

**R V Cardiff City Council 2012**

Paragraphs 103 – 105

103: In my judgement, the way in which the concept of suspension is used by Parliament in Section 61 of the 1976 Act is not, as it were, to create a power of interim suspension, it is rather after a considered determination in other words, a final decision on whether a ground for either revocation, or suspension of a licence is made out, for there to be either revocation or, as a lesser sanction, a sanction of suspension.

104: By way of an analogy, one can envisage for example in a professional context a solicitor or a barrister can be disciplined on grounds of his conduct. The relevant disciplinary body may conclude that even if the misconduct has been established, that the appropriate sanction should be something less than complete revocation of the practicing certificate for the relevant lawyer. It may be, for example, a suspension for a period of one year will constitute sufficient sanction in the interest of the public.

105: It is in that sense, in my judgement, that Parliament uses the concept of suspension in section 61 of the 1976 Act. It does not use it, as it were, to create an interim power, before a reasoned determination has been made, that the grounds in subsection (1A) or (1B) have been made out. It is not, as it were, a protective or holding power. It is a power of final suspension, as an alternative to a power of final revocation.