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# The Constitution of the Scottish Liberal Democrats



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## PREAMBLE

The Scottish Liberal Democrats exist to build and safeguard a fair, free and open society, in which we seek to balance the fundamental values of liberty, equality and community and in which no-one shall be enslaved by poverty, ignorance or conformity. We champion the freedom, dignity and well-being of individuals, we acknowledge and respect their right to freedom of conscience and their right to develop their talents to the full. We aim to disperse power, to foster diversity and to nurture creativity. We believe that the role of the state is to enable all citizens to attain these ideals, to contribute fully to their communities and to take part in the decisions which affect their lives.

We look forward to a world in which all people share the same basic rights, in which they live together in peace and in which their different cultures will be able to develop freely. We believe that each generation is responsible for the fate of our planet and, by safeguarding the balance of nature and the environment, for the long term continuity of life in all its forms.

Upholding these values of individual and social justice, we reject all prejudice and discrimination based upon race, colour, religion, age, disability, sex or sexual orientation and oppose all forms of entrenched privilege and inequality. Recognising that the quest for freedom and justice can never end, we promote human rights and open government, a sustainable economy which serves genuine need, public services of the highest quality, international action based on a recognition of the interdependence of all the world's peoples and responsible stewardship of the earth and its resources.

We believe that people should be involved in running their communities. We are determined to strengthen the democratic process and ensure that there is a just and representative system of government with effective Parliamentary institutions, freedom of information, decisions taken at the lowest practicable level and a fair voting system for all elections.

We will at all times defend the right to speak, write, worship, associate and vote freely, and we will protect the right of citizens to enjoy privacy in their own lives and homes. We believe that sovereignty rests with the people and that authority in a democracy derives from them. We therefore acknowledge their right to determine the form of government best suited to their needs. We commit ourselves to the promotion of these aims and beliefs in the Scottish and United Kingdom Parliaments. We similarly commit ourselves to the promotion of a flourishing system of democratic

local government in which decisions are taken and services delivered at the most local level which is viable.

We will foster a strong and sustainable economy which encourages the necessary wealth-creating processes, develops and uses the skills of the people and works to the benefit of all, with a just distribution of the rewards of success. We want to see democracy, participation and the co-operative principle in industry and commerce within a competitive environment in which the state allows the market to operate freely where possible but intervenes where necessary. We will promote scientific research and innovation and will harness technological change to human advantage.

We will work for a sense of partnership and community in all areas of life. We recognise that the independence of individuals is safeguarded by their personal ownership of property, but that the market alone does not distribute wealth or income fairly. We support the widest possible distribution of wealth and promote the rights of all citizens to social provision and cultural activity. We seek to make public services responsive to the people they serve, to encourage variety and innovation within them and to make them available on equal terms to all.

Our responsibility for justice and liberty cannot be confined by national boundaries; we are committed to fight poverty, oppression, hunger, ignorance, disease and aggression wherever they occur and to promote the free movement of ideas, people, goods and services. Setting aside national sovereignty when necessary, we will work with other countries towards an equitable and peaceful international order and a durable system of common security. Within the European Community we affirm the values of federalism and integration and work for unity based on these principles. We will contribute to the process of peace and disarmament, the elimination of world poverty and the collective safeguarding of democracy by playing a full and constructive role in furtherance of these ends within the framework of the Community, the United Nations, the Commonwealth and other appropriate international organisations.

These are the conditions of liberty and social justice which it is the responsibility of each citizen and the duty of the state to protect and enlarge. The Scottish Liberal Democrats consist of women and men working together for the achievement of these aims.

## A. The Party

- A1. The name of the Party shall be the Scottish Liberal Democrats (hereinafter called "the Party").

- A2. The Party shall be an independent constituent part of a federation consisting of the Party, the Welsh Liberal Democrats, and the English Liberal Democrats. The provisions of the Federal Party's constitution shall apply in Scotland in the manner therein specified.
- A3. The Party shall be the successor in title to the Scottish Liberal Party and to the Social Democratic Party in Scotland.
- A4. The objects of the Party shall be:-
  - a. to promote the values and principles enshrined in the preamble of this Constitution;
  - b. to develop and promote policies that lead to the realisation of those values and principles; and
  - c. to seek the return of members of the Scottish Parliament, the United Kingdom Parliament, the European Parliament and local councillors at all levels of local government in Scotland and the appointment of members to public bodies, who support the above objects and who are members of the Party.

## B. Functions of the Party

The functions of the Party shall be:

- B1. To provide the organisation, administrative and campaigning support for Local Parties and Associated Organisations within Scotland.
- B2. To provide support for Party Members of the Scottish Parliament, both Houses of Parliament of the United Kingdom, the European Parliament and of local councils and other public bodies;
  - a. to be responsible for maintaining a definitive list of members of the Party;
  - b. to liaise with Local Parties regarding the maintenance and expansion of that list; and
  - c. to administer the division of membership income between Local Parties, the Party and the Federal Party;
- B3. To play a full part in the work of the Federal Party and to encourage Local Parties and members to do likewise.
- B4. To develop and formulate the policies of the Party, to place the policies of the Federal Party in a Scottish context and to promote such policies.
- B5. To promote public awareness within Scotland and elsewhere of the philosophy, policies and work of the Party.

- B6. To promote and encourage the selection of effective candidates for public office; and
- B7. To raise the finance required to carry out the functions described in this Constitution and to maintain such an organisation, including staff, to do so.

## C. Membership

- C1. All individuals shall be eligible for membership of the Party if:
  - a. they support the values and principles of the Party;
  - b. they are not members or supporters of any organisation whose purposes are incompatible with those of the Party; and
  - c. they are not members of any other political party within Great Britain.
- C2. Any eligible person shall be admitted to membership on payment of a subscription and acceptance of a membership application:
  - a. by the Executive or by a person authorised to act on the Executive's behalf; or
  - b. by a Local Party in accordance with its own rules;
  - c. by an Associated Organisation; or
  - d. in such other manner as the Executive may approve.
- C3. The Executive may determine whether the purposes of any organisation in Scotland are to be treated as incompatible with those of the Party.
- C4. All members shall be guaranteed the following rights under this Constitution:
  - a. the right to elect Party Office Bearers in Scotland;
  - b. the right to participate in the policy making bodies of the Party;
  - c. the right to have a say in the operation and amendment of the Party's Constitution;
  - d. the right to participate in Local Party meetings and Party Conferences; and
  - e. the right to stand for election to office within the Party.
- C5. The names and addresses of current members of the Party shall be entered on the membership list, which shall be the definitive list of members. Members' addresses shall be either their residence or their place of work or study.
- C6. Members whose membership address is in Scotland shall be members of the Local Party for that address or any other Local Party which is prepared

to accept that person as a member. Any member whose membership address is outside Scotland shall be a member of any Local Party which is prepared to accept that person as a member. No person shall be a member of more than one Local Party.

