary of State for that purpose.

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

Matthew Pennycook
Minister of State
2nd April 2025 Ministry of Housing, Communities and Local Government

SCHEDULES

SCHEDULE 1

Article 4

Notice under Article 4

Schedule 1

The Town and Country Planning (Crown Development) (Urgent Applications) (Procedure) (England) Order 2025

NOTICE UNDER ARTICLE 4 OF APPLICATION FOR PLANNING PERMISSION FOR URGENT CROWN DEVELOPMENT

(*to be served on an owner* or a tenant** and, where relevant, to be displayed by site display*)

Proposed development at (a)……..

I give notice that (b) ……. intends to apply to the Secretary of State on (c)
……. for planning permission under Section 293B of the Town and Country Planning Act 1990 because (b)
……. considers that the proposed development is of national importance and that it is necessary that it is carried out as a matter of urgency.

If you are an owner or tenant of the land to which the application relates you are requested to confirm in writing to (b)
……. at (d)
……. before (c)
……. that you are such a person and that you are aware that (b) intends to make the application to the Secretary of State.

If (b) is satisfied that every person or tenant of the land to which the application relates is aware of the proposed application (b) may make the application before (c)
…….

If the Secretary of State agrees to determine the application the Secretary of State will publish the application, plans and other documents submitted with it on (e)
…….

Any person who wishes to be notified that the application has been published should write to the Secretary of State at

(f) …….

*owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years.

**"tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

Signed…….

+on behalf of…..

Date…….

Statement of owner's rights

The grant of planning permission does not affect owner's rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenant's rights

The grant of planning permission for non-agricultural development may affect agricultural tenant's security of tenure,

+delete where inappropriate

(a) address or location of proposed development
(b) applicant's name
(c) the relevant date being the date on which the applicant intends to make the application
(d) address for contacting the applicant
(e) address of government website
(f) address of the Secretary of State

SCHEDULE 2

Article 11

Notice under Article 11

Schedule 2

The Town and Country Planning (Crown Development) (Urgent Applications) (Procedure) (England) Order 2025

NOTICE UNDER ARTICLE 11 OF APPLICATION FOR PLANNING PERMISSION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT

(to be displayed by site display on or near the site, or served on owners and/or occupiers of adjoining land)

Proposed development at
(a)……..

I give notice that (b)……is applying to the Secretary of State, for planning permission to
(c)……
……
……
…… and the application is accompanied by an environmental statement.

Members of the public may inspect copies of

- the application
- the plans
- the environmental statement
- and other documents submitted with the application.

at (d)…….

during all reasonable hours until (e) …….

Member of the public may obtain copies of the environmental statement from crowncasework@communities.gov.uk at a charge of (f).....

Anyone who wishes to make representations about the application should write to the Secretary of State crowncasework@communities.gov.uk by (e)…….....

Signed…….

+ On behalf of…… Secretary of State

Date……

*Delete where appropriate.

(a) Address or location of the proposed development.
(b) Applicants name.
(c) Description of the proposed development
(d) Address at which the application may be inspected.
(e) Date giving a period of 30 days, beginning with the date the notice is first displayed where visible or accessible on or near the site or served on an owner and /or occupier of adjoining land, or a period of 14 days, beginning with the date when the notice is published in a newspaper (as the case may be)
(f) Amount of charge if any.

EXPLANATORY NOTE

(This note is not part of the Order)

Sections 293B and 293C of the Town and Country Planning Act 1990 (c. 8) (as inserted by section 109 of the Levelling-up and Regeneration Act 2023 (c. 55)) provide a route for applications for planning permission for Crown development in England where the development is considered to be of national importance, and where it is also necessary that the development be carried out as a matter of urgency.

This Order sets out the procedures in connection with applications under section 293B of the Town and Country Planning Act 1990.

In particular, this Order provides for:

— the content and the procedure in relation to the making of applications for planning permission and reserved matter applications under section 293B of the 1990 Act,

— the applicant to serve a notice on the owners of the land to which the application relates,

— the Secretary of State and the local planning authority to publicise the application,

— the Secretary of State to consult the relevant local planning authority and certain statutory consultees in relation to the application, and

— the time period within which the Secretary of State is to make a decision in relation to an application and the requirements as to publication of the decision.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary sector or communities bodies is foreseen.

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ISBN 978-0-34-827090-7

£8.14

http://www.legislation.gov.uk/id/uksi/2025/411

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