From:	FOI
To:	[redacted]
Subject:	FOI 071-22 - Response
Date:	27 September 2022 14:25:26
Attachments:	Constitution of the Scottish National Party.pdf

Dear [redacted],

Our Ref: FOI-071-22

Thank you for your email to the Electoral Commission dated 31 August 2022.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is shown below followed by our response.

Could I have a copy (if you have it) of the Scottish National Party's constitution, I understand they changed it after 2018, so from your rules, I'd assume they submitted their updated one to you.

I can see a previous FOI request for this from 2018, where you stated you did not have it due to earlier rules being in place, but as said, given (as I understand it) the SNP adopted a new constitution, then I suspect they had to submit it to you.

Our response is as follows:

We hold the information you have requested – please see the attached document.

The Commission strives to be an open, transparent authority and I trust that this information satisfies your request.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: https://www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-request.

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: https://ico.org.uk/.

Yours sincerely

Information Officer
FOI@electoralcommission.org.uk

The Electoral Commission
electoralcommission.org.uk

The Constitution of the Scottish National Party[1]

The Party

1 Name

The Party's name is the Scottish National Party.

2 Aims

The aims of the Party are

(a) Independence for Scotland; that is the restoration of Scottish national sovereignty by restoration of full powers to the Scottish Parliament, so that its authority is limited only by the sovereign power of the people of Scotland to bind it with a written constitution and by such agreements as it may freely enter into with other nations or states or international organisations for the purpose of furthering international cooperation, world peace and the protection of the environment.

(b) the furtherance of all Scottish interests.

3 Policy and Direction

The Policy and Direction of the Party is that laid down in accordance with this Constitution, and Rules made under it.

Members

4 Membership

4.1 The rights of membership include

(a) voting in elections for Leader and Depute Leader of the Party;

(b) contributing towards development of the Party's policies;

(c) voting in elections for office bearers at Branch level;

(d) contributing to local campaign activities;

(e) voting to select the Party's candidates at public elections;

[1] This constitution has been footnoted with the contents of the preamble to the constitutional resolution passed by Annual National Conference 2018, marked "(CR)", and the Transitional Directions, passed by the National Executive Committee on 3 November 2018, marked "(TD)".

(f) seeking to stand in internal elections for offices in the Party;

(g) being considered as a candidate able to stand for the Party in public elections;

(h) attending National Conference and National Assembly; and

(i) receiving information on the Party's operation and campaigns.

4.2 Members must

(a) be over the age of 16;

(b) endorse the Aims of the Party;

(c) abide by the Policy and Direction of the Party;

(d) accept the Constitution, Rules and Standing Orders of the Party; and

(e) pay a subscription to the Party.

4.3 Members must not

(a) breach the Codes of Conduct;

(b) contest, or declare an intention to contest, any parliamentary or local government election except as an authorised Party candidate;

(c) be a member of a political party expected to contest elections in opposition to the Party; or

(d) be a member of any organisation inconsistent with Party membership.

4.4 Membership ceases when a member

(a) intimates their resignation to the Party;

(b) publicly resigns;

(c) does not pay their subscription to the Party;

(d) becomes ineligible for membership; or

(e) is expelled from the Party.

4.5 Rules of the Party must provide for life membership and the conferring of honorary life membership.

4.6 A person may be an associate member of the Party if they are

(a) under the age of 16; or

(b) an individual falling into a description of persons set out by National Conference.[2]

4.7 Associate members have all the rights and duties of ordinary members, except that they may not

(a) vote in any body of the Party or in any selection contest;

(b) be a delegate to any body of the Party;

(c) be eligible for election to any position in the Party where the position is to be filled before their sixteenth birthday.

4.8 Associate members over the age of 14 may vote at Branch meetings.

4.9 The rights and obligations of membership are subject to further provisions which are made in this Constitution, and in the Rules of the Party.

5 Codes of Conduct

5.1 The National Executive Committee must draw up and maintain a Code or Codes of Conduct for members, office bearers, candidates and publicly elected members setting out minimum standards of behaviour.

5.2 The National Executive Committee may draw up and maintain Codes of Conduct for other classes of members.

5.3 The Code of Conduct for Members and any amendments must be submitted by the National Executive Committee to National Conference for approval.

6 Member Conduct[3]

6.1 Allegations that a member has breached a Code of Conduct or has otherwise breached the requirements of membership are considered by the National Secretary.