- C7. The Membership list shall be confidential and the Executive shall take all reasonable steps to ensure that information contained on the membership list is used solely for Party purposes and is not disclosed to any person other than persons authorised by this Constitution or by the Executive.
- C8. All members of the Party shall be required to pay an annual subscription to be determined from time to time by the Conference. The minimum subscription shall not be less than that fixed by the Federal Conference. The proportions paid to or retained by the Party and the Local Party or Associated Organisation shall be determined by the Conference on the recommendation of the Executive. The Executive shall also negotiate with the Federal Executive on the proportion of subscription income to be remitted to the Federal Party prior to its determination by the Federal Conference.
- C9. Membership of the Party shall be terminated if:
- a. a member ceases to be eligible for membership under Clause C1; or
  - b. a member sends written notice of resignation to such address as may from time to time be specified for communications relating to the membership list; or
  - c. a member's subscription has expired and has not been renewed within three months (provided that membership shall be restored if the arrears are paid during the period to which the subscription relates); or
  - d. a member is expelled from membership under Clause C10.
- C10. A member shall be expelled from membership of the Party if the Executive is of the opinion that his or her continued membership would be seriously detrimental to the interests of the Party, provided that:
- a. a motion to consider expulsion of a member shall only be competent at a meeting of the Executive of which due notice has been given and intention to propose the motion has been circulated in advance; and
  - b. such motion shall require a simple majority of Executive members present and voting; and
  - c. the member shall, subsequent to such vote, be notified in writing of the grounds on which the Executive is considering the termination of his or her membership and given a fair opportunity to comment in writing thereon; and

- d. the member shall be expelled only if the Executive, after consideration of the relevant material, shall so decide by a two thirds majority of votes cast in a secret ballot of its members.

In any case involving allegations of harassment by a member, the Executive shall take into account the terms of the Federal constitution and of any statement of policy relating to harassment adopted by the Party when considering whether a person's continued membership would be seriously detrimental to the interests of the Party.

- C11. In case of urgency, the Executive may, by a two thirds majority of members present and voting at a properly called meeting, suspend any member from the rights and privileges of membership for a period not exceeding three months while the question of termination of his or her membership is under consideration. A member may be suspended by a unanimous decision of the Office Bearers for a period not exceeding one calendar month to allow for a meeting of the Executive to be called.
- C12. No person who has been expelled from membership of the Party shall be eligible for readmission without the prior approval of the Executive.
- C13. Any person whose application to become a member has been refused, or any member who has been suspended or expelled from membership or who is otherwise aggrieved in a matter pertaining to this Section C may appeal to the Appeals Tribunal as provided in Section K. Any appeal by any person to the Federal Appeals Panel in terms of Article 14 of the Federal constitution in relation to membership of the Party may only be made if the procedure under Section K of this Constitution has been exhausted.

## D. Local Parties

- D1. There shall be Local Parties in all parts of Scotland. A Local Party shall only be recognised as such and entitled to the rights granted by this Constitution if it has at least twenty members and has adopted a constitution which satisfies the principles contained in this Constitution and the Federal constitution.
- D2. A Local Party's boundaries shall be determined and may be revised by the Executive. In exercising this power the Executive shall:
  - a. Consult pre-existing Local Parties and members in the area, including in particular those elected to public office at any level;
  - b. Give effect, as far as practicable, to any local agreement reached;
  - c. Take into account the ability of the Local Party to be able to play its part in pursuing the objects of the Party set out in Section A, Clause 4 and

the need for it to be an effective campaigning unit, and

- d. Take into account the democratic right of members to participate in the affairs of the Party and the Local Party.
- D3. Except where a local agreement acceptable to the Executive and satisfying the requirements of Clause D2 has been reached, a Local Party shall be formed of the members –
- a. in a single Council area or,
  - b. in the combined areas of two or more Councils, or
  - c. in a subdivision of a Council area, taking into account Scottish or United Kingdom Parliamentary boundaries.
- D4. When the membership of a Local Party falls below twenty for a continuous period of six months, the terms of Clauses D1 to D3 shall be applied in redrawing the boundaries of Local Parties in that area.
- D5. The boundaries of Local Parties may be reviewed from time to time, either on the initiative of the Local Parties or the Executive, and in any such review the terms of Clauses D1 to D3 shall apply.
- D6. In any Council area where there are less than twenty members and it is not practicable to include those members in a neighbouring Local Party, the Executive shall approve such form of local organisation within the area as commands local support, provided that
- a. the selection of a candidate to contest any election on behalf of the Party shall be subject to the Executive's approval;
  - b. the appointment of office-bearers shall be subject to the Executive's approval;
  - c. the affairs of the group shall be conducted in a manner which is to the Executive's satisfaction.
- D7. In the event of a dispute about the boundaries or composition of a Local Party, any affected Local Party or an aggrieved member of it may appeal to the Appeals Tribunal.
- D8. This clause provides for a proper system of co-ordination between Local Parties –
- a. within Scottish Parliamentary Regions, and in any instance where
    - i) a Council,
    - ii) a Scottish Parliamentary constituency, or
    - iii) a United Kingdom Parliamentary constituency comprises an area covered by the whole or part of more than one Local Party.
  - b. In each case, the relevant Local Parties shall have a duty to establish a

coordinating body or campaign committee, which in the case of a Parliamentary Region may be known as a Regional Party. The purpose of any such body shall be to ensure

- i) the participation of members in the Party's and the Local Parties' affairs within each Region, Constituency and Council area, and
- ii) effective campaigning for elections at each level.

The Local Parties may agree, in any instance, that one of them shall be the body with the responsibility for fulfilling this function, provided that affected members who are not members of that Local Party are included in its affairs.

Where a Regional Party or any other body is independently constituted under the terms of this Clause D8, its rules shall be subject to the Executive's approval. Any such body shall not itself be an accounting unit in terms of the Political Parties, Elections and Referendums Act 2000 or any subsequent legislation, but shall arrange, with the Executive's approval, that a Local Party shall be responsible for administering its funds and compliance with the Acts.

- D9. Each Local Party shall adopt a constitution and shall make a copy of it available to the Executive and to any member of the Local Party on request. Each Local Party constitution shall conform with the principles of this Constitution and the Federal constitution, shall include its objects and shall also provide:
- a. for the holding of an annual general meeting at which audited accounts (to be made available to the Executive) are provided;
  - b. for the election of a committee to manage the affairs of the Local Party and for the election of a convener, secretary and treasurer (who shall be the registered treasurer of the Local Party in terms of the Political Parties, Elections and Referendums Act 2000 and any subsequent legislation) and such other office-bearers as the Local Party sees fit;
  - c. that the term of office of the treasurer of the Local Party and the treasurer of any branch thereof should commence on 1 January and end on 31 December for each year that they hold office, and that the financial year of the Local Party and its branches (if any) should end on 31 December ;
  - d. that members should be advised timeously of the procedure for nominating members as officers of the Local Party and Federal Conference representatives;
  - e. that all members should receive not less than fourteen days' notice of all general meetings at which the Party's business is to be transacted,

which notice should include the date, time and place of the meeting;

- f. that all contested elections for party officers and representatives should be by single transferable vote in a secret ballot and that all such ballots should either be postal ballots of all members or ballots of members at the annual general meeting (provided that members unable to attend may vote by post or proxy);
- g. that members of the Party holding elective office in a principal local authority in the area of the Local Party should, if not elected to the Local Party committee, be entitled to attend its meetings but not to vote;
- h. for quorum for general meetings;
- i. for procedures for the election and adoption of candidates for all Party, local and national elections;
- j. for the keeping of the membership list, the procedure for notifying the appropriate person appointed by the Executive of its details, and for keeping its details confidential;
- k. for amendment of the constitution by a two-thirds majority of members voting, and
- l. that the Local Party must ensure its own compliance and that of its branches with the Political Parties, Elections and Referendums Act 2000 and any subsequent legislation.

