

SCHEDULE 2

Consequential amendments to primary legislation

Immigration and Asylum Act 1999

35. In section 87 (the Tribunal)—

- (a) for the heading substitute “Appeals to the First-tier Tribunal”;
- (b) omit subsections (1) and (5);
- (c) in subsection (2) for “Tribunal” substitute “First-tier Tribunal”;
- (d) after subsection (3) insert—

“(3A) A relevant decision of the Commissioner is not to have effect while the period within which an appeal may be brought against the decision is running.

(3B) In the case of an appeal under this section, Tribunal Procedure Rules may include provision permitting the First-tier Tribunal to direct that while the appeal is being dealt with—

- (a) no effect is to be given to the decision appealed against; or
- (b) only such limited effect is to be given to it as may be specified in the direction.

(3C) If provision is made in Tribunal Procedure Rules by virtue of subsection (3B), the rules must also include provision requiring the First-tier Tribunal to consider applications by the Commissioner for the cancellation or variation of directions given by virtue of that subsection.”; and

(e) for subsection (4) substitute—

“(4) For a further function of the First-tier Tribunal under this Part, see paragraph 9(1) (e) of Schedule 5 (disciplinary charges laid by the Commissioner).”.