



# Constitution

November 2016

**(1) Name**

The name of the party shall be the British Democratic Party.

**(2) Objects**

The objects of the Party shall be to defend and preserve the distinctive identity of the British nation, to defend and preserve the independence and territorial integrity of the United Kingdom of Great Britain and Northern Ireland and to advance and promote the social and economic interests of the British people.

**(3) Membership**

(a) Any British subject wherever he or she is habitually resident being of not less than sixteen years of age shall be eligible for membership.

(b) Any person being of not less than sixteen years of age may apply to become a registered supporter (to be known informally as "friend") of the Party.

(c) Any person who wishes to become a member or registered supporter of the Party must submit an application in writing signed by him or herself to the Secretary. Election to membership shall be in the discretion of the National Executive Council ("the Council"), save that the Council will be bound to admit any person to membership if so directed by a simple majority of the members in general meeting, pursuant to a resolution, due notice whereof has been given pursuant to Clause 9 (b) below. Registration as a supporter shall be in the unfettered discretion of the Council acting by a simple majority.

**(4) Subscriptions**

(a) Members will pay an annual subscription at a rate to be fixed by the Council from time to time. Members' subscriptions shall be due on joining the Party and thereafter on the 1<sup>st</sup> day of January in each subsequent year.

(b) Members joining on or after the 1<sup>st</sup> day of October in any year shall by concession be treated for all purposes as having also prepaid their subscription for the year after that in which they are registered as supporters

(c) The Council shall not be permitted to refuse the subscription of any member seeking to renew his or her membership if it is tendered no later than the 31<sup>st</sup> day of March, save by expelling such member pursuant to Clause 6.

(d) Any member who fails to tender his or her subscription by 31<sup>st</sup> day of March in the year after his or her membership expires will be deemed to have resigned, and be bound (if wishing to rejoin the party) to apply in accordance with paragraph 3 (c) above.

(e) Registered supporters will pay an annual subscription at a rate to be fixed by the Council from time to time. Registered supporters' subscriptions shall be due on joining the Party and thereafter on the 1<sup>st</sup> day of January in each subsequent year

(f) Persons seeking to be registered as supporters on or after the 1<sup>st</sup> day of October in any year shall by concession be treated for all purposes as having also prepaid their subscription for the year after that in which they are registered as supporters.

**(5) Resignation**

(a) A member shall cease to be a member if he or she gives written notice to the Secretary of his or her resignation.

(b) A member whose subscription is more than three months in arrear shall be deemed for all intents and purposes to have resigned in accordance with clause 4 (d) above.

**(6) Expulsion**

(a) A duly constituted disciplinary tribunal of not less than three and not more than five members in good standing selected by the Council by lot from a list previously approved by the members of the Party in general meeting and willing to serve shall have power to expel a member when, in their opinion, it would not be in the interests of the Party for him or her to remain a member or to impose such lesser penalty as to the tribunal seems right. Such a tribunal may reach a majority decision of two to one, three to one or three to two, as the case may be. In the event of an evenly split tribunal, the member or the complainant will be entitled to call for a rehearing by a tribunal of five members.

(b) A member shall not be expelled unless (s)he is given fifteen clear days' written notice by Registered or Recorded Delivery Post to attend a tribunal and written particulars of the complaint or complaints made against him or her.

(c) The member shall be given an opportunity to make representations in writing and/or to appear (i) in person or (ii) by his or her solicitor or counsel (whether or not a member of the Party and whether admitted in England and Wales or Northern Ireland, or called to the bar of England and Wales or of Northern Ireland, or a member of the Faculty of Advocates in Scotland or any solicitor, writer to the signet, clerk to the signet, law agent or other person authorised to conduct litigation in the Scots courts) or (iii) by any other member of the Party (whether or not admitted as a solicitor or called to the bar) before the tribunal to answer complaints made against him or her.

(d) The tribunal by its chairman or chairwoman shall state its reasons for expelling a member in writing despatched to such expellee by first class Registered or Recorded Delivery Post no later than eight days after the date of the tribunal at which such member was expelled.

