



CONSTITUTION OF THE UK INDEPENDENCE PARTY (UKIP)

Latest

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ROTHERHAM SHOWS UKIP ON THE RISE, SAYS NIGEL

This document is the Constitution of the UK Independence Party and is hereinafter referred to as "the Party Constitution"

PART I INTERPRETATION

Interpretation

- 1.1 For the avoidance of doubt, throughout this constitution the masculine implies a person of either gender.
- 1.2 "EGM" means an Extraordinary General Meeting
- 1.3 "NEC" means the National Executive Committee
- 1.4 "Rules" means Rules made by the NEC under this Constitution
- 1.5 Where the context so implies, the singular shall include the plural
- 1.6 Headings shall not form part of the meanings of Articles
- 1.7 "Branch" means a branch or constituency association
- 1.8 PPERA means the Political Parties, Elections and Referendums Act 2000

PART II NAME AND OBJECTIVES OF THE PARTY

Name

- 2.1 The Party exists as a Political Party registered with the UK Electoral Commission under the PPERA. The Party bears the Electoral Commission Registration Number PP85. The registered name of the Party under the PPERA shall be the UK Independence Party (UKIP) (hereinafter referred to as "the Party").
 - 2.2.1 The Party may also use such other names as may be registered from time to time with the Electoral Commission and may also use informally such other names as may from time to time be appropriate.
 - 2.2.2 The Party exists as a Limited Liability Company registered with Companies House (Registration Number: 05090691) in accordance with the Companies Act 2006.
 - 2.2.3 Elected members of the NEC shall serve as Directors of the Company from the date upon which they are declared elected in accordance with this Constitution and the Rules until the date upon which their successor is elected.

Objectives

2.3 The Party believes that the United Kingdom of Great Britain and Northern Ireland (hereinafter "The United Kingdom") should only be governed by her own citizens and that its governance shall at all times be conducted first and foremost in the interests of the United Kingdom and its peoples and that the only laws that should apply within the jurisdiction of the United Kingdom are those wholly made by the Parliament of the United Kingdom. To that end it shall be the policy of the Party that the United Kingdom shall cease to be a member of the European Union and shall not thereafter make any Treaty or join any international organisation which involves in any way the surrender of any part of the United Kingdom's sovereignty. The Party further believes that the integrity of the United Kingdom of Great Britain and Northern Ireland (hereinafter "The United Kingdom") should be maintained.

2.4 In pursuit of these objectives the Party will at all times adhere to the principle of full equality before the law. The Party shall conduct itself and its affairs in such a way that it does not discriminate against or in favour of any person on the grounds of their race, religion, ethnic origin, education, beliefs, sexual orientation, class, social status, sectarianism or any other basis prescribed by law. Further the Party shall at all times adhere to the principles of the rule of law, liberty, democracy and respect for the human rights and the essential, traditional freedoms of the people of the United Kingdom and those under the protection of the United Kingdom.

2.5 The Party is a democratic, libertarian Party and will espouse policies which:

- promote and encourage those who aspire to improve their personal situation and those who seek to be self-reliant, whilst providing protection for those genuinely in need;
- favour the ability of individuals to make decisions in respect of themselves;
- seek to diminish the role of the State;
- lower the burden of taxation on individuals and businesses;
- ensure proper control over the United Kingdom's borders;
- strengthen and guarantee the essential, traditional freedoms and liberties of all people in the United Kingdom.

PART III ACTIVITIES OF THE PARTY

Activities

3.1 In furtherance of these objectives the Party may undertake the following activities:

- a) the development of a full range of policies for domestic and foreign affairs;
- b) participation in all democratic electoral processes that take place within the United Kingdom or in such other places where it is lawful for the Party to stand for election, subject always to the proper use of resources belonging to the Party. In particular the Party may stand in all levels of elections to public office from elections to the European Parliament (whilst the UK remains a member of the European Union) down to Parish Council level, including Mayoral elections.

3.2 In addition the Party may participate and campaign in any referendum, including but not limited to national, regional or local referendums.

Guide to Constitution

Rule Book
(Download)

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3.3 The Party shall take up any seat to which it wins election regardless of any policy of the Party which espouses the abolition of such seat or election, subject always to the right of the Leader and the NEC jointly to decide otherwise.

3.4 The Party may co-operate with other like-minded democratic parties, institutions and organisations for any purposes which are wholly consistent with its objectives, whether such be in the United Kingdom or elsewhere for such time and to such extent as the Leader and the NEC may deem necessary and expedient in order to advance the Party's objectives.

3.5 In the furtherance of its objectives, the Party may:

- a) raise funds and invite and receive contributions from any legal or natural person whatsoever in such manner and to the extent and limits established by law, including but not limited to: loans, subscriptions, donations, provision of work or materials in kind;
- b) publish, with or without charge, any document it sees fit in any format;
- c) employ and pay people to manage, supervise, organise and carry out the Party's aims, administer the Party and meet the Party's obligations under the law;
- d) purchase, lease or rent such real or personal property deemed necessary to carry out the Party's objectives and to conduct the Party's administration and to make arrangements for the management of any such property acquired;
- e) invest any monies of the Party not immediately required, in accordance with the Trustee Act of 1925;
- f) carry out or refrain from carrying out any lawful act as may be deemed appropriate for the attainment of the Party's objectives and the proper administration of the Party;
- g) enter into contracts for the supply of goods, employment and services;
- h) undertake any or all lawful activities under the Companies Acts.