D10. A Local Party may provide for the establishment of branches thereof which shall be bound by the terms of its own constitution.

D11. Each Local Party shall advise the Executive of any amendment which it makes to its constitution. If the Executive considers that a Local Party constitution is in conflict with the requirements of this Constitution or that the Local Party is in breach of its own constitution, it may appeal to the Appeals Tribunal for a ruling on the matter. Any member of a Local Party who believes that its constitution is in conflict with the requirements of the Constitution, or that it is in breach of its own constitution or that it is being improperly administered may appeal to the Appeals Tribunal.

D12. The Executive may, by a two thirds majority of all its members suspend from office any or all of the office-bearers and committee members of a Local Party if, but only if, any of the following obtains:

- a. the committee or any of its office-bearers or members has acted in persistent or serious breach of the terms of this Constitution or the Federal constitution or its own constitution;
- b. the committee or any of its office-bearers or members has failed to give effect to a ruling of the Appeals Tribunal under Section K hereof,

or the Federal Appeals Panel under Article 14 of the Federal constitution;

- c. the committee has acted or is proposing to act in a manner which is seriously detrimental to the interests of the Party.

The committee shall be advised in each case in writing of the grounds on which the Executive is considering suspension and given a fair opportunity to comment in writing thereon.

Any member of a Local Party aggrieved by the suspension or proposed suspension of office-bearers or committee members of the Local Party may appeal to the Appeals Tribunal and, if the appeal is allowed, the suspension shall be cancelled.

Following the suspension from office of a Local Party committee or any of its office-bearers or members, the Executive shall make such arrangements as may be necessary to restore authority as soon as possible to a committee elected by members.

- D13. a. Except as provided in this Section D, a Local Party shall be an accounting unit in terms of the Political Parties, Elections and Referendums Act 2000 and any subsequent legislation.
- b. If, at any time, a Local Party is in breach of the terms of the Act, or the Executive has reason to believe it is about to be in breach of the terms of the Act, the Executive shall consult with the office-bearers of the Local Party to seek agreement on a means of securing its compliance with the Act.
- c. If, but only if, the procedure in Paragraph D13(b) above fails, the Executive may, not less than 14 days after giving notice of its intention to the Local Party Committee,
  - i) remove from office the Treasurer of the Local Party and arrange for the election of a replacement Treasurer or, if necessary to ensure compliance, itself appoint a person to be acting Treasurer (who need not be a member of a Local Party); or
  - ii) suspend from office for a specified period any office-bearer or committee members of the Local Party, but only on the ground that this is essential for the purposes of compliance with the Act but may in so doing specify that the action taken is deemed to have effect from the point in time at which the Local Party began to be in breach of the Act.
- d. Either with the agreement of the Local Party Committee or if the procedure in Paragraph D10(b) above fails, the Executive may, not less than 14 days after giving notice of its intention to all the affected parties, combine the Local Party with one or more other Local Parties

to form a single accounting unit in terms of the Act. The Executive may in so doing specify that such combination is deemed to have effect from the point in time at which the Local Party began to be in breach of the Act. The Executive shall take all reasonable steps to ensure that the new accounting unit is able to comply with the terms of the Act.

- e. In the event that the procedures in Paragraph D10(c) or D10(d) above are followed, the rights and duties of the Local Party and members thereof shall not be affected in any way except as far as necessary to secure compliance with the Act. No Local Party shall cease to be a Local Party solely by virtue of having ceased to be an accounting unit. In particular, the procedures in Paragraph D10(c) and D10(d) shall not infringe:
  - i) the rights of members contained in Section C, Clause 5;
  - ii) the rights and duties of Local Parties contained in Section D (other than as specified in those paragraphs);
  - iii) the right of Local Party members to attend and vote at Conference;
  - iv) the rights and duties of Local Parties and members thereof in the selection of candidates contained in Section H.
- f. Except with the agreement of the Local Party committee, the Executive shall take steps to ensure that a Local Party which has ceased to be an accounting unit is re-established as such as soon as practicable, subject only to their being satisfied that the terms of the Act will be complied with.
- g. Any member of a Local Party may appeal to the Appeals Tribunal against any action taken under this clause and, if the appeal is upheld, the action shall be annulled..

## E. Conference

- E1. The Party shall meet in conference at least once in each year. The Conference shall be the governing body of the Party and all other organs of the Party shall be accountable to it, subject only to the terms of this Constitution.
- E2.
  - a) Unless otherwise specified, all elections to office provided for in Sections E, F and G shall be arranged according to a timetable to be set by the Executive. The Executive shall appoint a returning officer for the conduct of elections.
  - b) In any instance where there is provision for a postal ballot of members in this Constitution, or in the constitution of a Local Party or other body

within the Party, it shall be permissible to offer eligible members the facility to vote electronically, provided that:

- i. Any eligible member who does not choose to vote electronically is provided with a paper ballot;
- ii. The arrangements and timetable for the dispatch of ballots and other material is the same for members voting electronically as those being given a paper ballot;
- iii. The security and secrecy of the ballot is not impaired by the arrangement;
- iv. The facility to vote electronically is only offered at the discretion of the body responsible for conducting the ballot, and the responsible officers of that body satisfy themselves that the arrangements comply with all relevant rules.

- E3. In the event of a tied vote in any election provided for in this Constitution, a decision between the candidates tying shall be reached by drawing lots.
- E4. An Annual Report and the audited accounts of the Party for the previous calendar year shall be presented to Conference.
- E5. All members of the Party whose subscriptions have been paid and are registered, shall be entitled to attend Conference and vote at its proceedings. Members of the Federal Party who are not members of the Party but have been adopted as a Parliamentary candidate anywhere in Scotland shall be entitled to attend and vote at Conference as if they were members of the Party.
- E6. The Conference shall have the power to determine the policy of the Party in the manner prescribed in Section G of this Constitution. The Party shall be entitled to make policy on all matters relevant to Scotland except those which might reasonably be expected to fall within the remit of the federal institutions in the context of a federal United Kingdom.
- E7. The Conference may also debate and express opinions upon matters on which the Federal Party has the right to make policy, but the opinions expressed shall not constitute the policy of the Party.
- E8. The Conference may also debate and express opinions upon any other matters.
- E9. Motions for debate and amendments thereto or proposals relating to the business of the Party may be proposed by the Executive, the Policy Committee, the Conference Committee, any Local Party, any Associated Organisation or not less than twenty-five members. In addition amendments to published motions may be proposed by not less than five members.