(e) A tribunal may impose any lesser penalty than expulsion as it sees fit. In particular, it may suspend a member from his or her membership of the Party for a period not exceeding twelve months, reprimand a member or advise him or her as to his or her future conduct.

(f) No member of the Council may sit on a disciplinary tribunal, nor may the treasurer, secretary or nominating officer (if any or all of the treasurer, secretary or nominating officer happens not to be a member of the Council) or one of the members' auditors.

(g) There shall be no appeal to any Court in England and Wales, Scotland or Northern Ireland from the decision of a disciplinary tribunal, save on points of law, which, for the avoidance of doubt, shall include questions of construction of these rules, and the question whether any decision to expel was so unreasonable that no tribunal deliberating in good faith could rationally have reached it.

(h) The Council shall have discretionary power on the petition of any member to reduce any sentence imposed on that member by a simple majority vote but shall have no power to increase any sentence imposed on a member.

(i) For the avoidance of doubt, any such petition against sentence will not carry a right to a full oral hearing, whereas an original hearing before a disciplinary tribunal will carry a right to a full oral hearing with previous written notice of the charges against a member and an opportunity to confront the witnesses against him or her and to cross-examine them in person or by his or her representative.

(j) Also for the avoidance of doubt, the Council acting by a majority of not less than two-thirds shall have the power to terminate the registration of a supporter at any time in its unfettered discretion.

**(7) The Council**

(a) The Council shall consist of ten members elected by a secret postal ballot of all members of the party to take place in the first instance in the month of July 2014 in accordance with the rules for elections set out at sub-paragraph 7 (e).

(b) The persons placed first to fifth in the poll shall serve until 31<sup>st</sup> August 2016, and then be eligible for re-election for a two year term.

(c) The persons placed sixth to tenth in the poll shall serve until 31<sup>st</sup> August 2015, and then be eligible for re-election for a two year term.

(d) No later than 15<sup>th</sup> September of each year, the Council will elect a Chairman (and, if they see fit, a Deputy Chairman) from amongst their number, for a term expiring 31<sup>st</sup> August next, and appoint a Treasurer, a Nominating Officer and a Secretary (who each must be a member of the Party but need not be a member of the Council) to hold office at the Council's pleasure. Any Treasurer or Secretary who is not an elected member of the Council will be entitled *ex officio* to attend all its meetings but not to vote at them.

(e) Candidates for membership of the Council (including members seeking re-election) shall be proposed and seconded by notice in writing given to the Secretary to which no less than six assentors shall subscribe their names no earlier than 1<sup>st</sup> June and no later than 30<sup>th</sup> June.

(f) If there are more candidates than vacancies, the Secretary will no later than 7<sup>th</sup> July (or the next working day if 7<sup>th</sup> July is a Sunday or a public holiday) send each member of the party whose subscription is paid up to date a ballot paper by prepaid post and a pre-addressed return envelope.

(g) The ballot will be held under the single transferable vote system.

(h) The Council will nominate a returning officer (who may not be a candidate or the spouse, cohabitant, parent or child of any of the candidates) to receive and count the votes.

(i) No vote bearing a postmark later than 31<sup>st</sup> July (or the next working day if 31<sup>st</sup> July is a Sunday or a public holiday) or (whatever the date of the postmark) received later than 7<sup>th</sup> August (or the next working day if 7<sup>th</sup> August is a Sunday or a public holiday) shall be counted unless the returning officer in his or her absolute discretion determines that, by reason of disruption of the postal service caused by strikes or other reasons beyond the control of the members, votes contained in envelopes bearing a postmark no later than 31<sup>st</sup> July (or the next working day if 31<sup>st</sup> July is a Sunday or a public holiday) shall nevertheless be received, but no votes shall be received after 30<sup>th</sup> August under any circumstances whatsoever.

(j) The returning officer will appoint a convenient date, time and place no later than 31<sup>st</sup> August (or the next working day if 31<sup>st</sup> August is a Sunday or a public holiday) to count the votes.