Organisation

3.6 The NEC may establish, suspend or disband branches or other means of organisation as the NEC may from time to time deem necessary. Such constituency associations, branches or organisations may only be established with the written authority of the NEC which may delegate such authority to the Party Chairman.

Employment

3.7.1 All persons employed as described in Article 3.5 (c) hereof or who are employed by any person elected to any public body as a UK Independence Party candidate at the time of the coming into force of this Constitution shall certify that they are not a person who comes within the ambit of Article 4.2.1 or 4.2.2 below. This requirement shall only apply to those who commence employment on the date of or after the coming into force of this constitution.

3.7.2 It shall be a condition of employment that no person so employed as described in Article 3.7.1 hereof may be a person who has been excluded from membership by virtue of rules made under Article 4.2.1 or Article 4.2.2 below. Such a condition shall expressly form part of their contract of employment. All such employees shall, before taking up employment, acknowledge in writing that they agree to be bound by the terms of this constitution that relate to such employment. This requirement shall only apply to those who commence employment on the date of or after the coming into force of this constitution.

3.7.3 For the avoidance of doubt, it is the purpose of the restrictions against employment of persons who have been excluded from membership by virtue of rules made under Article 4.2.1 or Article 4.2.2 below to prevent the reputation of the Party from being damaged in any way whatsoever by such persons infiltrating the Party and being associated in any way with the Party. Nothing, however, in this Constitution shall prevent such persons supporting or making donations to the party.

PART IV PARTY MEMBERSHIP

Eligibility

4.1.1 Membership of the Party shall be open to any natural person who shares the objectives and core beliefs of the Party and who agrees to abide by this Constitution and any Rules which may from time to time be made by the Party and who have not been excluded from membership by virtue of rules made under Article 4.2.1 or Article 4.2.2.

4.1.2 Members are considered to be in "good standing" if at any given moment:

- a) their subscriptions are up to date; and
- b) they are not subject to any suspension or exclusion by the Party either from elected office or from standing as a candidate of any sort in any election; and
- c) they are not subject to any form of suspension or restriction as to their membership of The Party.

Members who are "in good standing" shall receive a membership card and the Party's newsletter either by post or electronically. They shall be entitled to vote in all relevant internal Party elections or ballots, provided that no new member shall be entitled to vote in any such election until 28 days have elapsed from the commencement of his membership.

Exclusion

4.2.1 Notwithstanding anything in Article 4.1 of this Constitution, the NEC may from time to time make Rules of Procedure concerning the refusal of or exclusion from membership of persons or classes of persons whose admittance to membership of the Party would, in its opinion, be inimical to the interests of the Party.

4.2.2 The Party Chairman (or, in his absence, his designated deputy) shall, without reservation or qualification, be entitled, subject to the approval of the NEC, to refuse to admit any person to membership. Where it is deemed appropriate brief reasons will be given for any such refusal.

4.2.3 Any person applying for or renewing membership of the Party shall, at the time of applying for or renewing that membership, certify that he is not a person disqualified from membership under Article 4.2.1 or 4.2.2 above. Renewal of membership may be treated by the Party as if it was an application for membership for the first time.

The Party Chairman (or, in his absence, his designated deputy) shall, without reservation or qualification, be entitled, subject to the approval of the NEC, to refuse to renew the membership of any person and may exercise this power without giving reasons for the same, if he deems it appropriate so to do.

4.2.4 Any person to whom membership is refused under either Article 4.2.2 or 4.2.3 may appeal against that decision within 28 days of notification thereof being sent to him. Such an appeal shall then be heard within a reasonable time by a panel composed either of the Party Secretary and two elected members of the NEC or, at the discretion of the Party Secretary, by the Party Secretary and two persons independent of the Party, provided, in the case of an application to renew membership, that such right of appeal shall only extend to those who were members "in good standing" at the time of the application for membership or renewal of membership as the case may be. The Appeal panel shall give an opportunity to both the Party Chairman and the Appellant to be heard. The Appeal Panel, in its discretion, may at the conclusion of the appeal publish the reasons for its decision, but is not bound to do so.

Revocation of membership

4.3 If, after becoming a member of the Party, a person

- a) joins another political party (whether registered with the Electoral Commission or not) or any organisation membership of which the NEC has declared to be incompatible with membership of the Party; or
- b) without the authority of the NEC, sets up or has set up or has aided and abetted the setting up of another political party, whether registered with the Electoral Commission or not; or
- c) is later found already to be a member or former member of another political party or organisation membership of which the NEC has declared to be incompatible with membership of the Party; or
- d) stands against a UKIP candidate in any election; or
- e) is found to be a person who has been expelled from the Party

the Party Chairman shall revoke their membership forthwith. Any person whose membership is revoked under this Article may appeal against that decision within 28 days of notification thereof being sent to him. Such an appeal shall then be heard within a reasonable time by a panel composed either of the Party Secretary and two elected members of the NEC or, at the discretion of the Party Secretary, by the Party Secretary and two persons independent of the Party.

Exceptions

4.4.1 In exceptional circumstances the Party Chairman may, with the agreement of the NEC, cause to be admitted to membership any applicant who would otherwise be prohibited from membership.