- E10. The Conference shall be organised by a Conference Committee which shall consist of:
- a. the Conference Convener who shall chair the Committee
  - b. the Convener;
  - c. six members elected by members of the Party who are registered to attend Conference, and to serve for two years;
  - d. one member elected annually by the Executive;
  - e. one member elected annually by the Policy Committee;
  - f. one member (who may send a substitute who is a Member of a Parliamentary Party), chosen by and from the Parliamentary Party in the House of Commons who are members of the Party representing a Scottish constituency;
  - g. one member (who may send a substitute who is a Member of a Parliamentary Party), chosen by and from the Parliamentary Party in the Scottish Parliament who are members of the Party;
  - h. one member (who may send a substitute who is a Member of a Parliamentary Party), chosen by and from the Parliamentary Party in the European Parliament who are members of the Party representing Scotland or any part thereof:
  - i. one councillor who is a member of a Liberal Democrat Group on any Scottish Local Authority, to be elected by councillors who are members of a Liberal Democrat Council Group, to serve for two years.
  - j. the Party's Representative on the Federal Conference Committee if not already a member;
  - k. one member appointed by Liberal Youth Scotland;
  - l. one member appointed by the Scottish Liberal Democrat Women.
- E11. The Conference Committee may co-opt additional members up to one quarter of their membership. Co-opted members may not vote.
- E12. The Conference Committee shall, for each ordinary Conference, prepare and circulate to Local Parties and every organisation specified in Clause E10, a timetable for the receipt of motions, amendments and other notices of business for the Conference.
- E13. The Conference Committee shall be responsible for setting the agenda for ordinary Conferences, which shall include motions for public debate (and amendments thereto) and time for the transaction of Party business. It may, at its discretion, redraft a motion or amendment submitted to it so as to improve expression, treat any severable part of a motion or amendment as a separate motion or amendment or composite similar motions or

amendments, all so far as practicable in consultation with the proposers of the motions or amendments. The Conference Committee shall provide assistance and guidance on matters relating to the agenda to members and Local Parties. The agenda shall be circulated to Conference representatives registered for that Conference as soon as practicable after publication and in any event not less than seven days before the Conference. The Conference Committee shall have the discretion to allow (or itself propose) emergency motions which have not been placed on the agenda.

- E14. The Conference Committee shall draft and, from time to time review, standing orders for the conduct of business at the Conference, which shall be subject to the approval of the Conference.
- E15. A quorum of the Conference shall be one quarter of the members registered to attend at the start of that Conference, but it shall be competent for debate on any matter to continue in the presence of less than one quarter provided that no vote is taken until a quorum is present.
- E16. A special Conference of the Party shall be called either by the Executive or at the request of ten Local Parties. The request shall be submitted along with the purposes for which the Conference is called to the principal officer of the Party who shall within seven days serve notice on every member of the Party who would normally be notified of the details of any meeting of Conference. The Conference shall be held not less than twenty-one nor more than twenty-eight days after the date of the notice, or on a later date agreed by those requisitioning the special Conference and by the Executive. This timetable shall not apply to a special Conference called in terms of Section L, Clause 1 of this Constitution.
- E17. Subject to the agreement of the Executive, the Conference Committee shall determine the date and place of a Conference.
- E18. The Conference Committee shall report regularly to the Executive and be subject to its authority.

## F. Office Bearers and Executive Committee

- F1. The Office Bearers of the Party shall be the
  - a. Leader;
  - b. Deputy Leader;
  - c. President;
  - d. Convener;

- e. Policy Convener;
  - f. Conference Convener;
  - g. Campaigns and Candidates Convener; and
  - h. Treasurer.
- F2. The Leader shall be a member of the Scottish Parliament. The Deputy Leader shall be a Member of the House of Commons representing a Scottish Constituency.
- F3. The Leader and the Deputy Leader shall hold office from the declaration of the result of their election until a date, to be fixed by the Executive, not later than 1st January immediately following a five yearly Scottish General Election;
- F4. Office Bearers other than the Leader and Deputy Leader shall hold office for two years from the 1st January immediately following their election.
- F5. All Office Bearers of the Party shall be elected by the single transferable vote in a secret postal ballot of all members.
- F6. Nominations for any of the Office Bearer posts shall be by not less than thirty members of the Party of whom not more than five shall be members of the same Local Party.
- F7. Nominations for the Leader must be proposed by at least ten percent of the Scottish Liberal Democrat members of the Scottish Parliament. Nominations for the Deputy Leader must be proposed by at least ten percent of the Scottish Liberal Democrat members of the House of Commons representing Scottish constituencies.
- F8. The Leader shall be responsible for the political direction of the Party and for promoting its cause in Scotland.
- F9. The Deputy Leader shall deputise for the Leader within the Party and shall be responsible for co-ordinating the work of the Party and the Members of the Parliamentary Parties in the Scottish Parliament, United Kingdom Parliament and the European Parliament representing Scottish Constituencies.
- F10. In the event of the death or resignation of the Leader, Deputy Leader or Convener a successor shall be elected to complete the unexpired term of office. Save if the term has less than six months to run, the Executive may appoint an acting Leader or Deputy Leader or Convener.
- F11. In the event of the death or resignation of an Office Bearer other than the Leader, Deputy Leader or Convener or any member of the Executive elected under Clause F23(b), the Executive shall take such action with regard to the vacancy as it shall think fit, save that any member appointed

to hold such office shall only do so to complete the unexpired term of office.

- F12. The President shall be the guardian of the Constitution and shall have a duty to report to the Conference, independently of the other office bearers if, in his or her opinion, the Executive's activities or plans are constitutionally unsound. The Conference shall have the right to take such action on the President's report as it thinks fit. The President shall be entitled to attend and speak at meetings of the Executive but not to vote. The President may preside at the Conference on formal occasions.
- F13. The Convener shall be responsible for the day-to-day direction of the Party and shall be entitled to chair meetings of the Executive and Conference. He or she shall be a Vice President of the Federal Party.
- F14. The Policy Convener shall convene the Policy Committee.
- F15. The Treasurer shall convene the Finance and Membership Committee
- F16. The Conference Convener shall convene the Conference Committee.
- F17. The Campaigns and Candidates Convener shall convene the meetings of the Campaigns and Candidates Committee.
- F18. The Policy Convener, Conference Convener and Campaigns and Candidates Convener shall be Vice-Conveners of the Party and shall assist the Convener in such activities as he or she and the Executive shall agree, and shall deputise for him or her when absent.
- F19. The Treasurer shall receive and disburse monies on behalf of the Party according to a policy directed by the Executive. The Treasurer shall be the registered treasurer of the Party in terms of the Political Parties, Elections and Referendums Act 2000 and any subsequent legislation.
- F20. An Office Bearer of the Party who is unable, or persistently fails, to carry out his or her duties may be removed from office by a two thirds majority of all the members of the Executive in a secret ballot. Before such a proposal may be voted on, the Office Bearer shall be given in writing the reason for it and an opportunity to respond. An Office Bearer may appeal against his or her removal to the Appeals Tribunal, who shall have the right to re-instate the Office Bearer. When this clause is invoked and it is necessary to do so, the Executive may appoint another person to act temporarily in his or her place.
- F21. The Office Bearers shall be responsible for the appointment and management of staff and for agreeing their terms and conditions according to a policy determined by the Executive, and for the Party's compliance with employment law.
- F22. The Officer Bearers shall also be responsible for ensuring the co-ordination

of the political and other work of the party and for this purpose will meet regularly and may make recommendations to the Executive and its Standing Committees and sub-committees.

- F23. There shall be an Executive Committee, referred to in this Constitution as the Executive, which shall consist of:
- a. the Office Bearers, and
  - b. twelve other members of the Party elected in a postal ballot of all members of the Party.
  - c. a Scottish Liberal Democrat Member of the European Parliament
  - d. when unable to attend a meeting of the Executive, the Leader and Deputy Leader may appoint another Member of the Scottish, United Kingdom or European Parliaments to attend in their place as voting members.
- F24. Nominations for members of the Executive, other than the Office Bearers, shall be subscribed by ten members of the Party. They shall be elected by the single transferable vote in a secret postal ballot of all members of the Party and shall hold office for two years from 1st January following their election.
- F25. A representative of each Associated Organisation shall be entitled to attend and speak at meetings of the Executive but not to vote.
- F26. The Executive shall be responsible for the management and conduct of the Party and ensuring compliance of the Party with the Political Parties, Elections and Referendums Act 2000 and any subsequent legislation, and shall be accountable to the Conference.
- F27. The quorum at any meeting of the Executive shall be one-third of its members.
- F28. The Executive shall have the power to appoint sub-committees. In particular, the Executive shall work through the following Standing Committees, all of which are responsible and accountable to the Executive:
- a. Conference Committee
  - b. Policy Committee
  - c. Finance and Membership Committee
  - d. Campaigns and Candidates Committee
- F29. The Convener shall be a member of all Standing Committees and sub-committees.
- F30. The quorum of each of the Standing Committees shall be set by the

Executive.