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[2] A person who is seeking asylum and is prevented from working or accessing cash, may become an Associate Member of the Party without payment of a membership subscription (CR).

[3] Until the replacement of the current Code of Conduct for Members, the grounds on which the National Secretary may propose that the Member Conduct Committee take disciplinary action are that set out in Paragraph 23.4 of the 2004 Constitution with the reference to "clause 4 of this Constitution" being read as a reference to the requirements of membership in the 2018 Constitution (TD).

6.2 The National Secretary may suspend a member from exercising any or all rights of Membership while allegations are being investigated and considered by the Party. In all cases where this action has been taken, the suspension will be regularly reviewed.

6.3 The Member Conduct Committee[4] hears complaints by the National Secretary to take disciplinary action in relation to an allegation.

6.4 On a finding that an allegation has been established in whole or in part, the Member Conduct Committee may

(a) admonish the member;

(b) restrict the member's exercise of any membership right for a specified period;

(c) suspend the member from exercising all membership rights for a specified period;

(d) expel the member;

(e) require the member to agree to an appropriate restorative action, such as an apology, as a condition on the exercise of any or all membership rights;

(f) require the member to undertake appropriate training connected to the breach;

(g) impose any other proportionate sanction or requirement on the member.

6.5 The Member Conduct Committee imposes sanctions having regard to a Standards Breach Policy approved by the National Executive Committee. A member may agree with the National Secretary to accept a specified sanction.

6.6 The member has a right of appeal to the Conduct Appeals Committee[5] against a decision of the Member Conduct Committee to make a finding of breach, or to impose any sanction which is excessive.

6.7 The Member Conduct Committee and the Conduct Appeals Committee are elected by Annual National Conference. No member may be a member of

[4] The Disciplinary Committee elected at Annual National Conference 2018 under the 2004 Constitution is the Member Conduct Committee under the 2018 Constitution (TD).

[5] The Appeals Committee elected at Annual National Conference 2018 under the 2004 Constitution is the Conduct Appeals Committee under the 2018 Constitution (TD).

both committees. No member of the National Executive Committee may be a member of either committee.

Candidates

7 Mainstreaming Equality of Opportunity

7.1 The National Executive Committee must establish and maintain a strategy to deliver equality of opportunity in the selection of candidates.

7.2 The equality strategy must aim to ensure the Party fields a balanced list of candidates, aiming towards 50/50 gender balanced representation and increasing the number of candidates drawn from under represented groups.

7.3 The implementation of the equality strategy must be monitored by the National Executive Committee.

7.4 The National Executive Committee must also agree a plan for each election, which may include the use of specific mechanisms approved by National Conference.

8 Approval of Candidates

8.1 The National Executive Committee is responsible for drawing up a list of approved candidates for elections contested by the Party through the Candidate Assessment Committee, which must apply assessment criteria agreed by the National Executive Committee.

8.2 Members have a right of appeal, in circumstances prescribed by the National Executive Committee, to the Candidate Appeals Panel against any decision not to approve them as a candidate.

9 Number of Candidates

The National Executive Committee is responsible for determining if any election is to be contested and, in multi member wards, how many candidates are to stand.

10 Selection of Candidates

10.1 Candidates for parliamentary and local government elections are to be chosen, and where necessary ranked, by election amongst all the members resident within the electoral area concerned.

10.2 The National Executive Committee determines the timetable and process for the selection of candidates for a particular election and issues rules for the selection of candidates at each election, which may

(a) specify requirements for candidates to be nominated for a selection contest;

(b) limit the involvement of party office bearers and officials in any contest;

(c) prescribe the contact which candidates may make with members during the contest through email and other channels;

(d) otherwise set out limits on how candidates for selection may campaign;

(e) describe the process for the balloting of members and for the counting of their votes;

(f) contain processes for the deselection of candidates; and

(g) provide for the selection of any candidate by the National Executive Committee in circumstances where no candidate has been selected and an election is anticipated within two calendar months.

10.3 Rules must require that where a candidate has been selected by the National Executive Committee and the selection is to a proposed party list, the candidate is to be placed below all candidates already on the proposed list.

10.4 Any decision on the certification of candidates to be returned on a party list on a vacancy arising must be made by the National Executive Committee.

Local Organisation

11 Branches in Scotland

11.1 Branches are the basic level of organisation for the Party, each being responsible for the Party's activity within a defined geographical area of operation.