4.4.2 Persons not otherwise eligible for membership (other than those subject to exclusion under Article 4.2.1 or 4.2.2 hereof) under the provisions of this constitution may, at the discretion of the Party Chairman, in consultation with the NEC, be admitted to Associate Membership of the Party. The NEC may make rules as to the rights and duties of Associate Members.

4.4.3 The NEC may from time to time make such rules as it deems appropriate concerning the employment by the Party and/or those elected to public office of persons falling within the ambit of Article 4.2 above.

4.4.4 Upon being employed, all employees must sign a certificate that they are not a person who falls within the ambit of Article 4.2 above.

Subscriptions and terms of membership

4.5 The NEC shall from time to time set such annual subscription fees as it deems appropriate and may define and set differential subscriptions for different categories of membership as it may from time to time deem appropriate.

4.6 By entering into membership the Member agrees that at all times he will abide by the terms of this Constitution and the Rules of the Party. Any member who is in breach of this constitution or the rules made thereunder may be subject to the disciplinary procedures set out in Article 11 and any Rules of the Party made under this Constitution.

4.7 Members of the Party are deemed by their entry into membership to agree not to do or omit to do any act (as the case may be), the commission or omission of which either:

- brings the Party into disrepute; or
- is intended to damage the Party's interests; or
- damages the Party's interests; or
- breaches any other disciplinary rule which the NEC may from time to time deem appropriate to make.

4.8 Any member whose annual subscription has not been received by the party within 14 days of the end of the month in which their membership subscription ran out shall be regarded as having resigned their membership.

4.9 The NEC may from time to time as it deems appropriate make rules concerning affiliation to the Party by other organisations. Such affiliated bodies shall not enjoy any voting rights under the Constitution.

PART V

PARTY ORGANISATION AND PARTY CONFERENCE

5.1 The NEC may from time to time make rules concerning the organization of such Party structures which are not provided for in this Constitution.

Business Meeting

5.2 The Party shall hold both a Business Meeting and a full Party Conference annually at such place and at such date and time as the NEC may determine. Only Party members "in good standing" may vote at the Business Meeting and at the Annual Conference. Members shall produce a valid membership card in order to participate and vote in the Party Conference and Business Meeting.

5.3 The Business Meeting will be open only to Party members "in good standing". Its business shall be:

- a) to receive reports from the Party's leaders and officers; and
- b) to receive and note the Party's accounts, which by virtue of Article 2.2.2 hereof are required under company law.

5.4 All motions at the Business Meeting may be passed by a simple majority of those voting.

Conference

5.5 The Annual Conference shall be open to Party members "in good standing", associate members and guests. Its business shall include the consideration of motions on Party policy and strategy, in accordance with the Rules of Procedure.

5.6 Motions carried shall only have advisory force and will be listed for discussion by the NEC within 3 months of the motion having been carried.

5.7 The NEC may also summon other special conferences or EGMs for specific purposes, which will be open to all Party members "in good standing". The NEC may from time to time make rules for the convening of and the procedures for the conduct of such conferences.

EGM

5.8 The Party Secretary shall call an Extraordinary General Meeting (EGM), giving members a minimum of 28 days' notice, if requested to do so by application in writing from at least twenty per cent (20%) of the Party's duly registered and properly constituted constituency associations or branches, drawn from at least four regions.

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Each such application shall include a written statement, signed by the respective branch or constituency association chairman as the case may be, certifying that the application was supported by a majority of members attending a properly convened Extraordinary General Meeting of the constituency association or branch.

Each such application shall set out the business to be dealt with at the EGM and the agenda of any such EGM shall be restricted to that business and to matters arising.

Each such application shall further be accompanied by payments to UKIP Head Office account for such sum as shall be determined by the NEC from time to time, drawn against the constituency association or branch bank account, as a contribution towards the cost of the meeting.

For the purposes of this Article, "constituency association" and "branch" shall bear the meaning ascribed to them under the Rules of the Party.

5.9 For the purposes of Article 5.8, a constituency association or branch is deemed to be duly registered only if it has been registered by the Party HQ (following approval by the NEC) for not less than six months before the date of application.

5.10 Upon receipt of a valid application or petition under Article 5.8 hereof, the Party Secretary shall call an Extraordinary General Meeting of the Party to be held within three months of such receipt.

PART VI THE NATIONAL EXECUTIVE COMMITTEE (NEC)

6.1 There shall be established a committee known as the National Executive Committee (hereinafter "the NEC") which shall function as the principal management and administrative authority of the Party, in particular for the purposes of company law.

Powers of NEC

6.2 The duties, powers and responsibilities of the NEC shall include (but are not limited to):

- a) ensuring that the Party works towards the achievement of the objectives set out in Article 2 above in an efficient and judicious manner;
- b) managing the Party's funds, structure and employees;
- c) advising the Party Leader on political matters;
- d) approving the Party's policies and manifestos;
- e) ensuring that the Constitution of the Party is in accordance with the laws of the United Kingdom;
- f) managing and conducting the Party's disciplinary procedures;
- g) making or amending from time to time such Rules of Procedure as it deems appropriate for the efficient conduct and administration of the Party and for the discharge of its responsibilities under this Article and under company law for the efficient running of the Party and the attainment of its objectives.

Composition of NEC

6.3 The NEC shall normally be composed of the following voting members :

- a) 12 members elected to the NEC;
- b) the Party Leader (who may be an elected member);
- c) the Party Chairman (who may be an elected member);
- d) two members who shall be selected and appointed in accordance with rules made by the NEC from time to time from among Party members elected to public office.