- F31. The Executive and the Standing Committees may co-opt up to four additional members. Co-opted members may not vote.
- F32. In the event of the death or resignation of a member of a Standing Committee who was elected by members of the Party, or of the Party's representatives on Federal Party Committees, or in the event of there being insufficient nominations to fill these positions, the Executive shall take such action with regard to the vacancy as it shall think fit.
- F33. The Executive shall have the power to borrow money and to grant indemnities for the general purposes of the Party and to secure any monies borrowed, or grants of indemnity given, in such a manner as it thinks fit upon the assets of the Party; provided always that the total amount of the monies borrowed, or the terms of the indemnities, shall not exceed such amount as may from time to time be determined by the Executive and approved by the Conference.
- F34. The power of the Executive to expel members, as set out in Clauses C10 and C11 and the power of the Executive to remove a member from a list, as set out in Clause H6 may be referred by the Executive to the Federal Party, to be dealt with in accordance with either Article 3.7 or Article 18.3, as the case may be, of the Federal Party Constitution. The referral may be made on a case by case basis or for an agreed period of time, or until such time as it is recalled by the Executive.

In any case where such power has been so referred, all rights of appeal, notwithstanding the terms of Clauses C13 and H6, shall be dealt with in terms of the procedures established under Article 3.7 or Article 18.3, as the case may be, of the Federal Party Constitution.

- F35. The Office Bearers of the Party and other members of the Executive shall not be liable for any loss arising from the negligence or fraud of any person employed by them or the Party (even if the employment of any such person was not necessary or expedient), or by reason of any mistake or omission made in good faith by any of them or by reason of any other matter or thing except wilful fraud or wrongdoing on the part of the Office Bearer or Executive member who is sought to be made liable. They shall be entitled to an indemnity out of the assets of the Party (including future assets) against all costs, damages and expenses incurred by them, in respect of any liability from which they are relieved by the foregoing provisions of this clause and for all liability costs and expenses properly

incurred by them in the execution of their powers and duties.

### Finance and Membership Committee

- F36. The members of the Finance and Membership Committee shall be:
- a. the Treasurer;
  - b. two members of the Executive appointed by the Executive;
  - c. a member of the Conference Committee appointed by the Conference Committee;
  - d. a member of the Campaigns and Candidates Committee appointed by the Campaigns and Candidates Committee.
- F37. The Finance and Membership Committee shall be responsible and accountable to the Executive for:
- a. managing all financial activity of the Party;
  - b. managing the recruitment and retention of members;
  - c. management and commercial aspects of Conference and shall act for the Executive in its supervision of the Conference Committee in terms of Clause E18;
  - d. management of all commercial activities.

### Campaigns and Candidates Committee

- F38. The members of the Campaigns and Candidates Committee shall be:
- a. the Campaigns and Candidates Convener, who shall be Chair of the committee;
  - b. three members of the Executive appointed by the Executive to assist with the delivery of the committee responsibilities;
  - c. one member of the Policy Committee appointed by the Policy Committee;
  - d. one member chosen by and from the Liberal Democrat Group on the Convention of Scottish Local Authorities;
  - e. one member appointed by the Scottish Liberal Democrat Women;
  - f. one member appointed by Liberal Youth Scotland, and
  - g. a representative from each of the Scottish, United Kingdom and European Parliamentary Parties.

- h. At any time the Campaigns and Candidates Convener may co-opt a non-voting member to the committee to assist in delivery of the committee's responsibilities.
- F39. The Campaigns and Candidates Committee shall be responsible and accountable to the Executive for:
- a. delivering the functions set out in Article 11.1 of the Federal Constitution, which they shall exercise under the co-ordination of the Joint States Candidates Committee established under Article 11.2 of the Federal Constitution;
  - b. supporting and co-ordinating campaigning activity, including elections, in Scotland;
  - c. organising training for members to ensure capability of the Party in the areas responsible to the committee;
  - d. monitoring the procedures used by local parties relating to council candidate selections.
- F40. The Campaigns and Candidates Convener shall be the Party's representative on the Joint States Candidates Committee but he or she shall have the power to make a substitution if he or she cannot attend a particular meeting of the Joint States Candidates Committee.

## G. Policy Committee

- G1. There shall be a Policy Committee which shall have the duty of researching, developing and formulating policy, and managing and overseeing the policy-making process. It shall have the powers and responsibilities contained in this Section.
- G2. The Policy Committee shall consist of:
- a. The Policy Convener who shall normally chair the Committee;
  - b. the Leader;
  - c. the Convener;
  - d. one Member, whom failing one alternate member, chosen by and from the Parliamentary Party in the House of Commons who are members of the Party representing a Scottish constituency;
  - e. one Member, whom failing one alternate member, chosen by and from the Parliamentary Party in the Scottish Parliament who are members of the Party;
  - f. one member chosen by and from the Parliamentary Party in the

European Parliament representing Scotland or any part thereof;

- g. one member nominated by the Association of Scottish Liberal Democrat Councillors who is a member of the Party and belongs to a Liberal Democrat Group on a Scottish Local Authority
  - h. two other members of the Executive elected by the Executive;
  - i. five members of the Party elected in a ballot of all members of the Party to serve for two years;
  - j. the Scottish Party's representative on the Federal Policy Committee if not otherwise a member;
  - k. one member appointed by Liberal Youth Scotland, and
  - l. one member to be appointed by the Scottish Liberal Democrat Women.
- G3. The Conference shall have the power to make the policy of the Party. This power shall be exercised in accordance with the provisions of this Section of the Constitution.
- G4. The Leader and spokespeople, in exercising their duty to promote the cause of the Party, shall have the power to express and update the Party's policy in order to respond to day to day political developments. Any material change in policy made in this manner shall only remain the policy of the Party if it is approved by the first appropriate meeting of Conference.
- G5. The Policy Committee shall commission, publish and submit to the Conference policy motions or proposals, either on its own initiative or at the request of the Conference. In discharging this duty, the Policy Committee shall ensure proper consideration of varying viewpoints within the Party and, where appropriate, offer options for consideration. When approved by the Conference, a policy proposal shall, subject to any amendment or qualification the Conference makes, become the policy of the Party.
- G6. The Policy Committee shall submit an annual report for approval or amendment to Conference on its programme of policy development.
- G7. The Policy Committee may request that any proposal, whether by motion or amendment or otherwise to be considered by any Conference which would, if approved, state, amend or otherwise affect the policy of the Party, should first be remitted to itself for further consideration. The Conference shall not be bound to accede to the Policy Committee's request, or may accede to it subject to qualifications.
- G8. The Policy Committee shall have power:
- a. to make interim policy on topical issues, but such policy will remain

the policy of the Party only if it is approved by the first appropriate meeting of Conference;

- b. to make detailed policy of the kind needed to implement the principles and thrust of a policy proposal or motion that has already been adopted by Conference, and
- c. take such other action as appears to them expedient, taking into account their constitutional responsibility to Conference.

