

Constitution and Rules

As amended by the AGM 19 May 2007

1.0 NAME

The organisation shall be called The National Council for Civil Liberties hereinafter referred to as Liberty.

2.0 OBJECTS

2.1 Liberty shall advance measures and take such steps as it shall deem necessary for the defence and extension of civil liberties and human rights in the United Kingdom and the rights and freedoms recognised by international law. In particular Liberty shall strive to ensure and safeguard the right to:

- (a) live in freedom and safe from personal harm;
- (b) protection from ill treatment or punishment that is inhuman or degrading;
- (c) equality before the law and to freedom from discrimination on such grounds as disability, political or other opinion, race, religion, sex or sexual orientation and marital status;
- (d) protection from arbitrary arrest and unnecessary detention, the right to a fair, speedy and public trial, to be presumed innocent until proved guilty, and to legal advice and representation;
- (e) a fair hearing before any authority exercising power over the individual;
- (f) freedom of thought, conscience and belief;
- (g) freedom of speech and publication;
- (h) freedom of peaceful assembly and association;
- (i) move freely within one's country of residence and to leave and enter it without hindrance;
- (j) privacy and the right of access to official information.
- (k) other civil and political rights and freedoms guaranteed by the International Bill of Rights and similar instruments to which the UK is or may become a party.

2.2 Liberty shall be non-party and non-sectarian.

3.0 MEMBERSHIP

Membership of Liberty shall be open to all persons:

- (a) who accept its Constitution;
- (b) who are not members of any organisation whose objectives are incompatible with those of Liberty;
- (c) whose membership is approved by the Executive Committee.

4.0 AFFILIATED ORGANISATIONS

Affiliation to Liberty shall be open to all organisations:

- (a) who accept its Constitution;
- (b) who are not associated with any organisation whose objectives are incompatible with those of Liberty;
- (c) whose affiliation is approved by the Executive Committee.

5.0 ANNUAL GENERAL MEETING

- 5.1 The power to make and change policy shall be vested in the Annual General Meeting but the Council may deal with urgent matters arising between Annual General Meetings in line with the general policy of Liberty.
- 5.2 The Annual General Meeting of Liberty shall be held at least once every year and not more than 15 months shall elapse between one Annual General Meeting and the next.
- 5.3 Attendance at the Annual General Meeting shall be open to all members and representatives of groups and affiliated organisations. Delegations shall not exceed the number of votes defined in paragraph 11.
- 5.4 The Executive Committee shall give notice of the date and place of the Annual General Meeting to members, groups and affiliated organisations at least four months before the intended date.
- 5.5
 - (a) The Annual General Meeting shall make standing orders governing the conduct of the Annual General Meeting. The making and amending of such standing orders shall be by resolution at an Annual General Meeting;
 - (b) In order to have effect such resolution shall have the support of at least two thirds of those present and voting;
 - (c) Such motions or amendments shall be put to the Annual General Meeting before any other motions and shall have immediate effect;
 - (d) The Annual General Meeting shall have before it the comments and recommendations of the Executive Committee.

6.0 SPECIAL GENERAL MEETING

- 6.1 A Special General Meeting shall be convened by the Executive Committee of its own motion or on the written request of not less than fifty members of Liberty and/or affiliated organisations and/or groups having together an equivalent voting strength. A Special General Meeting shall only be convened to consider matters which fall within the Objects of Liberty.
- 6.2 Any such request shall state the object of the meeting and must be signed by those making it. It may consist of several documents in like form, each signed by one or more persons.
- 6.3 Not less than 28 clear days' notice of any Special General Meeting shall be given and the arrangements for such meetings shall be in the hands of the Executive Committee.