6.4 The NEC may from time to time appoint further non-voting ex-officio members as it deems necessary for the efficient running of the NEC.

6.5.1 The NEC shall appoint a Party Treasurer and a Party Secretary from among full Party members "in good standing", each of whom may be a voting member of the NEC as defined in Article 6.3 above. In the event that either the Party Treasurer or the Party Secretary is not a voting member of the NEC then he:

- a) shall become an ex-officio member of the NEC;
- b) may take part in all its deliberations and meetings;
- c) may not vote on any matter.

Party Treasurer

6.5.2 The post of Party Treasurer is required under the Political Parties, Elections and Referendums Act 2000 and the name of the Party Treasurer must be registered with the UK Electoral Commission. The Party Treasurer shall establish and chair a Finance Committee to be responsible for managing UKIP's general (non-campaign specific) finances and reporting these to the NEC. The Party Treasurer will prepare annual accounts and present them at the annual Business Meeting. The Party Treasurer will be responsible for complying with all statutes and requirements of the Electoral Commission applicable to financial reporting and probity.

6.5.3 The Party Treasurer's term of office shall be two years, which may be renewed; he may be removed before the end of his term by not less than a two-thirds majority vote of the NEC.

6.5.4 The Party Treasurer may, subject to the approval of the NEC, appoint Deputy Treasurers to assist with the tasks described above.

Party Secretary

6.6.1 The Party Secretary is responsible, inter alia, for ensuring that the administrative and other arrangements of the Party comply with all legal requirements placed upon it by statute other than those relating to finance. The Party Secretary shall establish and chair a Discipline Committee subject to and in accordance with Rules made by the NEC concerning disciplinary procedures.

6.6.2 The Party Secretary's term of office shall be two years which may be renewed; he may be removed before the end of his term by not less than a two-thirds majority vote of the NEC.

NEC sub-committees

6.7 The NEC shall establish standing subcommittees for policy, finance, discipline and plus any temporary additional subcommittees it identifies as necessary for the administration of the Party. The composition of all subcommittees, the limits of their delegated powers and their operational details shall be in accordance with the party Rule Book.

Eligibility for NEC

6.8 Only paid-up members of the Party "in good standing" shall be eligible for election to and/or membership of the NEC.

6.9.1 Notwithstanding anything in Article 6.8 hereof, any person who is:

- a) a paid employee of the Party; or
- b) one of the Party's elected representatives who receive in respect of their elected position emoluments commensurate with full-time employment; or
- c) a self-employed contractor providing services either to the Party or to any of the elected representatives of the Party

shall not be eligible for election to the NEC and upon becoming such shall resign from the NEC.

6.9.2 Notwithstanding anything in Article 6.9.1, a paid-up member "in good standing" who provides paid professional advice or supplies goods or services on a casual basis to the Party or the Party's elected representatives from time to time shall not be excluded from membership of the NEC. Any dispute as to the status of any member under this Article shall be conclusively determined by the NEC.

6.10 If at any time the Party membership of a serving NEC member shall be suspended, that member shall automatically be suspended from the NEC and he shall not be entitled to resume his place on the NEC until such time as the suspension of his Party membership is ended. If at any time the Party membership of a serving NEC member shall be revoked, that member shall automatically be expelled from the NEC without the need for the NEC to take any further action.

Elections and term of office

6.11 Members of the NEC shall be elected for a term not exceeding 3 years and shall be eligible for re-election at the completion of each 3-year term. In exceptional circumstances the NEC may extend the periods of office of retiring members for a period not exceeding six months.

6.12 Elections to the NEC shall be conducted in accordance with rules laid down by the NEC from time to time and shall take place annually on a date to be announced, together with the number of vacancies and the latest date for the receipt of nominations, in the issue of the Party newsletter penultimate to the election. The election shall be by way of a postal ballot of all members.

6.13 The election shall take place on the basis of the first past the post system. Each eligible Party member may cast a number of votes up to, but not exceeding, the number of vacancies and all votes shall be of equal value.

Resignation and vacancies

6.14.1 The resignation of a member of the NEC shall either be evidenced in writing signed by the resigning member and sent or given to the Party Chairman, or given orally. If given orally, the Party Chairman shall write to the resigning member inviting him to confirm or to withdraw his resignation.

6.14.2 The resigning member shall reply to such invitation within fourteen days of the posting of the letter. In the absence of a reply from the resigning member within that time he shall forthwith be deemed to have resigned from the NEC.

6.15 Should a vacancy occur between elections, the NEC may invite a candidate from the immediately preceding NEC election to fill the vacancy until the next annual elections when the position shall be filled by election, subject always to the willingness of the invitee to serve. Members joining the NEC in this way shall have the same rights as elected members.

Conduct of meetings

6.16 The NEC shall meet at least six times a year. Meetings shall be chaired by the Party Chairman or, in the Chairman's absence, by the Vice Chairman appointed under Article 8.3 or, in the absence of both, by a member of the NEC appointed by the NEC for that meeting only, which appointment shall be duly minuted.

6.17 Seven voting members of the NEC including the Party Chairman or, in the Chairman's absence, the Vice Chairman appointed under Article 8.3, or such NEC member appointed for that meeting as Chairman in accordance with Article 6.16, shall constitute a quorum.