G9. The Policy Committee shall be responsible for the preparation and approval of the Party's election manifesto for any General Election to the Scottish Parliament, and for the Scottish version of, or supplement to, the manifesto for any General Election to the United Kingdom Parliament or the European Parliament. They shall do so in consultation with the Leader and the relevant Parliamentary Party.

G10. When practicable, and always in the case of an ordinary election to the Scottish Parliament, the Policy Committee shall prepare a pre-manifesto document to be presented to Conference for approval. An election manifesto shall be based upon the pre-manifesto document as approved, and policy adopted by, the Conference. If no policy has been adopted on some issue which in the view of the Policy Committee needs to be referred to, the Policy Committee shall have power to pronounce a policy on that issue for inclusion in the manifesto.

G11. If the Scottish Parliamentary Party proposes to enter into an agreement for Government, the terms of the agreement (including, if applicable, the Government programme) shall be subject to approval by a Special Convention, widely representative of the Party and established in terms of arrangements approved by Executive or, in emergency, the office-bearers.

G12. The Policy Committee shall also be responsible for:

- a. presenting the policies and opinions of the Party to the Federal Party;
- b. placing the policies of the Federal Party in a Scottish context and promoting them within Scotland;
- c. presenting the policies and opinions of the Party to outside bodies in Scotland and elsewhere;
- d. consulting outside bodies and people with relevant expertise in relation to proposed policies of the Party;
- e. approving official policy publications of the Party;
- f. supporting the development of policy seminars, and
- g. assisting Local Parties and other relevant bodies to formulate motions for Conference.

## H. Candidates for Election

### Application and Approval for Parliamentary Elections

- H1. The Executive shall maintain lists of approved candidates in Scotland for Scottish, United Kingdom and European Parliamentary elections, and may adopt rules for admission to the lists.
- H2. Any member of the Party or of the Federal Party may apply for inclusion on an approved list. Applications shall be determined by the Executive or by a sub-committee acting on its behalf and successful applicants shall be added to the relevant list or lists.
- H3. An applicant whose application is refused may request to have the reasons reviewed by the Executive. If, on review, the Executive approves the application, the applicant shall be added to the relevant list or lists. If the Executive does not approve the application, the applicant may then appeal to the Appeals Tribunal in terms of Section K.
- H4. Subject to Clause H5, any person on the approved lists shall remain so until:
- a. he or she ceases to be a member of the Party;
  - b. he or she resigns from an approved list by giving notice in writing;
  - c. the Executive has reason to believe that he or she no longer supports the principles of the Party, or
  - d. the Executive has reason to believe that conduct (whether personally or in connection with the affairs of the Party) has been such as to make him or her unsuitable to be a candidate for the Party
- H5. The Executive shall review the relevant approved list after each Scottish, United Kingdom or European election as the case may be and may require any person wishing to remain on a list to submit a fresh application. The approval of any candidate who has not applied to be a candidate in any parliamentary election for five years shall lapse unless a fresh application is made.
- H6. No person shall be removed from a list without being notified of the grounds on which the Executive is considering such removal and being given:
- a. a reasonable time within which to reply and make representations in writing;
  - b. the right to a hearing by the Executive (or representatives thereof), and

- c. the right to appeal to the Appeals Tribunal in terms of Section K.

The Executive may not remove from a list any Member of the Scottish or United Kingdom Parliamentary Parties who has neither resigned the Party whip, nor had it withdrawn. In considering whether or not to remove from a list any Member or former Member of either Parliamentary Party who has resigned the Party whip or had it withdrawn, the Executive may take into account the reasons for the resignation or withdrawal.

### General Provisions for the Selection of Candidates

- H7. Candidates for election at any level shall be selected by the single transferable vote in a secret postal ballot of eligible members. Eligibility shall be determined in terms of Clauses H11, H12, H21, H24 and H26. No member may vote who became a member of the Party after a specified date not later than the closing date for applications.
- a. In a multi-member division, the number of candidates to be chosen shall be announced before applications are invited, though it shall be acceptable at a later date, if circumstances require, for the number to be increased, and an additional candidate or candidates to be selected.
  - b. In a party list in which candidates are to be ranked in order:
    - i) The number of candidates to be chosen shall be announced before applications are invited.
    - ii) Where there are more applicants than places to be filled, the votes shall first be counted to establish which applicants are to be candidates on the list.
    - iii) To determine the order in which the candidates are to be placed, the votes shall then be counted to select a group numbering one less than the remaining number. The candidate thus eliminated shall be placed in the lowest position. The process shall be repeated, each time placing the eliminated candidate in the lowest remaining position until all candidates are placed in order.
    - iv) The makeup and ordering of the list may be constrained to accommodate diversity requirements specified by rules approved by Conference.

### Selection of Constituency Candidates for the Scottish Parliament

- H8. The Local Party shall appoint a returning officer. If there is more than one Local Party in the constituency, the returning officer shall be appointed by

the co-ordinating body (as provided in Section D Clause 8)

- H9. The Local Party shall appoint a short-listing committee from among its members. If there is more than one Local Party in the constituency, the short-listing committee shall include at least one member from each of them.
- H10. The short-listing committee shall prepare a short-list from among the applicants or, at their discretion, submit the names of all the applicants to the membership for consideration, but they shall not include on the short-list (or submit to the membership) any person who is not on the Scottish approved list without having first secured the approval of the Executive. The short-listing committee shall take account of any rules approved by Conference in relation to the balance to be required on a short list. If they consider it appropriate, but only with the approval of the Executive, they may submit a sole nominee for acceptance or rejection by the eligible members. The composition of the shortlist may be constrained to accommodate diversity requirements specified by rules approved by Conference.
- H11. Where there are at least twenty members with membership addresses in any constituency, the selection of a parliamentary candidate shall be made by those members
- H12. In any constituency with less than twenty members, all the members of the Local Party that includes that constituency may vote in the selection of a candidate. With the approval of the Executive a Local Party may limit the vote to a sub-division of its membership only, provided that there are at least twenty members eligible to vote and they include all the members with membership addresses in that constituency.
- H13. In any constituency in which it is not possible to apply Clauses H11 and H12, the Executive may select a candidate for the constituency, provided that there is a process of consultation with members who have membership addresses in the constituency.
- H14. The Local Party shall arrange hustings meetings, the distribution of literature and the preparation and distribution of ballot papers according to a timetable and in a manner consistent with any rules approved by the Executive. The Executive may also make regulations about the conduct of candidates in the selection process to ensure a fair and proper contest.
- H15. A Member of the Scottish Parliamentary Party who is a Constituency Member and wishes to be re-selected as candidate for that constituency (or for a revised constituency containing any part of it) shall, if not the sole nominee, be included in the short list.
- H16. The Executive may, in any particular case, modify the procedure for

selection of a prospective candidate

- a. by agreement with the relevant Local Parties; or
- b. for the purpose of expediting the selection process, if the circumstances so require.

- H17. In the event of a by-election in any constituency, a previous selection may be set aside at the discretion of either the Executive or the Local Party and a fresh selection, in that event, shall be held as far as practicable in accordance with the foregoing clauses.
- H18. If, after the selection of a prospective parliamentary candidate, boundary changes substantially affecting the related constituency come into force, a new selection shall be held. The Executive shall in case of disagreement decide whether a constituency has been substantially affected.