7.0 THE COUNCIL

- 7.1 The Council shall have control of the policy of Liberty subject to the obligation to report to the Annual General Meeting.
- 7.2 The Council shall meet at least three times each year and a number equal to one half (rounded up) of the current membership of the Council of voting members shall constitute a quorum.
- 7.3 Elected members shall assume office immediately after the Annual General Meeting.
- 7.4 Members of the Council must be members of Liberty. The Council shall consist of:
 - (a) Up to thirty members elected by members and affiliated organisations by postal ballot and single transferable vote to serve for two years. Each year, fifteen places will be available to be filled by such election.
 - (b) Up to four representatives of Liberty groups except that there shall be no more than one representative for every three groups established in accordance with paragraph 14. The election of groups' representatives shall take place at the Annual Meeting of groups, by secret ballot, with each group able to vote for any number of candidates, up to the number of places to be filled. One half of the number shall be elected each year, to serve for two years;
 - (c) The Treasurer;
 - (d) Up to six co-optees drawn from members of minority groups who are discriminated against on the basis of their minority status, who are disproportionately under represented on the Council and who are members of Liberty. Up to three such co-optees to be approved by the majority of those present at the first meeting of the Council after the AGM to serve for a two year term after which their name may be resubmitted for co-option if the under representation of their group continues;
 - (e) In the years 2002, 2003 and 2004 up to an additional ten further women co-optees if the number of women Council members falls below 45% of the total number of Council members. Any such co-optees may be appointed by the Council at any time during these three years but they shall be co-opted one at a time and only until the figure of 45% representation of women has been achieved. Only those candidates that obtain the support of a two thirds majority of the Council members present at the meeting shall be co-opted. Any person co-opted shall be appointed for two years and

may not be re-appointed after that period but may be elected under 7.4 (a), (b), (c) or (f) .

- 7.5 If any vacancies arise among members referred to in either clause 7.4 (a) or (b) the Council may co-opt the unsuccessful member or members who were most nearly successful in securing election in the section of the Council - either 7.4(a) or 7.4 (b) - in which the vacancy arose at the immediately preceding election. Any person co-opted to the Council in this way shall hold office until the next Annual General Meeting.
- 7.6 No person may be elected to the Council under clauses 7.4(a) or (b) unless they have been an individual member of Liberty for at least two months prior to accepting nomination. His or her membership of the Council shall cease if and when his or her membership of Liberty ceases.
- 7.7 Any member of the Council who fails to attend three successive meetings of the Council shall be deemed to have tendered his or her resignation. The Council shall then decide at its next meeting whether to accept that resignation.
- 7.8 The Chair and one Vice Chair shall be elected annually by the Council from those of their own number elected under clause 7.4(a).
- 7.9 The Council shall have the power to make protocols relating to the expression of views in the media or at public events by Council members which are either expressly or impliedly attributed to Liberty. Members of the Council are obliged to abide by any such protocols. Protocols must be agreed by a two thirds majority to take effect.
- 7.10 The Council shall have the power to expel from Council by two thirds majority any member who has breached protocols approved by Council under sub paragraph 7.9 without reasonable excuse. The member of Council will be given an opportunity to make representations to the Council before it makes a decision. A decision to expel a member may be appealed to the Conference and Appeals Committee within fourteen days.

8.0 EXECUTIVE COMMITTEE

- 8.1 The Executive Committee shall have the control of the business of Liberty subject to the obligation to report to the Annual General Meeting. It shall control and be answerable for receipt and expenditure of Liberty's funds and shall have the power to raise funds, borrow and guarantee the payment of money on such terms and security as it shall decide. Execution for such financial matters may be delegated to a sub-committee of the Executive Committee. The Executive Committee shall report to the Council on matters of policy.
- 8.2 The Executive Committee shall meet at least eight times each year and one half (rounded up) of the current membership of the Executive Committee shall constitute a quorum;
- 8.3 Members of the Executive Committee must be members of Liberty who agree to be appointed directors of the National Council for Civil Liberties, a company limited by guarantee and registered in England and Wales registration number 3260840. Where a person ceases to be a director of that company they shall cease to be a member of the Executive Committee. The Executive Committee shall consist of:
 - (a) The Chair and Vice Chair of the Council;
 - (b) Six members elected by the members of the Council from their number at the first Council meeting following the Annual General Meeting. The election shall be by secret ballot. The members are to serve for two years, one half of them retiring each year or sooner if they cease to be members of the Council. For the year 1998-1999 three members shall be elected for a two year term and three members shall be

elected for a one year term;

- (c) One trustee of the Civil Liberties Trust nominated by the other trustees who is not a trustee as a result of being nominated to the Civil Liberties Trust by the Executive Committee. This sub-clause 8.3(c) will not apply if any such trustee is already serving on the Executive Committee pursuant to clauses 8.3(a),(b) or (d);
- (d) The Treasurer.