11.2 A Branch must

(a) have the minimum number of members required by Rules of the Party;

(b) have paid any levies required by the National Executive Committee;

(c) have the necessary arrangements in place to conform with political party registration and the accounting requirements of current legislation; and

(d) have a constitution that conforms with Rules of the Party.

11.3 A Branch with the same boundaries as a Scottish Parliament constituency is known as a Constituency Branch.

11.4 Branches have authority to conduct their own affairs, subject to this Constitution and the Rules of the Party, and any specific direction given to them by the National Executive Committee.

11.5 Branches conduct their business in accordance with, and contribute to, the Party's strategic aims and operational objectives, whether determined by National Conference, the National Executive Committee, its Constituency Association or relevant Westminster Campaign Committee, Council Campaign Committee or Regional Steering Committee.

11.6 Branches may organise their members into Groups for the purposes of more efficient organisation.

12 Other Branches

12.1 A member who does not desire to be a member of a branch with a geographic area of operation, or is otherwise unable to be a member, may be a member of Headquarters Branch.

12.2 Branches may be established for members residing outwith Scotland.

13 Constituency Associations

13.1 The Branches within each constituency for the Scottish Parliament form a Constituency Association, responsible for

(a) co ordinating the work of the Branches within the constituency;

(b) co ordinating the Party's electoral activities and developing the Party within the constituency; and

(c) acting as a point of liaison between an elected Member of the Scottish Parliament or UK Parliament and the Party.

13.2 Constituency Associations have responsibility for an election to the UK Parliament or to a local authority, where the boundaries of either or both of these are the same as the boundary of the Scottish Parliament constituency.

13.3 Constituency Associations are composed of an equal number of delegates from all of the Branches within the constituency.

14 Meetings and Organisation

14.1 All meetings of the Party must take place in appropriate and accessible venues.

14.2 The National Executive Committee maintains a list of which Branches, Constituency Branches and Constituency Associations comprise the Party organisation in each area of Scotland.

14.3 The National Executive Committee may make alterations to the list

(a) in implementation of a request by the bodies affected; or

(b) after consultation with all bodies affected and on giving reasons.

14.4 The alterations which the National Executive Committee may make are to

(a) establish any branch;

(b) dissolve any branch;

(c) rename any branch;

(d) adjust the boundaries of any branch;

(e) dissolve a Constituency Branch and establish a Constituency Association and branches in the Scottish Parliament constituency;

(f) dissolve a Constituency Association and all branches in the associated Scottish Parliament constituency and establish a Constituency Branch;

(g) suspend the operation of a Constituency Association, a Constituency Branch or a Branch;

(h) take any consequential action, including reallocating responsibilities and funds to continuing Party bodies.

15 Westminster Campaign Committees[6]

15.1 Westminster Campaign Committees are responsible for the conduct of campaigns to the UK Parliament.

15.2 Westminster Campaign Committees are composed of delegates from all of the Branches with areas within the UK Parliament constituency, using a formula in conformity with Rules of the Party.

15.3 Westminster Campaign Committees will meet as directed by the National Executive Committee.

16 Council Campaign Committees[7]

16.1 Council Campaign Committees are

(a) responsible for preparing a local government manifesto in conjunction with the Council Group; and

(b) co ordinating activities associated with local government elections.

16.2 Council Campaign Committees are composed of delegates from all of the Branches with areas within the local authority, using a formula in conformity with Rules of the Party.

16.3 Council Campaign Committees will meet as directed by the National Executive Committee.

17 Other Local Campaign Bodies

17.1 The National Executive Committee may authorise the establishment of any other local campaign bodies with organisational powers.

17.2 The constitution of any other local campaign bodies must be approved by the National Executive Committee.

[6] Westminster Campaign Committees are to be regarded as the successors to existing Westminster Liaison Committees, where operative, with existing office bearers and delegates deemed elected and appointed to the new bodies. Westminster Campaign Committees continue to operate under the existing Liaison Committee Rules until those rules are replaced with new rules (TD).

[7] Council Campaign Committees are to be regarded as the successors to existing Local Authority Liaison Committees, where operative, with existing office bearers and delegates deemed elected and appointed to the new bodies. Council Campaign Committees continue to operate under the existing Liaison Committee Rules until those rules are replaced with new rules (TD).