6.18 Any five or more voting members of the NEC may requisition an Emergency Meeting of the committee by notifying the Party Secretary in writing signed by each of them to summon one as soon as practicable. The document calling for such a meeting shall set out the business to be discussed and any motions to be put at that meeting. The agenda for the emergency meeting shall comprise this business and matters arising and no other.

Suspension/expulsion from NEC

6.19 The NEC may expel a member of the NEC from the committee. A member of the NEC may only be so expelled if a resolution to that effect is proposed and duly seconded and passed by not less than two-thirds of the voting members present. The quorum for such a proceeding shall be nine voting members of the NEC excluding the Chairman or acting Chairman.

6.20 The following shall be grounds for expulsion/suspension from the NEC:

- a) Conduct which in the opinion of the NEC has caused or is likely to cause the Party or its leadership to be brought into disrepute.
- b) Seriously breaching NEC or Party confidentiality.
- c) Persistent failure to attend NEC meetings without good cause.
- d) Unbecoming conduct in the course of NEC meetings.
- e) Conduct which in the opinion of the NEC amounts to the abuse or harassment or bullying of a fellow member of the NEC or an employee of the party whether paid or unpaid.

6.21 The member against whom such a motion is proposed shall be given no less than seven days' notice in writing of the meeting. He shall be entitled to attend, to address and vote at the meeting. He may make written representations to the meeting. He may also question any member or other witness whose evidence is considered by the NEC as being relevant to the issue on the same basis as any other party and may call witnesses on his own behalf on the same basis as obtained during the case against him.

6.22 If the member against whom such a motion is proposed cannot attend the meeting, he must be given a reasonable opportunity to attend on a subsequent occasion. Provided that he has been given reasonable notice of such rearranged meeting, the NEC may proceed to deal with the matter in his absence if the NEC is of the opinion that, in all the circumstances, it would be fair, reasonable and just to do so and that he has had reasonable opportunity to attend.

No confidence motions

6.23.1 A motion of no confidence in the Party Leader may be proposed before the NEC. In order for it to pass, no less than nine members of the NEC shall vote in favour of the motion. The Party Chairman shall have a casting vote in the normal way.

6.23.2 The Party Leader shall be given no less than seven days' notice in writing of the meeting. He shall be

entitled to attend, to address and vote at the meeting. He may make written representations to the meeting. He may question any member or other witness whose evidence is considered by the NEC as being relevant to the issue on the same basis as any other party and may call witnesses on his own behalf on the same basis as obtained during the case against him.

6.23.3 If the Party Leader cannot attend the meeting, he must be given a reasonable opportunity to attend on a subsequent occasion to take place within ten days. Provided that he has been given reasonable notice of such rearranged meeting, the NEC may proceed to deal with the matter in his absence if the NEC is of the opinion that, in all the circumstances, it would be fair, reasonable and just to do so and that he has had reasonable opportunity to attend.

6.23.4 In the event of a motion of no confidence in the Party Leader being passed by the NEC, the Party Secretary shall call an EGM of members of the Party, such EGM to be held within 28 days of the passing of the motion. The NEC may from time to time make Rules as to the conduct of such an EGM. The EGM shall have as its only business a motion to endorse or to reject the vote of no confidence in the Leader by the NEC.

6.24 In the event that:

- a) the EGM convened under Article 6.23.6 rejects the vote of no confidence in the Party Leader; or
- b) the Party Leader stands for and is re-elected as Party Leader at an election following a vote of no confidence in him by the NEC,

elections shall be held in respect of each of the elected seats on the NEC, with the result being declared no more than three months from the date of the refusal of the EGM to endorse the NEC's vote of no confidence or the date of Party Leader's re-election as the case may be. Until such time as those elections are held the NEC elected members shall remain in office until their successors are elected.

Electoral cycle

6.25 In the event of an NEC election with more than four vacancies, successful candidates other than the top four shall be elected for terms of two years or one year to preserve the three-year electoral cycle, but these terms of office may be extended to not more than 3 years should further NEC vacancies occur.

Authorised groups

6.26.1 The NEC may authorise the establishment of groups of members or groups of constituency associations or branches in furtherance of the aims of the Party. These groups shall have responsibility for administering their own financial and other affairs in accordance with the procedures set down in the rules for the said groups.

6.26.2 The NEC may from time to time permit the formation of groups within the Party known as Special Interest Groups and may, as it deems appropriate, make rules concerning such groups; subject always to the requirement that no such group may exist or operate within the Party save with the express written consent of the NEC.

Officers

6.27.1 The NEC shall also appoint the following Officers hereunder.

6.27.2 A General Secretary who shall:

- a) formally convene meetings of the NEC and its sub-committees and notify members thereof;
- b) create and maintain appropriate administrative records with appropriate backup and archiving;
- c) act as Secretary to the NEC;
- d) maintain accurate records and minutes of meetings and decisions of the NEC and its sub-committees;
- e) ensure that Minutes and records are appropriately signed;
- f) maintain and make available for distribution rules and other decisions made by the NEC;
- g) organize and conduct NEC elections subject to NEC Rules;
- h) maintain records of membership of the NEC and its sub-committees.

6.27.3 A Nominating Officer, as required by the Political Parties, Elections and Referendums Act 2000, who shall control the registered Party descriptions and emblems and be responsible for the appointment of Deputy Nominating Officers as appropriate.

6.28 The NEC may from time to time create such further posts as it deems necessary for the more efficient exercise of its duties under this Constitution and appoint persons thereto.