(k) The returning officer will nominate tellers to conduct the count. No candidate and no spouse, cohabitant, parent or child of any candidate shall be appointed as a teller.

(l) The count will take place in the presence of such of the candidates as choose to attend. Each candidate who chooses to attend may also nominate a scrutineer to attend with him or her. Any candidate who chooses not to attend or is unable to attend may nominate two scrutineers to attend in his or her place.

(m) Any casual vacancy occurring by resignation, permanent incapacity or death shall be filled by a bye-election, and the member so elected will hold office for the same term as the member whose place he takes would have held office, but for his or her resignation, permanent incapacity or death. No bye-election will however be called if such resignation, permanent incapacity or death takes place after 31<sup>st</sup> March in the year in which the member who has resigned, died or become permanently incapacitated would in any event have been bound to seek re-election but his or her place will remain vacant until the next elections to the Council.

(n) Council meetings shall be held not less than four times a year and the quorum of a meeting shall be six. The Chairman shall have discretion to call further meetings of the Council if he or she considers it to be in the interests of the Party, and so will any three ordinary members of the Council acting together. The Secretary shall give all the members of the Council not less than seven clear days'

written notice of a meeting except in emergency. Decisions of the Council shall be made by a simple majority except where otherwise provided under these rules and in the event of equality of votes the Chairman (or in his or her absence the Deputy Chairman, but if both are absent, or no Deputy Chairman has been appointed, the acting chairman of that meeting to be chosen by a simple majority of a quorum) shall have a casting or additional vote. The Secretary, or in his or her absence, a member of the Council, shall take minutes. If all members of the Council agree, any such meeting may be held by Skype or conference call.

(o) The Council may from time to time appoint from among their number such committees as they may consider necessary and may delegate to them such of the powers and duties of the Council as the Council may determine. All such committees shall periodically report their proceedings to the Council and shall conduct their business in accordance with the directions of the Council.

(p) The Council shall (subject to clauses 13 to 16 below) be responsible for the management of the Party and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Party.

(q) The members of the Council shall be entitled to an indemnity out of and a lien over the assets of the Party for all expenses and other liabilities properly incurred by them in the management of the affairs of the Party, but shall not be entitled to any personal indemnity against any member in respect of particular or general expenditure, without that member's consent first had in writing.

(r) Notwithstanding sub-para. (m) above, if there are fewer nominations for the Council than vacancies to be filled, the Council (once elected) may co-opt sufficient persons to fill the remaining vacancies.

**(8) Officers and Honorary Members**

(a) The officers of the Party shall be a Chairman, a Deputy Chairman, a Treasurer, a Nominating Officer and a Secretary. It will not be permissible to combine the office of Chairman with any other office in the Party. It will not be permissible to combine the office of Treasurer with any other office in the Party. No such bar will however apply to the holding at the same time of the offices of Deputy Chairman, Nominating Officer and Secretary or any combination of them.

(b) The officers shall be proposed, seconded and elected by the members of the Council for the time being.

(c) The members in general meeting, if they think fit, may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the Party but on election shall, *ex officio*, be an honorary member of the Party.

(d) The members in general meeting, if they think fit, may elect any person as an honorary member of the Party for life or for such other period as the members think fit, and honorary members shall be entitled to all the privileges of membership including the right to vote and to hold office.

(e) The members in general meeting will elect one or two auditors to report to them at the next Annual General Meeting upon the Party's accounts.

(f) No member of the Council shall be eligible to serve as an auditor nor shall the Treasurer or the Secretary or the Nominating Officer be eligible to serve as an auditor nor shall any past member of the Council or former Treasurer until two years have elapsed since he or she held office as a member of the Council or Treasurer (but the two year bar shall not apply to those who have held the offices of Secretary or Nominating Officer or both, but were not members of the Council).

(g) The auditors need not be members of the Party, but if they are not members of the Party, they must be members of the Institute of Chartered Accountants in England and Wales or the Institute of Chartered Accountants in Scotland or the Institute of Chartered Accountants in Ireland or the Association of Chartered Certified Accountants.