Regional Organisation

18 Regional Steering Committees[8]

18.1 There is a Regional Steering Committee for each Scottish Parliamentary electoral region.

18.2 The roles of Regional Steering Committees include

(a) sharing best practice across the region;

(b) identifying the training needs and development requirements of members in the region and working to ensure that those needs and requirements are met;

(c) acting as a point of liaison for regional members of the Scottish Parliament;

(d) the facilitation of cross region, cross authority and cross constituency campaigning.

18.3 The voting members of a Regional Steering Committee are

(a) the two members of the National Executive Committee elected for that region; and

(b) two delegates from each Constituency Association or Constituency Branch in the region.

18.4 The following are entitled to attend meetings of a Regional Steering Committee

(a) Council Group Leaders where any part of the local authority area is within the region;

(b) Regional Members of the Scottish Parliament for the region;

(c) Constituency Members of the Scottish Parliament with constituencies in the region;

(d) Members of the UK Parliament where any part of their constituency is within the region;

[8] Regional Steering Committees may be established and operate before the election of the two members of the National Executive Committee elected for that region. In that situation, Regional Steering Committee will be chaired by a Member who resides in the region appointed by the Business Convener and the National Secretary acting jointly (TD).

(e) National Office Bearers;

(f) Ordinary Members of the National Executive Committee;

(g) A representative of each Affiliated Organisation, who must be resident in the region; and

(h) A representative of each group on the National Equalities Forum, not otherwise represented, who must be resident in the region.

18.5 Regional Steering Committees are co chaired by the members of the National Executive Committee elected for that region and must meet at least quarterly.[9]

18.6 The National Executive Committee, on a request by a Regional Steering Committee, Constituency Association, Constituency Branch, or Branch may agree cross border responsibilities for particular elections.

19 National Assembly

19.1 National Assembly

(a) meets in each of the Scottish Parliament electoral regions at least once a year;[10]

(b) provides a forum for members of the Party to exchange ideas for attaining the aims of the Party;

(c) considers, reviews and debates Party policy;

(d) agrees draft resolutions and policy statements for consideration by the Policy Development Committee;

(e) provides an opportunity for training;

(f) performs such other functions as may be delegated to it by National Conference;

19.2 Any member of the Party is entitled to attend any meeting of National Assembly.

[9] Regional Steering Committees are not required to meet at least quarterly during 2018 and 2019 (TD). This direction is there as a safeguard against the constitution being breached while these committees are being established.

[10] National Assembly is not required to meet in each electoral region in 2018 or 2019 (TD). This direction is there as a safeguard against the constitution being breached while the National Assembly cycle of meetings is being established.

National Policy Making

20 National Conference

20.1 National Conference is the supreme governing and policy making body of the Party.

20.2 The responsibilities of National Conference include

(a) determining the Party's policy;

(b) holding the National Executive Committee to account;

(c) receiving reports from:

(i) National Office Bearers,

(ii) Parliamentary groups,

(iii) Association of Nationalist Councillors,

(iv) Affiliated Organisations;

(d) delegating such powers and giving such directions as it thinks fit to other bodies of the Party.

20.3 Annual National Conference of the Party is composed of[11]

(a) delegates from each Branch;

(b) four delegates from each Constituency Association;

(c) members of the National Executive Committee;

(d) all parliamentarians who are members of a parliamentary group;

(e) all councillors who are members of a Council Group;

(f) delegates of each Affiliated Organisation.

20.4 The number of delegates from each Branch is

(a) two delegates for the first 20 members of the Branch; and

[11] Members elected by Annual National Conference 2018 as elected members of National Council under Paragraph 10.2 of the 2004 Constitution are delegates to National Conferences up to and including Annual National Conference 2019 (TD).

(b) one additional delegate for each additional 20 members of the Branch or a fraction of 20 members.

20.5 The number of delegates from each Affiliated Organisation is

(a) the number of delegates the organisation would be entitled to if it were a Branch;

(b) members of the organisation counting towards the calculation only if they are also ordinary members of the Party;

(c) a minimum of six delegates; and

(d) a maximum of fifteen delegates.

20.6 National Conference meets as Annual Conference once a year and as National Conference on at least one other occasion a year on dates and at a place fixed by the National Executive Committee.

20.7 When National Conference is not meeting as Annual Conference, the delegate entitlement will be as determined by the National Executive Committee having regard to the capacity of the selected venue. The minimum total delegate entitlement must be at least 750 members.