### Selection of Regional Candidates for the Scottish Parliament

- H19. The Regional Party, or co-ordinating body as defined in Section D Clause 8, shall appoint a returning officer and a short-listing committee, which shall have representation from every Local Party in the Region. The short-listing committee shall proceed as provided in Clause H10 (except for the reference to sole nominees). The short-listing committee shall not short-list fewer candidates than there are to be names on the list without the agreement of the Executive.
- H20. The selection of candidates shall be made by all members with membership addresses in the Region.
- H21. The Regional Party or co-ordinating body shall carry out the same duties as set out in Clause H14 for Local Parties in a constituency selection.
- H22. A Member of the Scottish Parliamentary Party who is a Regional Member and wishes to be re-selected as a candidate on the list for that region (or for a revised region containing any part of it) shall be included in the short list.

### Selection of United Kingdom and European Parliamentary Candidates

- H23. Candidates for the United Kingdom and European Parliaments shall be selected in a manner consistent with the requirements of Article 11 of the Federal Constitution. Subject to that provision, candidates for the United Kingdom Parliament shall be selected in accordance with the same procedure as is set out for Scottish Parliament constituency selections in Clauses H8-H18 and candidates for the European Parliament shall be selected in accordance with the same procedure as is set out for Scottish

Regional List selections in Clauses H19-H22, except that for European Parliament selections the returning officer and short-listing committee shall be appointed by the Executive and the selection shall be made by the whole membership of the Party.

### Selection of Candidates for Council Elections

- H24. In any Council area the Local Party or, if there is more than one Local Party, the co-ordinating body established in terms of Section D Clause 8 shall maintain a list of approved candidates for that Council. The procedure by which members of the Party who are eligible to be Councillors on that Council apply and are approved shall be agreed by the Local Party or co-ordinating body and be subject to the Executive's approval. The procedure shall provide that any panel of members appointed to assess applicants shall have a majority who are not Councillors seeking re-election and shall not all be members of the same Local Party. The criteria for approval shall be that the applicant –
- a. is committed to the principles and values of the Party;
  - b. is of good repute and has no impediment to holding public office, and
  - c. has the ability and is willing to give the necessary commitment to being a Councillor.
- The Local Party or co-ordinating body may also take into account the applicant's length of membership of the Party, previous commitment to the Local Party's activities and willingness, if elected, to abide by standing orders and to support the work and funding of the Local Party.
- H25. A Local Party or co-ordinating body may only remove a candidate from the approved list for any of the grounds in Clause H4 that would disqualify a person from being on the list of approved parliamentary candidates.
- H26. The selection of Council candidates shall be made in accordance with the rules of the Local Party or co-ordinating body, provided that wherever practicable there shall be a ballot of members, and that all members with membership addresses in the relevant Council ward shall be included among those eligible to vote.
- H27. After any general Council elections, candidates who wish to remain on the approved list shall be required to re-apply. A Councillor who is a member of the Liberal Democrat Group and seeks re-approval may only be rejected if any of the criteria in subclauses (a), (b) or (c) of Clause H24 has ceased to apply, or for breach of the Code of Conduct in terms of Clause H32.
- H28. A Councillor seeking re-selection who is a member of the Liberal Democrat

Group shall be entitled to be included in the shortlist for the ward he or she represents (or, when boundaries have changed, for a new ward that contains any part of it), but shall have no precedence in a ballot of members over any other short-listed applicant seeking a candidacy in the same ward.

- H29. Any Councillor, candidate, applicant, Local Party or other affected member aggrieved by any action or proposed action under Clauses H24-28 may appeal to the Appeals Tribunal in terms of Section K.

### Selected Candidates

- H30. A candidate for any public office shall cease to be the selected candidate
- a. on the conclusion of the election for which he or she was selected; or
  - b. if he or she is removed as a candidate by a two thirds majority of those voting in a secret postal ballot of all the members eligible to vote in the selection of that candidate. The candidate shall be given not less than fourteen days notice of the intention to hold a ballot and an opportunity to respond.
- H31. A candidate who is removed under Clause H30(b) shall have the same right of appeal to the Appeals Tribunal as if the removal were a selection in which he or she had been an unsuccessful candidate.

### Code of Conduct

- H32. The Executive may propose, for the approval of Conference, a Code of Conduct, which members of the Party holding public office should be expected to observe. This shall include any statement of policy relating to harassment adopted by the Party. Serious or persistent breaches of the code may be taken into account in any application of the provisions of Section C Clauses 11 and 12, Section H Clause 4 or Section I Clauses 7 and 9.

## I Council Groups

11. In any Council where two or more candidates of the Party have been elected to the Council, the Liberal Democrat Council Group shall consist of those members.
12. All Liberal Democrat Council Groups shall adopt standing orders, which shall be subject to the approval of the Executive.
13. A Liberal Democrat Council Group shall meet before any ordinary Council meeting (and otherwise as required) and no other Councillors shall attend such meetings. A Liberal Democrat Council Group may also meet jointly with other Councillors or Groups of Councillors when it is acting in coalition

with them or for any other purpose that facilitates the work of the Council, but such meetings shall not be meetings of the Liberal Democrat Council Group.

14. Any member of a Liberal Democrat Council Group who ceases to be a member of the Party for any reason shall cease to be a member of the Council Group. A member whose subscription is in arrears may remain a member of the Council Group provided that the subscription is paid within three months of the due date.
15. A Councillor who is not a member of the Liberal Democrat Council Group and wishes to join it, may be admitted by a majority of members voting at a properly called meeting of the Group, provided that the following conditions are all met:
  - a. An application to join the Party has been accepted and a subscription received by a person authorised to do so;
  - b. The Councillor has resigned from any other political party in Great Britain and from any organisation whose purposes are incompatible with membership of the Party and
  - c. The Councillor has resigned from any other Council Group and agrees to be known publicly as a Liberal Democrat Councillor.
16. A Councillor who is a member of the Party and was not elected as a candidate of the Party, and has not applied to join the Liberal Democrat Council Group, shall not be entitled to attend meetings of the Council Group. But it need not be incompatible with membership of the Party for that person to sit as an Independent Councillor.
17. A member of a Liberal Democrat Council Group may be suspended from attending meetings of the Group for a period not exceeding three months for any of the following reasons:
  - a. Serious or persistent breach of standing orders;
  - b. Behaviour likely to bring the Party or the Council Group into disrepute;
  - c. Joining any other recognised Council Group (whether of members of another political party or not) or participating in and seeking recognition of a separate group of Councillors, or
  - d. Behaviour that demeans public office.

The member may only be suspended by a two thirds majority of Group members voting in a secret ballot at a properly called meeting of the Group, and after being given written reasons for the suspension and an opportunity to be heard at the meeting at which the proposal to suspend is considered. The Group Secretary shall advise the Executive of the Party as soon as practicable of the suspension and the reasons

for it, so that the Executive may consider whether grounds for suspension or expulsion from the Party exist and to allow for the process to be set in hand.

18. A Liberal Democrat Council Group may not seek to suspend any of its members solely for the reason that the member declines to attend meetings of the Council Group.
19. The Executive may withdraw recognition from a Liberal Democrat Council Group for a period not exceeding three months for any of the following reasons:
  - a. The Council Group, or a majority of its members, are in serious or persistent breach of its standing orders or of the terms of this Constitution
  - b. Its actions are bringing the Party into disrepute, or
  - c. Its actions are incompatible with the values of the Party. Recognition may only be withdrawn by a two-thirds majority of members of the Executive present and voting at a properly called meeting. The Council Group shall be given written notice of the proposal to suspend and an opportunity to respond before the meeting of the Executive.