8.4 If any vacancies arise among the members of the Executive Committee referred to in clause 8.3(b) the Council may elect a new member from amongst its members. Any person so elected shall serve for the term of the original member, or until ceasing to be a member of the Council, whichever occurs first.

8.5 Any member of the Executive Committee who fails to attend three successive meetings of the Executive Committee shall be deemed to have tendered his or her resignation. The Executive Committee shall then decide at its next meeting whether to accept that resignation.

8.6 The Treasurer shall be elected annually by the Executive Committee at the first meeting following the Annual General Meeting. A vacancy shall not be created if the person is already a member under clauses 8.3(a) to (c). Where a vacancy arises in the post of Treasurer, a new Treasurer shall be elected by the Executive Committee.

9.0 AUDITOR

A registered auditor shall be appointed annually by the Annual General Meeting.

10.0 SUBSCRIPTION AND AFFILIATION FEES

10.1 Subscription and affiliation fees shall be decided by the Annual General Meeting.

10.2 Organisations without individual paying membership shall pay a fee to be determined by the Executive Committee.

10.3 (a) Any member or affiliate whose subscription or affiliation fee is three months in arrears shall cease to be a member subject only to the discretion of the Executive Committee, in extenuating circumstances, to extend the time by which payment is due.

(b) Any such person or organisation who pays their arrears within twelve months of the payment first becoming due shall have their membership reinstated.

(c) The Executive Committee may make arrangements for the Subscriptions to be paid in instalments.

11.0 VOTING RIGHTS

Voting rights at any General Meeting and in any ballot are as follows:

- (a) Each individual member shall have one vote;

- (b) Except in elections for the Council under clause 7.4(a) each recognised Liberty group shall have the number of votes as follows:
- | | |
|-----------------------|---------|
| under 100 members | 1 vote |
| 101 - 250 members | 2 votes |
| more than 250 members | 3 votes |
- (c) Affiliated organisations shall have the number of votes as follows:
- | | |
|---|---------|
| Category A | |
| Organisations with less than 2,000 paying members | 1 vote |
| Organisations without individual paying members | 1 vote |
| Category B | |
| Organisations with 2,000 – 50,000 paying members | 2 votes |
| Category C | |
| Organisations with over 50,000 paying members | 3 votes |

12.0 CONFERENCE AND APPEALS COMMITTEE

12.1 A Conference and Appeals Committee of three persons shall be appointed by the Annual General Meeting.

12.2 The Conference and Appeals Committee shall adjudicate on all the following appeals:

- (a) Any dispute about the validity of nominations for elections or of the elections for the Council or the Executive Committee
- (b) Any dispute about the validity of motions or amendments for the Annual or Special General Meeting
- (c) Any dispute about the arrangements for or during the Annual or Special General Meeting
- (d) Any dispute about postal ballots
- (e) The termination of membership, affiliation or group status.
- (f) Expulsion from Council

12.3 The Conference and Appeals Committee shall be entitled to submit motions to the Annual General Meeting on any matter within the scope of its duties.

12.4 The method of appointment shall be as follows:

- (a) One member shall be elected by the Annual General Meeting each year and shall serve for three years;
- (b) During his or her second year on the Committee a member shall be Chairperson of the Committee, and in that capacity shall present the report of the Committee to the Annual General Meeting;
- (c) At the end of his or her third year of office a member shall retire, but shall be eligible for re-election;

- (d) The member elected shall have been an individual member of Liberty for at least 12 months prior to accepting nomination;
- (e) Members of the Conference and Appeals Committee shall serve only so long as they remain members of Liberty. Any vacancy in the Conference and Appeals Committee caused otherwise than by lapse of time shall be filled by the runner up in the election to fill the seat which fell vacant at the last Annual General Meeting. In the absence of a runner-up the vacancy shall be filled by the Executive Committee for the period up to and including the next Annual General Meeting at which the vacancy shall be filled.