20.8 The quorum for National Conference is one third of those registered as delegates.

20.9 All elections at Annual National Conference are conducted using the single transferable voting system.

21 Policy Development Committee[12]

21.1 The Policy Development Committee

(a) promotes discussion on Party policy at all levels of the Party;

(b) offers advice on the development of resolutions for submission to the Conferences Committee;

(c) encourages discussion of Party policy at National Assembly;

[12] The Standing Orders and Agenda Committee, as elected at Annual National Conference 2018 and as elected by the National Executive Committee on 5 November 2018, performs the functions of the Policy Development Committee until it is elected (TD).

(d) develops policy ideas from National Assembly with a view to having them debated in a resolution at National Conference;

(e) identifies areas where Party policies could be updated;

(f) encourages members to use online forums for initiating policy discussion and proposals; and

(g) reviews policy proposals from members submitted on online forums.

21.2 The Policy Development Committee comprises[13]

(a) the Depute Leader (as co convener);

(b) the Policy Development Convener (as co convener);

(c) sixteen regional representatives elected by Annual National Conference, who are not parliamentarians; and

(d) one representative elected by Annual National Conference from delegates representing Branches outwith Scotland, who are not parliamentarians.

21.3 Regional representatives

(a) must be resident in the electoral region;

(b) are elected at Annual National Conference by delegates from Constituency Associations and Branches within each Scottish Parliament electoral region; and

(c) for each region, are one member elected from an all female list and one member from an open list.

21.4 Regional representatives cannot also be Members of the National Executive Committee, but may stand for both positions and, if elected to the National Executive Committee, are to be regarded as withdrawn from the election as a regional representative on the Policy Development Committee.

[13] Elections will be held for the sixteen regional members of the Policy Development Committee and the one member representing Branches outwith Scotland at the first National Conference in 2019 with the regional members holding office until Annual Conference 2020 (TD).

22 Conferences Committee[14]

22.1 The Conferences Committee sets the agenda for National Conference and

(a) receives all resolutions and amendments proposed for debate at National Conference, including resolutions submitted by individual members and supported by at least 500 members;[15]

(b) establishes criteria for resolutions and amendments to be debated;

(c) provides information on why a particular resolution or amendment has not been selected for debate;

(d) allows delegates to rank resolutions by priority for debate;

(e) keeps under review the Standing Orders for National Conference, which contains the rules on the conduct of debates; and

(f) draws up and maintains rules and procedures for elections at Annual National Conference.

22.2 The Conferences Committee comprises

(a) the Depute Leader;

(b) the Policy Development Convener;

(c) the National Secretary (as Convener);

(d) two members elected annually by the National Executive Committee from among their own number; and

(e) ten ordinary members elected by Annual National Conference, who must not be members of the National Executive Committee, five of whom are elected from an all female list and five of whom are elected from an open list.[16]

[14] The Standing Orders and Agenda Committee, as elected at Annual National Conference 2018 and as elected by the National Executive Committee on 5 November 2018, performs the functions of Conferences Committee until the end of the first National Conference in 2019 (TD).

[15] The process for the submission of resolutions submitted by individual members and supported by at least 500 members will commence when facilities are operational. The membership of the Party will be advised when submissions can be made (TD).

[16] Elections will be held for the ten members of the Conferences Committee at the first National Conference in 2019, with the ten members holding office until Annual Conference 2020 (TD).

National Organisation

23 National Office Bearers[17]

23.1 The National Office Bearers are

(a) President,

(b) Leader,

(c) Depute Leader,

(d) National Treasurer,

(e) National Secretary,

(f) Business Convener,

(g) Organisation Convener,

(h) Local Government Convener,

(i) Policy Development Convener,

(j) Member Support Convener,

(k) Women's Convener,

(l) Equalities Convener,

(m) BAME Convener,

(n) Disabled Members' Convener.

23.2 National Office Bearers do not receive remuneration for their work.

[17] Under the Transitional Directions:

- The Women's and Equalities Convener elected at Annual National Conference 2018 may carry out the functions of both Women's Convener and Equalities Convener under the 2018 Constitution until the declaration of the result of the elections at Annual National Conference 2019.
- The Political Education Officer elected at Annual National Conference 2018 demits office at the first National Conference held in 2019.
- Elections for Policy Development Convener and Member Support Convener will be held at the first National Conference in 2019. The members elected to those posts will hold office until Annual National Conference 2020; and
- Elections for Women's Convener, Equalities Convener, BAME Convener and Disabled Members' Convener will be held at Annual National Conference 2019.