When recognition of a Council Group has been withdrawn, the Executive shall consider whether to exercise its powers in Section C, Clauses 10 and 11 to suspend or expel any or all of the members of the Council Group from membership of the Party. If it does not decide to take any such action, the suspension of the Council Group shall be lifted. In any case, the Executive shall, as soon as practicable, recognise a Council Group comprising those Councillors who remain members of the Party. If no Councillors remain members of the Party, the Executive shall advise the Council's Chief Executive that no Councillor or Council Group is entitled to use the description "Liberal Democrat" or claim any connection with the Party.

110. Any Liberal Democrat Council Group, Local Party, or Councillor, or any other member of the Party affected by a decision made in terms of this Section of the Constitution shall have the right to appeal to the Appeals Tribunal.
111. Nothing in this Constitution shall affect the statutory rights or duties of a Councillor in his or her role as a public representative of the electors.
112. In any Council where there is a sole Liberal Democrat Councillor the Executive shall have a duty to arrange such support for that Councillor as may be practicable and desirable, and to ensure that there are opportunities for him or her to work in partnership with Liberal Democrat Councillors on other Councils.

## J. Associated Organisations

- J1. The Executive may recognise as an Associated Organisation any organisation of persons having some common link of interest, which;
- a. has a membership the majority of whom are members of the Party, from at least 15 different Local Parties, and all of whom support the fundamental values and objects of the Party;
  - b. has objects consistent with the Party's fundamental aims and objects; and
  - c. has internal procedures that conform to the basic democratic values contained in Section D of this Constitution.
- J2. An Associated Organisation shall have the following rights:
- a. to propose motions and amendments thereto, or proposals relating to the business of the Party at Conference;
  - b. to representation on the Executive as specified in Section F, Clause 25;
  - c. to enrol members of the Party as specified in Section C, Clause 2(c);
  - d. to be consulted on policy matters of special interest to it or on which it has special knowledge or expertise; and
  - e. to submit proposals for membership of any relevant policy working group.
- An Associated Organisation or a group of members refused recognition as such may appeal against a ruling of the Executive under Section K of this Constitution.
- J3. An Associated Organisation which is a constituent part of a Specified Associated Organisation recognised under Article 13 of the Federal Constitution shall not have rights under this Constitution additional to those of other Associated Organisations.
- J4. The Executive may require of an Associated Organisation a copy of its rules or constitution and such other information as shall enable it to decide on recognition or the withholding or withdrawal of recognition as an Associated Organisation.
- J5. The Executive may withdraw recognition of an Associated Organisation if, in the Executive's opinion, the Associated Organisation is not complying with the requirements of the Political Parties, Elections and Referendums Act 2000 and any subsequent legislation. In such event the Associated Organisation shall have the right of appeal against such withdrawal to the Appeals Tribunal.

## K. The Appeals Tribunal

- K1. The function of the Appeals Tribunal shall be to hear and determine appeals on any matters on which a member or a Local Party or any other body provided for in this Constitution has a grievance under this Constitution as well as on all matters in respect of which it is provided by this Constitution or by the rules of a Local Party that an appeal may be made to the Appeals Tribunal. The Appeals Tribunal may, at their discretion, also hear and determine appeals on any other dispute between members or organisations within the Party where all parties to the dispute so agree.
- K2. Any dispute over the interpretation of this Constitution may be referred to the Appeals Tribunal for a ruling.
- K3. The Appeals Tribunal shall consist of the President and five members of the Party who shall be appointed by the Conference. One member shall be elected annually and shall serve for five years. Members shall be eligible for reappointment. Nominations for members of the Tribunal shall be subscribed by two members registered to attend Conference.
- K4. No person shall be eligible for appointment as a member of the Tribunal who is a member of the Executive and a member of the Tribunal shall cease to be so if elected to the Executive.
- K5. Three members of the Tribunal (selected by the President) shall sit to hear each appeal. If none of the three is a qualified lawyer, the Tribunal shall appoint such a person (who may be another member of the Tribunal) to attend the appeal hearing as an assessor. The assessor shall advise the Tribunal on points of law and equitable procedure.
- K6. A vacancy, however arising, in the membership of the Appeals Tribunal shall be filled at the first practicable opportunity, using the procedure in Clause K3, the new member being elected to serve for the balance of the term of office of the previous member. In the event that a reduction in number of members of the Appeals Tribunal makes it impossible for the Tribunal to hear an appeal, the President shall appoint a member of the Party to be a temporary member of the Tribunal.
- K7. No member of the Tribunal shall sit to hear an appeal which concerns the Local Party of which he or she is a member or any member of that Local Party.
- K8. All appeals shall be heard in private except where both parties to the appeal shall agree otherwise.
- K9. The Tribunal shall give reasons for its decision, but shall have discretion

whether to give publicity to a decision. A record of decisions and reasons shall be kept in the Party's principal office.

- K10. The Tribunal shall have power to adopt and publish Rules of Procedure (consistent with the provisions of this Constitution) to govern its own affairs, subject to confirmation by the Conference. Such rules may, subject to confirmation by the Conference, be varied from time to time.
- K11. An appellant must give notice of appeal in writing to the President and shall give a copy of that notice to the secretary of the body with which the appellant is aggrieved. Such a body shall act as respondent in the appeal, The Tribunal may refuse to hear an appeal if, in its opinion, there has been undue delay on the part of the appellant in giving notice of appeal in terms of this clause.
- K12. Except with the agreement of all parties, an appeal will be heard within two months of the receipt of notice of the appeal by the President, and the agreement of the appellant that all relevant evidence on the part of the appellant available at that time has been submitted.
- K13. There shall be no appeal from the Appeals Tribunal to the Federal Appeals Panel save on a matter pertaining to provisions of the Federal constitution.

## L. Amendment

- L1. This Constitution may be amended by a two-thirds majority of those present and voting at the Annual General Meeting of the Party or at a special Conference called for the purpose. Amendments may be proposed by the Executive or by the Conference Committee or by any Local Party or by any Associated Organisation or by twenty-five members of the Party and must be received by the Party's principal officer not less than three calendar months before the date of the Conference at which they are to be considered, provided that it shall be in order for the wording of a proposed amendment to be subsequently adjusted by the proposer of it to allow for clarification, or for the submission of consequential amendments. The Convener of the Conference Committee shall send the proposed amendments to the Executive and to all Local Parties and all Associated Organisations not less than one month before the date of the Conference and to all members of the Party registered to attend and vote at the Conference not less than seven days before the date of the Conference (or immediately on registration if later).
- L2. Any amendment whose effect would be to infringe the rights of individual members contained in Section C clause 4 of this Constitution or to restrict the matters for which a ballot of members is required pursuant to this Constitution shall not take effect unless it is passed by Conference in accordance with this Constitution and ratified by a majority of the members voting in a secret postal ballot.
- L3. Any amendment to secede from the Federal Party shall not take effect unless it is passed by Conference in accordance with this Constitution and ratified by a majority of the members voting in a secret postal ballot.
- L4. Any proposed amendment to the Federal constitution referred to the Party in terms of Article 2.7(c) of the Federal constitution shall require a two thirds majority of those present and voting at Conference to be effective.