(h) For the avoidance of any possible doubt, neither the Council, nor any officer of the party, nor the Trustees nor any combination of these persons will under any circumstances whatsoever have any power to remove the auditor(s), which is reserved to the members in general meeting.

### **(9) Annual General Meeting**

(a) The Annual General Meeting of the Party shall be held on not less than twenty-eight days' notice to the members of the Party for the time being in each calendar year, not before 1<sup>st</sup> October, nor later than 30<sup>th</sup> November, to transact the following business:

(i) to receive the Chairman's report of the activities of the Party during the previous year;

(ii) to receive and consider the accounts of the Party for the previous year and the Auditors' report on the accounts and the Treasurer's report as to the financial position of the Party;

(iii) to elect the Auditors, or confirm that he, she or they should remain in office;

(iv) to record who has been elected to the Council;

(v) to decide on any resolution which may be duly submitted in accordance with Clause 9 (b).

(b) Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not less than fourteen days before the meeting.

(c) If the Secretary certifies that not less than twenty-eight days before the date fixed for the Annual General Meeting, (s)he sent notice to each member of the Party at his or her last notified address by ordinary second class post (but by air mail for members not ordinarily resident in the United Kingdom or the Channel Islands or the Isle of Man), such notice will be deemed good and sufficient notice for all intents and purposes.

(d) Notice will be deemed good and sufficient notice for all intents and purposes if given by electronic mail, facsimile or telex to any member who has first signified his or her consent in writing to receiving communications from the Party by electronic mail, facsimile or telex and has supplied to the Secretary an address at which he or she can receive electronic mail, or a number at which he or she can receive facsimile or telex transmissions and in any case the Secretary shall be entitled but not obliged to send a confirmation copy by post.

### **(10) Special General Meeting**

A Special General Meeting may be called by a majority of the Council at any time but on not less than eight clear days' notice, and shall be called within twenty-eight days of receipt by the Secretary of a requisition in writing signed by not less than one hundred members, stating (in general terms) the purposes for which the meeting is required and the resolutions proposed.

### **(11) Procedure at the Annual and Special General Meetings**

(a) The Secretary shall not less than fourteen days before the date fixed for the Annual General Meeting send to each member at his or her last known address by ordinary second class post (but by air mail for members not ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man) written notice of the date of the General Meeting and will further send notice of the resolutions to be proposed thereat not less than seven days before the meeting.

(b) The Chairman, or in his or her absence the Deputy Chairman and in his or her absence a member selected by the Council, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes, the Chairman shall have a casting or additional vote.

(c) The Secretary, or in his or her absence a member of the Council, shall take minutes at Annual and Special Meetings.

### **(12) Alteration of the Rules**

The rules may be altered by resolution of the members at an Annual or Special General Meeting, provided that the resolution is duly proposed and seconded in accordance with clause 9 (b) above, and carried by a majority of at least two-thirds of members voting at the General Meeting.

### **(13) Finance**

(a) All monies payable to the Party shall be received by the Treasurer and deposited in a bank account in the name of the Party.

(b) All the assets of the Party, except monies deposited in the Par-

ty's bank account, shall be vested in three trustees, as to whom see further clause 15 below. Notwithstanding any other provision of this constitution, the trustees may be removed from office only by a majority of at least two-thirds of the members voting at an Annual or Special General Meeting, or by order of the Court.

(c) No sum exceeding £250 shall be drawn from the Party's bank account except by cheque signed by two of the four signatories, who shall be the Treasurer and the three Trustees. The Treasurer may sign cheques for £250 or less without a countersignature, if the Party's bankers accept such a mandate.

(d) Any monies not required for immediate use may be invested as the Trustees in their discretion think fit.

(e) The income and property of the Party shall be applied only in the furtherance of the objects of the Party.

(f) The Council shall have power to authorise the payment of remuneration and/or expenses to any officer, member or employee of the Party and to any other person or persons for services rendered to the Party. The remuneration of all members of staff will be noted in a schedule to the party's annual accounts.

(g) The financial transactions of the Party shall be recorded in such manner as the Treasurer thinks fit.

