

**FEDERAL APPEALS PANEL**

**Between:**

**MR IAIN SMITH**

**Applicant**

**-and-**

**APPEALS PANEL FOR ENGLAND  
HERTFORDSHIRE LIBERAL DEMOCRATS  
HEMEL HEMPSTED BRANCH**

**Respondents**

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**CASE MANAGEMENT DIRECTIONS**

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DAVID GRAHAM

Chair of the Federal Appeals Panel

(Case Manager)

Dated 26 July 2021.

**Ruling**

1. Permission to proceed is refused as the FAP does not have jurisdiction. The parties shall have 7 days to make any representations as to publication of this ruling.

**Findings**

2. This application complained that the Appeals Panel for England had in June 2019 wrongly refused to entertain an appeal to it on the ground that ‘another appropriate appeal procedure’ should have been followed. I gave preliminary directions on 11 February 2021 which were not complied with. I then gave directions permitting representations by 21 April 2021 on the question whether the FAP has jurisdiction. I received representations from the local party but not the Applicant. The Applicant thereafter made representations on 28th April.

3. The Federal Appeals Panel has no jurisdiction to determine this application.
  
4. The Federal Party is a confederation of the State Parties (article 2.1 of the Federal Party Constitution). The Federal Party Constitution provides at article 2.2 that whilst it and any rules made thereunder bind the State Parties, in all other regards a State Party shall be sovereign and entitled to exercise any power not reserved to the Federal Party (which are set out at article 2.3). Article 4 of the Federal Party Constitution provides:

‘Save as provided for in Articles 4.2, 4.3, 4.9, 4.10, 4.11, and 4.12, all matters relating to the formation, operation, suspension or dissolution of Local Parties shall be determined by the Constitutions of the State Parties or by rules made under them, except that where, anywhere in Great Britain, provision is not made in any of these respects by the State Party concerned the relevant parts of the following Articles 4.2 to 4.8 shall apply.’

The English State Party’s constitution does provide for local parties, so questions as to the procedures of English local parties are not governed by the Federal Party Constitution. The Federal Party Constitution does not govern selection procedures for local elections, save for article 2.9 which requires all candidates to be members of the Party.
  
5. The FAP’s jurisdiction is conferred by article 22.3 of the Federal Party Constitution. Its powers are mostly limited to points ‘under *this* [i.e. Federal] Constitution’. It does not have any express jurisdiction to definitively rule on the interpretation of a State Party Constitution or rules made under it, and has no such necessarily implied jurisdiction where that is not necessary to determine a dispute within its own jurisdiction under article 22.3. As State Parties are sovereign, any dispute about the internal distribution of powers within the English Party, or the rights of English members in relation to the English State Party, which does not engage provisions of the Federal Party Constitution, is not for us unless it has been referred by a State Appeals Panel pursuant to art.22.3(f).
  
6. If the Appeals Panel for England has erred in respect of a matter where they are not subject to an appeal to the FAP, the buck stops with the sovereign English State Party.