

SCHEDULE 2

Consequential amendments to primary legislation

Local Government Act 2000

60. In section 78 (decisions of interim case tribunals)—

- (a) in the heading after “Decisions of” insert “the First-tier Tribunal or”;
- (b) in subsection (1) for the words from the beginning to “an interim report” substitute “In adjudicating on any of the matters which are the subject of an interim report, the First-tier Tribunal or an interim case tribunal”;
- (c) in subsections (2) and (3) for “the interim case tribunal” insert “the tribunal concerned”;
- (d) in subsection (4) for “an interim case tribunal” substitute “the First-tier Tribunal”;
- (e) in subsection (9) at the beginning insert “The First-tier Tribunal or (as the case may be)”;
- (f) after that subsection insert—

“(9A) Where a person is suspended or partially suspended under this section by a decision of the First-tier Tribunal, the person may appeal to the Upper Tribunal—

- (a) against the suspension or partial suspension; or
- (b) against the length of the suspension or partial suspension,

(unless the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007).

(9B) An appeal may not be brought under subsection (9A) on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007).

(9C) An appeal may be brought under subsection (9A) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.

(9D) In any case where the Upper Tribunal is determining an appeal under subsection (9A), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.”; and

- (g) in subsection (10) for the words from the beginning to “section” substitute “Where a person is suspended or partially suspended under this section by a decision of an interim case tribunal, the person”.