12.5 No person shall serve on both the Executive Committee and the Conference and Appeals Committee or both the Council and the Conference and Appeals Committee. A member of the Conference and Appeals Committee shall resign when accepting nomination for election to the Executive Committee or the Council.

13.0 RULES

13.1 The Annual General Meeting shall make rules governing the conduct of elections, postal ballots and the organisation, form and nature of business of the Annual General Meeting.

13.2 The making and amending of such rules shall be by resolution of the Annual General Meeting. In order to have effect such resolution shall have the support of at least two thirds of the votes of those present and voting. Such resolution shall not in any case have effect until after the end of the Annual General Meeting at which it was passed.

13.3 The Annual General Meeting shall have before it the comments and recommendations in writing of the Executive Committee, and shall receive any report which may have been prepared by the Conference and Appeals Committee.

14.0 LOCAL GROUPS

14.1 The Executive Committee shall have the authority to recognise Liberty Groups and to lay down the Constitution, geographical area and criteria for recognition of such Groups.

14.2 A Liberty Group recognised by the Executive Committee shall organise national and local members and affiliates in co-ordinated work for Liberty in its area and in so doing shall abide by the policies of Liberty.

14.3 A Liberty group recognised by the Executive Committee shall be recognised for the purposes of clauses 7.4(b) and 11(b).

15.0 TERMINATION OF MEMBERSHIP, AFFILIATION OR GROUP STATUS.

15.1 The Executive Committee shall have the power to terminate the membership of any individual or the affiliation of any organisation or to dissolve or suspend recognition of a group whose continued membership, affiliation or group status would, in the opinion of the Executive Committee, be contrary to the best interests of Liberty.

15.2 Where the Executive Committee proposes to consider acting under Clause 15.1 the Director shall give 28 days notice in writing to the member or affiliated organisation or group concerned and that member or affiliate or group shall have a right to appear before the

Executive Committee before it makes its decision. The Executive Committee shall regulate its own procedure. The Director shall give notice in writing to the member or affiliate or group concerned of the decision of the Executive Committee within 14 days of that decision.

15.3 Where a member or affiliate or group is aggrieved by the decision of the Executive Committee under clause 15.2 to terminate its membership or affiliation or to dissolve it or suspend recognition of it there shall be a right of appeal to the Conference and Appeals Committee provided that the member or affiliate or group gives notice in writing to the Director within 28 days of the notification of the decision of the Executive Committee. The Conference and Appeals Committee shall not dismiss an appeal unless:

- (a) The continued membership, affiliation or group status of the appellant would in the opinion of the Conference and Appeals Committee be contrary to the best interests of Liberty;
- (b) The appellant consents;
- (c) The appellant fails to prosecute the Appeal;
- (d) The membership or affiliation ends otherwise than under this clause;
- (e) The membership or affiliation ends by reason of default in the payment of a membership or affiliation fee.

The decision of the Conference and Appeals Committee shall be final.

15.4 Notification of the decision of the Executive Committee shall be proved by a recorded letter.

15.5 A termination of membership or affiliation or termination or suspension of group status under this paragraph shall not take effect until the expiry of the period of 28 days specified in clause 15.3 and shall not take effect while an appeal to the Conference and Appeals Committee is pending.

15.6 A membership or affiliation fee which becomes due while the membership or affiliation is preserved by clause 15.6 shall be due in the first instance at one quarter of the ordinary figure. If immediately after the cessation of such preservation the person or organisation is (subject to the payment of the fee specified below in this paragraph) a member or affiliate, the payment of the other three quarters of the ordinary figure shall become due fourteen days after notice to the said person or organisation of the cessation of the said preservation.

16.0 AMENDMENT OF THE CONSTITUTION

Proposals for the amendment of the Constitution shall first be submitted to an Annual General Meeting. If they are adopted by a three-quarters majority at such Annual General Meeting they shall become operative at the end of that meeting. If they are adopted by two-thirds majority but not three-quarters majority at such Annual General Meeting they shall then be subject to a postal ballot conducted in accordance with the relevant clauses of this Constitution. Such proposals shall become operative if they are confirmed by a majority of those voting in the postal ballot. If proposals for the amendment of the Constitution, when submitted to an Annual General Meeting, receive support from less than a two-thirds majority they shall fall.