(g) The Party's financial year shall be a calendar year.

### **(14) Borrowing**

(a) The Council with the concurrence of the Treasurer and all the Trustees first had in writing but not otherwise may borrow money on behalf of the Party for the purposes of the Party from time to time at their own discretion for the general upkeep of the Party or with the sanction of a general meeting for any other expenditure, additions or improvements.

(b) When so borrowing the Council shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as they think fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Party.

(c) The Council shall have no power to pledge the personal liability of any member of the Party for the repayment of any sums so borrowed without that member's consent first had in writing.

### **(15) Property**

(a) The property of the Party, other than cash at the bank, shall be vested in three trustees (who may be, but need not be, members of the Council). They shall hold the property upon trust for the members of the Party in accordance with the rules and constitution thereof.

(b) The Trustees shall deal with the property in their own discretion but subject always to the lawful directions of the members in general meeting.

(c) The Trustees shall hold office until death or resignation unless removed by a resolution of at least two-thirds of the members voting at an Annual or Special General Meeting, or by order of the Court.

(d) Power to appoint new trustees will rest with the continuing trustees, subject however to the approval of at least two-thirds of the members voting at an Annual or Special General Meeting. A new trustee or new trustees shall be appointed by deed and the provisions of the Trustee Act 1925 shall apply to any such appointment. Any statement of fact in any such deed of appointment shall in favour of a person dealing *bona fide* with the Party or the Trustees be conclusive evidence of the fact so stated.

(e) The Trustees shall serve without remuneration, but shall be

entitled to an indemnity out of and a lien over the property of the Party for all expenses and other liabilities properly incurred by them in the discharge of their duties.

#### **(16) Dissolution**

(a) A resolution to dissolve the Party shall only be proposed at a Special General Meeting and shall be carried by a majority of at least two-thirds of the members present.

(b) The dissolution shall take effect from the date of the resolution and the members of the Council shall be responsible for the winding-up of the assets and liabilities of the Party.

(c) Any property remaining after the discharge of the debts and liabilities of the Party shall be divided equally among the members of the Party, or as they shall direct.

#### **(17) Choice of Law**

This constitution is to be governed by and construed in accordance with English law, and no action shall be brought upon it except in the courts of England and Wales, save in the case of members of the Party domiciled in Scotland or Northern Ireland, who may sue or be sued in the Scots or Northern Irish courts.

#### **(18) Temporary Provisions**

The provisions of clause 7, 9 and 13 will not apply until the first elections to the Council have taken place. Until then the party will be managed by an *ad hoc* Council, to be elected by the two founder members and hold office until 31<sup>st</sup> August 2014. Under no circumstances whatsoever will the provisions of this clause 18 remain in effect after 31<sup>st</sup> August 2014.

#### **(19) Model Rules for Branches and Regions**

Model Rules for Branches and Regions are annexed hereto, and will be deemed to apply unless a Branch chooses to adopt its own rules, which will, however require prior approval by the Council.

#### **Model Rules for Branches and Regions**

##### **(a) Democracy**

The party believes firmly in the principles of representative democracy at all levels, embracing acceptance of the widest possible participation by its members in the party's activities. We assert that our growth and development can therefore best be achieved by a "grassroots up" rather than a "top-down" approach with elected officials serving the membership by carrying out their elected roles to the best of their ability at branch, national (and, eventually regional) levels.

##### **(b) Responsibility of officers in Groups, Branches and Regions**

In the groups, branches and (once such have been established by the Council) regions, 'Organisers' will be primarily responsible for political activities, 'Secretaries' for administrative matters, and 'Treasurers' for financial matters. The Chairman or Chairwoman of the branch will take the chair at Branch meetings and regulate the conduct of Branch meetings.