6.29 The NEC may from time to time invite any person it deems appropriate to attend any NEC meeting in whole or in part.

PART VII THE PARTY LEADER

Status

7.1 Under the Political Parties, Elections and Referendums Act 2000 all registered parties must appoint a Party Leader. The Party Leader shall give political direction to the Party and shall be responsible for the development of the Party's policies with the agreement of the NEC.

7.2 The Party Leader may, at his discretion, form such advisory groups as he deems appropriate to advise him on any matter pertinent to the exercise of his functions, and will inform the NEC of the membership of such groups.

7.3.1 The Party Leader:

- a) shall have the right to be a full member of all sub-committees and working groups set up by the NEC;
- b) shall, subject to the approval of the NEC, appoint a Party Chairman; in the event of a refusal to approve the appointment, the Party Leader may request that the matter be referred to an EGM of the party;
- c) shall make or approve national statements of the Party's policies and the manner of their communication; and
- d) may make such other appointments as he thinks fit, with the agreement of the NEC.

7.3.2 Election for the post of Party Leader shall be by way of a postal ballot of all paid up members of the Party "in good standing".

Term of office

7.4 The Leader's term of office shall run for four years. This term may be extended for such time as may be deemed necessary upon the NEC passing a motion by a two-thirds majority to enable the Leader to stay in post in order to fight an imminent General Election or European Election, but in such event the period of extension shall be for no more than one year. The Party Leader may be elected for successive terms.

Election

7.5 A leadership election shall be called:

- a) in the event of the Party Leader's death, incapacity or resignation; or
- b) on the passing of a vote of no confidence in the Party Leader by the NEC if this is endorsed by an Extraordinary General Meeting of the Party; or
- c) upon the Party Leader's completion of his term of office.

Such election shall be held within 90 days of the completion of the Leader's term of office.

7.6 The NEC may from time to time as it deems appropriate make rules for the calling and conduct of elections for the post of Party Leader.

7.7 A Party Leader shall communicate his decision to resign in writing to the Party Chairman, who must then summon an emergency meeting of the NEC within 28 days.

7.8 If there is only one valid nomination for the post of Party Leader the candidate so nominated shall be declared elected as Party Leader without the need for a ballot. Any contested election for the leadership shall be decided by a simple majority of the votes cast. Those eligible to vote shall be members "in good standing" of the Party on the date when the election is called, subject always to the restrictions on voting set out in the final paragraph of Article 4.1.2 above.

7.9 When a vacancy in the leadership occurs due to the Party Leader's death, incapacity, resignation or removal following a vote of no confidence, the procedure for a leadership election shall be initiated by the Party Secretary.

Deputy Leader

7.10 The Party Leader may from time to time appoint a member of the Party "in good standing" to be Deputy Leader. The Deputy Leader shall carry out such duties as the Party Leader shall assign to him. In the event of the incapacity or unavailability of the Party Leader, the Deputy Leader shall not assume the Constitutional powers and duties of the Party Leader unless authorised so to do by the NEC.

7.11 Where a vacancy in the Party Leadership occurs unexpectedly, the NEC shall within fourteen days appoint an Interim Leader to lead the Party until a Leadership election takes place. Such Interim Leader shall have all the powers of the Party Leader under this Constitution as if he had been elected to that post.

PART VIII THE PARTY CHAIRMAN

Status and duties

8.1 The Chairman appointed under Article 7.3.1 (b) shall be an ex officio member of the NEC if not already an elected member of it. The Chairman will be entitled only to a casting vote whether or not he is an elected member of the NEC. The Party Chairman may, notwithstanding his ex officio membership of the NEC, be a full time employee of the Party.

8.2 The Party Chairman shall chair meetings of the NEC, the Annual Business Meeting, Annual Conference and such Extraordinary General Meetings as may be called. The Party Chairman shall be responsible for maintaining accurate databases of membership and for safeguarding such databases within the terms of data protection legislation.

Vice-Chairman

8.3 The Party Chairman may, with the agreement of the Party Leader and of the NEC, appoint a Vice Chairman from amongst the voting members of the NEC who shall, in the absence of the Chairman, chair the NEC. The Vice Chairman may act generally in the place of the Chairman if the Chairman is absent for any period over two weeks or is incapacitated through illness or is otherwise unable to undertake the duties of Chairman. The Chairman may from time to time delegate to the Vice Chairman such duties as he sees fit. A Vice Chairman acting in the place of the Party Chairman shall have only the same voting powers as the Chairman.

Responsibilities

8.4 The Party Chairman shall have overall responsibility for administration and direction of the Party organisation. He shall be responsible for ensuring that all efforts are made to have an active and properly constituted organisation of the Party in every constituency, financially able to support a parliamentary election campaign.

8.5 The Party Chairman may make such administrative appointments as he sees fit and may recommend to the NEC the creation of paid administrative posts. The Party Chairman shall, from time to time, report to the NEC on Party, branch and constituency activity or ensure that a report is made by an appointed Party officer, as appropriate, on such activity.

PART IX SEPARATION OF OFFICE

9.1 The offices of Party Leader, Party Treasurer, Party Secretary, Party Chairman, Vice Chairman and General Secretary shall each be held by a different individual.

PART X STANDING AND TEMPORARY COMMITTEES

10.1 The standing committees set up by the NEC shall include a Finance Committee, a Discipline Committee, a Standing Orders Committee and a Policy Committee. The NEC may from time to time establish other committees as it deems necessary.