24 President

The President is an honorary position in the Party, elected in recognition of distinguished service to the Party.

25 The Leader

(a) sets the political direction of the Party;

(b) leads election and other campaigns;

(c) approves manifestos for parliamentary elections;

(d) articulates the argument for an independent Scotland; and

(e) is Leader of the Scottish Parliamentary Group if a Member of the Scottish Parliament.

26 The Depute Leader

(a) is next in seniority to the Leader;

(b) is responsible for directing the Party's policy making processes and for the preparation of manifestos for parliamentary elections;

(c) acts as Leader if the office of Leader is vacant until such time as a new Leader is elected by the Party;

(d) is Leader of the Scottish Parliamentary Group if the Depute Leader is a Member of the Scottish Parliament but the Leader is not; and

(e) is Deputy Leader of the Scottish Parliamentary Group if the Depute Leader and the Leader are both Members of the Scottish Parliament.

27 The National Secretary

(a) acts as guardian of the Constitution of the Party;

(b) issues adjudications on the interpretation of the Constitution, the Standing Orders and the Rules of the Party;

(c) assists in resolving disputes between bodies of the Party;

(d) is responsible for disciplinary issues and oversight; and

(e) prepares the agenda for meetings of the National Executive Committee.

28 The National Treasurer

(a) ensures the sound management of the Party's finances;

(b) convenes the Finance and Audit Committee;

(c) reports to the National Executive Committee and National Conference on the finances of the Party;

(d) provides any necessary guidance and directions to other Treasurers in the Party; and

(e) maintains the Party's Financial Scheme and ensures proper reporting of donations and regulated transactions to the Electoral Commission.

29 The Business Convener

(a) is appointed by the Leader, with the appointment being approved by the National Executive Committee;

(b) chairs the National Executive Committee and National Conference, or nominates a person from the National Executive Committee to do so; and

(c) oversees operational matters of the Party, including membership, campaign co ordination and internal affairs.

30 Election of National Office Bearers

30.1 The National Office Bearers, with the exception of the Leader, the Depute Leader, and the Business Convener, are elected at Annual National Conference.

30.2 If a National Office Bearer's post falls vacant before Annual National Conference, the vacancy may be filled by the National Executive Committee.

30.3 The positions of Leader and Depute Leader

(a) are available for election in advance of Annual National Conference;

(b) are filled following a ballot of all members of the Party;

(c) require nomination, except for incumbents, by at least 100 members, who must be drawn from a minimum of 20 Branches;

(d) when vacant, are filled under a timetable and process fixed by the National Executive Committee.

31 National Executive Committee

31.1 The National Executive Committee is responsible for

(a) the strategic management and political direction of the Party;

(b) ensuring the decisions of National Conference are implemented;

(c) oversight and interpretation of policy between meetings of National Conference;

(d) agreeing detailed job descriptions for the National Office Bearers and any specific workstreams to be undertaken by them;

(e) coordinating and monitoring the work of the National Office Bearers;

(f) organising and directing national campaigns;

(g) employment and direction of staff;

(h) ownership of the Party's assets and management of the Party's financial affairs; and

(i) any other matters expressly delegated to it by National Conference.

31.2 The National Executive Committee and any National Office Bearer may delegate any power under this Constitution and under the Rules of the Party to another person, body or sub committee as described in a Scheme of Delegation.

31.3 Any Scheme of Delegation ceases to have effect at the end of the first meeting of the National Executive Committee after Annual Conference, unless renewed at that meeting.

31.4 The National Executive Committee is composed of[18]

(a) the National Office Bearers;

(b) two ordinary members elected by Annual National Conference, who are parliamentarians;

[18] The Six Ordinary Members of the National Executive Committee who were not parliamentarians, elected at Annual National Conference 2018 under Paragraph 14.2(c) of the 2004 Constitution may continue to sit on the National Executive Committee (TD).

(c) sixteen regional members elected by Annual National Conference, who are not parliamentarians;[19]

(d) a member representing each of the Party's parliamentary groups;

(e) a member representing the Association of Nationalist Councillors; and

(f) a member representing each Affiliated Organisation.