##### **(c) Regions**

Regions shall be established by the Executive Council, and shall meet at a minimum of two monthly intervals. Regional officials shall comprise a Regional Organiser, a Regional Chairman, a Regional Secretary, and a Regional Treasurer, each of whom shall be elected by the branch chairmen and organisers within that Region, subject to veto by the Council. The Council will only exercise its right of veto for good and sufficient reasons, which it will state in writing. The term of office of each officer shall be two years. The Offices of Chairman and Secretary of the Region, Chairman and Organiser of the Region and Organiser and Secretary of the Region may be combined but no-one shall hold more than two offices and no-one shall hold the office of Regional Treasurer and any other office.

Regions will have discretion if they consider that the Region's financial turnover warrants such a measure to appoint Regional auditors to audit the Regional accounts once a year (or so often as the Regional officers shall decide) and report to the Regional officers accordingly. A copy of any such report will be supplied to the Council.

The National Treasurer has the right to remove from office any Regional Treasurer should he or she consider that the Regional Treasurer is performing his or her responsibilities inadequately.

The Regional Treasurer will keep a fully written up cash book, detailing all monies received by category and all monies paid out by category.

The Regional Treasurer will carefully preserve invoices, receipts, vouchers, written up cheque stubs and copies of paying in slips and will produce them to the National Treasurer, the party auditors or the Region auditors at any time upon reasonable notice to produce the same.

##### **(d) Branches**

Branches shall be established by the Executive Council, and shall meet at a minimum of two monthly intervals. Branch officials shall comprise a Branch Organiser, a Branch Chairman, a Branch Secretary, and a Branch Treasurer, each of whom shall be elected by the members of the branch at a branch meeting only, subject to veto by the Council. The Council will only exercise its right of veto for good and sufficient reasons, which it will state in writing. The term of office of each officer shall be two years. The Offices of Chairman and Secretary, Chairman and Organiser and Organiser and Secretary may be combined but no-one shall hold more than two offices and no-one shall hold the office of Branch Treasurer and any other office.

Branches will have discretion if they consider that the Branch's financial turnover warrants such a measure to appoint Branch auditors to audit the Branch accounts once a year (or so often as the members of the Branch in general meeting shall decide) and report to the officers and members of the Branch accordingly.

Branches will have discretion to conduct elections under the single transferable vote system or the first past the post system as the members of the branch may decide by simple majority at a meeting convened for that purpose, but a written memorandum of the members present and the numbers voting to use the two acceptable systems will be prepared by the Secretary and signed by the Secretary, Chairman and Organiser and remain in force unless the members of the branch decide by simple majority at a meeting convened for that purpose to change to the other acceptable system.

The Regional Treasurer and/or the National Treasurer has the right to remove from office any branch treasurer should the latter be deemed to be performing his or her responsibilities inadequately.

The Branch Treasurer will keep a fully written up cash book, detailing all monies received by category (*e. g.* donations at branch meetings, branch literature sales, sales of party literature to the general public *etc.*) and all monies paid out by category (*e. g.* election deposits, printing, purchase of leaflets, purchase of party publications, postage *etc.*).

The Branch Treasurer will carefully preserve invoices, receipts, vouchers, written up cheque stubs and copies of paying in slips and will produce them to the National Treasurer, the party auditors or the Branch auditors at any time upon reasonable notice to produce the same.

##### **(e) Groups**

In locations where there are considered to be opportunities ultimately to form a branch but insufficient members to do so initially, a branch may establish a Group with the approval of the Council. This will be part of, and subsidiary to, the branch until such time as the group can become a branch in its own right. Groups shall meet at a minimum of two-monthly intervals and the officers shall comprise a Group Organiser and a Group Treasurer, both of whom shall be appointed at the discretion of the Branch Organiser at any time and for as long as the Branch Organiser considers appropriate. The Group Organiser shall be answerable to the Branch Organiser, and the Group Treasurer to the Branch Treasurer. It is expected that groups would support their branch, and the branch would support its groups in political activities when appropriate.

##### **(f) Contacts**

In areas that have few members a contact can be appointed by the Regional Organiser or by any Branch Organiser with the consent of the Regional Organiser, until such time as enough members can be recruited to form a group.

**www.britishdemocrats.org**

Printed and published by the British Democratic Party,  
PO Box 10376, Loughborough, LE11 9HT