Finance Committee

10.2 The Finance Committee shall be chaired by the Party Treasurer. Its responsibility shall be to oversee the management of the Party's finances and to appoint auditors.

Discipline Committee

10.3.1 The Discipline Committee shall be chaired by the Party Secretary and shall comprise in addition either two or four voting members of the NEC. Any appeal panel formed for hearing appeals from disciplinary hearings or membership exclusions shall be composed of an independent Chairman and either two or four other persons independent of the NEC.

10.3.2 The Discipline Committee shall have responsibility for conducting and arranging for all matters relating to discipline under this Constitution. The NEC may make rules as to the manner of selection of the panel members

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discipline under this Constitution, the NEC may make rules as to the manner of selection of the panel members of the Disciplinary Committee and of appeal panels.

Conference organisation

10.4 The Party Chairman will have the responsibility for all matters relating to organisation of the Party Conference, including the selection of motions for debate.

PART XI DISCIPLINE

Jurisdiction

11.1 The Discipline Committee of the NEC shall have jurisdiction over all matters pertaining to Party Discipline. The NEC may from time to time as it deems appropriate make Rules for the composition of discipline panels and management of matters of discipline and appeals, for the conduct of hearings and appeals under Article 11 and for the procedure and evidence to be used by the Committee.

11.2 All Disciplinary hearings and appeals shall be conducted with proper regard for the rules of natural justice to ensure that any member subject to such proceedings receives a fair hearing at each stage of the disciplinary or appeals procedure.

Complaints

11.3 Any member "in good standing" may refer the conduct of any other member to the General Secretary who shall act in accordance with the rules made under this Article and the rules of natural justice.

11.4 Thereafter the Party Secretary shall likewise act in accordance with the rules made under Article 11.1 and the rules of natural justice.

Remedies

11.5 Upon the conclusion of any Disciplinary Hearing the Discipline Committee may:

- a) issue oral or written advice to the Respondent Member as to future conduct;
- b) give the Respondent Member a written caution as to future behaviour;
- c) suspend the Respondent Member from attending constituency association meetings for a specified period;
- d) suspend the Respondent Member from membership of the Party for a specified period;
- e) suspend the Respondent Member from elected Party office and/or candidature for elective office for a specified period;
- f) expel the Respondent Member from membership for a specified period or permanently;
- g) take any other reasonable and proportionate action that it deems to be warranted by any particular circumstances;
- h) take no action; or
- i) if the member is elected to public office, remove the Party Whip.

The Discipline Committee shall at all times exercise its powers with proper regard for the principle of proportionality. The Party Secretary shall provide a report of all disciplinary hearings and appeals to the NEC upon their conclusion.

Right of appeal

11.6 Any member disciplined under Article 11.5 shall have the right of appeal against such order as is made thereunder. Such appeal shall be dealt with in accordance with the Rules of the Party concerning Discipline.

11.7 The NEC may cause any disciplinary panel to be chaired by an Independent Chairman and may appoint such a Chairman who need not be a member of the Party. The NEC shall cause an appeal hearing to be chaired by an Independent Chairman and may appoint such a Chairman who need not be a member of the Party. No person who sat on a disciplinary hearing at first instance may be a member of the appeal panel for the matter at hand.

11.8 In addition to the Rules mentioned in Article 11.1 the NEC may from time to time as it deems appropriate make rules as to the qualifications required for appointment as an Independent Chairman.

Emergency powers

11.9 In cases of exceptional gravity and urgency the Party Chairman may, of his own motion, exercise any of the powers set out in Article 11.5 except that under 11.5 (f) above in respect of any member, with due regard to proportionality. The Party Chairman shall, within twenty-four hours of so acting, notify the Party Secretary of his action.

11.10 Upon being so notified the Party Secretary shall convene as soon as possible an Emergency Disciplinary Panel composed of himself (or an independent chairman appointed in accordance with the rules made under Article 11.7 and 11.8) and not more than two voting members of the NEC.

11.11 The Emergency Panel may:

- a) confirm the order of the Party Chairman; or
- b) confirm the order of the Party Chairman but order that the matter be placed before an ordinary Discipline Panel as soon as possible for a full hearing; or
- c) make any order permitted by this Constitution; or
- d) revoke the order of the Party Chairman on the grounds that the action was either:
 - (i) inappropriate having regard to the circumstances; or
 - (ii) excessive having regard to all the circumstances; or
 - (iii) not supported by the facts. In that event the Party Chairman may within fourteen days of the findings of the Emergency Disciplinary Panel renew the complaint under the ordinary disciplinary procedure.

11.12 It shall be no defence to any allegation laid under this Article that the Party member was ignorant of the Constitution or any Rule made thereunder.

PART XII CANDIDATES

Approved candidates lists

12.1.1 The Party shall establish lists of approved candidates for elections to public office. The NEC may from time to time make such rules as it deems fit for the establishment of such approved lists. Persons holding elective office shall have no automatic right to reselection or to a place on such approved candidates lists.

12.1.2 Any person who seeks to be placed on such approved candidate lists shall make a written application and, without exception, shall in such application make a full disclosure of any material fact, political or personal (whether or not the material fact arose before or after this constitution came into force), that has or may have a bearing on their suitability for selection as a candidate and shall provide full details in writing of the same to the Party Chairman. The NEC shall issue guidance on disclosure.

Duty of disclosure

12.1.3 Once selected, candidates remain, without reservation or qualification, under a continuing duty fully to disclose to the Party Chairman any material fact, political or personal (whether or not the material fact arose before or after this constitution came into force) that has or may have a bearing on their suitability to stand as a candidate and shall provide full written details of the same to the Party Chairman.

12.1.4 Any failure to disclose such a material fact shall be a matter in respect of which disciplinary proceedings under Article 11 hereof may be initiated against the candidate. The Party Leader or the Party Chairman shall automatically refer such a matter to the General Secretary and Party Secretary who may then act under Article 11 and the rules made thereunder.

Suspension and removal

12.2.1 The Party Chairman may suspend any candidate from the approved list or remove any candidate from a list of candidates to be nominated or having been nominated, if, in his opinion the inclusion and possible election of that candidate will or may damage the reputation or interests of the Party.

12.2.2 The fact of such suspension shall be notified forthwith to (a) the NEC and (b) the candidate.

12.2.3 Thereafter the NEC may proceed to determine whether or not the candidate shall be removed from or restored to the list of approved candidates or remain nominated by the Party.

12.2.4 Once a candidate is finally removed from the list of approved candidates or his nomination is withdrawn according to law, he automatically loses all rights to be the selected candidate and the association, branch or region concerned shall select a new candidate.

12.3 A candidate who is removed from the approved candidates list or whose nomination is withdrawn shall have the right to an appeal according to rules made by the NEC pertaining to candidates.

Selection of candidates

12.4 The NEC may from time to time as it deems appropriate make rules concerning all matters relating to the selection, training, nomination, ranking, conduct, removal and organisation of candidates.

12.5 All candidates standing on behalf of the Party in any election to public office must be paid-up members of the Party "in good standing" and on the Party's list of approved candidates, held at Head Office.

12.6 In the case of a by-election (other than local government by-elections and other by-elections to local public office) the selection of a candidate will be made by the NEC in consultation with the constituency association or branch.

12.7 The selection of candidates for local government by-elections and other by-elections to local public office shall be the responsibility of constituency associations or branches. The Party Chairman may at any time refer the selection to the NEC.

Codes of Conduct

12.8 The NEC may from time to time as it deems necessary and appropriate make:

- a) Codes of Conduct for those holding elective office in the Party's name;
- b) rules defining the nature of the Party Whip, the circumstances in which the Party Whip may be removed and the consequences and the sanctions which may be applied when the Party Whip is removed or the elected member resigns the Party Whip.

12.9 It shall be the duty of any member of the Party who is elected to any elective office:

- a) to abide at all times by any such Code of Conduct and the Rules drawn up under Article 12.8;
- b) at all times to behave in a manner becoming to such elective office

Any breach of such Code of Conduct, Rules or failure to observe Article 12.9 (b) may be treated as a matter falling within Article 4.7.

12.10 The NEC shall refer any breach of any Code of Conduct or Rules made under Article 12.8 to the Disciplinary Committee according to the provisions of Article 11 whereupon those provisions shall be followed as if the matter was an ordinary matter pertaining to discipline.

12.11 Notwithstanding any legal waivers, immunities, or dispensations granted by virtue of a candidate's election to public office, the NEC shall have the right to regard all undertakings signed by candidates prior to their election or subsequent to it as morally binding and binding under the Rules of the Party and shall have the right to remove the Party's whip from, deselect, refuse to reselect or to expel from the Party any member who is in breach of any such undertaking, under this Article.

PART XIII THE CONSTITUTION: APPROVAL AND AMENDMENT

13.1.1 This amended constitution shall come into force immediately following a declaration of its approval by members voting in a postal ballot according to the requirements of the constitution in force at that time.

13.1.2 Amendments to this Constitution may be proposed and made at any time in accordance with this Article. Such amendments shall only come into force after a postal ballot of the membership has been held in which not less than two-thirds of members voted in favour of them.

13.1.3 Such amendments shall come into force seven days after the result of such an affirmative vote is declared.

13.2.1 Such a ballot shall be held

- a) if proposed by the NEC and approved by a two-thirds majority of those voting; or
- b) at the request of twenty or more properly constituted and duly registered constituency associations or branches which have communicated their proposal for such amendment or amendments in writing to the Party Chairman who may require the constituency associations or branches to fund the cost of the ballot.

13.2.2 Any constituency association or branch requiring a vote to be taken on a proposed amendment shall file with the Party Chairman a certificate that the majority of members at a properly constituted Extraordinary General Meeting or Annual General Meeting of the constituency association or branch voted in favour of such an amendment.

13.3 The NEC shall have the right to put separate and distinct elements or clauses amending the Constitution to separate votes for the approval of a two-thirds majority of members voting in a postal ballot.

PART XIV

PARTY RULE BOOK

14.1 The Party Rulebook shall be published on the Party's website and a hard copy shall be available on demand to any member on payment of a fee, to be determined by the NEC from time to time, for printing and postage.

14.2 Any Rules made under this Constitution shall be read in conjunction with it and where the Rules are repugnant to the Constitution, the latter shall prevail.

This Constitution was approved for submission to the membership by the National Executive Committee at its meeting on 19 January 2012.

[It was approved by a two-thirds majority of the membership in a ballot counted on 1 March 2012. – to be added if appropriate]

SJ Crowther
Executive Party Chairman

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