31.5 All members of the National Executive Committee must be members of the Party.

31.6 Regional members

(a) must be resident in the electoral region;

(b) are elected at Annual National Conference by delegates from Constituency Associations and Branches within each Scottish Parliament electoral region; and

(c) for each region, are one member elected from an all female list and one member elected from an open list.

32 Association of Nationalist Councillors

32.1 Every Party member who is also a member of the SNP Group on a Scottish local authority, is a member of the Association of Nationalist Councillors.

32.2 The aims of the Association of Nationalist Councillors include

(a) exchanging best practice between councillors and across Council Groups;

(b) articulating a collective view on local authority issues to the Local Government Convener and national bodies of the Party; and

(c) co ordinating the work of the Party's Councillors in achieving the Party's aims and advancing its policies.

33 Women's Forum

The Women's Forum is brought together by the Women's Convener and is open to all women members.

[19] Elections will be held for the sixteen regional members of the National Executive Committee at Annual National Conference 2019 (TD).

34 National Equalities Forum

34.1 The National Equalities Forum is brought together by the Equalities Convener and is made up of representatives of each of the party networks representing groups which have been under represented in political life in the past.

34.2 The aims of the National Equalities Forum include

(a) maximising participation at all levels of the Party of under represented groups;

(b) encouraging and supporting members from under represented groups to come forward as candidates for the Party; and

(c) raising issues affecting under represented groups in the Party.

35 Members' Interest Groups

35.1 Members of the Party wishing to cater for a specific interest within the Party may apply to National Conference for recognition as a Members' Interest Group.

35.2 The constitution of a Members' Interest Group, and any amendments to their constitution, must be approved by the National Executive Committee. The Members' Interest Group must operate in terms of its constitution.

35.3 National Conference, on the motion of the National Executive Committee, may resolve to dissolve any Members' Interest Group.

36 Affiliated Organisations

36.1 Any organisation that agrees with the aims of the Party and wishes to associate itself with the Party, may apply to National Conference for recognition as an Affiliated Organisation.[20]

36.2 The constitution of an Affiliated Organisation, and any amendments to its constitution, must be approved by the National Executive Committee. The Affiliated Organisation must operate in terms of its constitution.

[20] Under a resolution passed at Annual National Conference 2018, the Affiliated Organisations of the Party were recognised as BAME Members Network, Disabled Members Group, Federation of Student Nationalists, Out for Independence, Scots Asians for Independence, Trade Union Group and Young Scots for Independence.

36.3 National Conference, on the motion of the National Executive Committee, may resolve to disaffiliate any Affiliated Organisation.

Finance

37 General Financial Provisions

37.1 The National Executive Committee has full control over all monies, funds, property, investments and securities of any kind belonging to the Party.

37.2 The Financial Scheme sets out how the Party will regulate its financial affairs for the purpose of compliance with legislation.

37.3 The activities of all bodies of the Party must comply with the Financial Scheme.

37.4 The National Treasurer may take appropriate remedial measures, including financial measures, against any body of the Party which has failed to comply with the Financial Scheme or a direction issued by the National Treasurer.

37.5 The National Executive Committee provides funding for the reasonable costs required by disabled members to remove the barriers to equal participation in the activities of the Party.

37.6 The National Executive Committee may charge members and delegates to attend national events.

37.7 If any body within the Party ceases to exist, all assets, at the option of the National Treasurer, become property of the Party.

38 Borrowing and Debt

38.1 The National Executive Committee has power to borrow money on behalf of the Party where necessary to finance the Party's activities.

38.2 No body within the Party may enter into borrowing unless prior agreement has been reached with the National Treasurer.

38.3 The National Secretary may deny any body mentioned in the Constitution which has a debt to the Party its entitlement to send delegates to National Conference until the debt is cleared.

39 Membership Subscriptions

39.1 National Conference determines the level of minimum membership subscription, the concessionary rate, and the rate for associate membership for individuals under 16, on a resolution submitted in the name of the National Executive Committee.[21]

39.2 Branches are credited with a proportion of membership subscriptions agreed by National Conference.[22]

39.3 Regional Steering Committees have power to request the diversion of membership subscriptions which would be otherwise payable to Branches in their area of responsibility to purposes agreed with the National Executive Committee.

40 Levies

40.1 Each Branch and Constituency Association must pay to the Party such levies as may be required by the National Executive Committee.

40.2 Rules of the Party may provide for Party bodies to levy other Party bodies for the purpose of campaign related activities.

40.3 Every parliamentarian must pay a sum agreed by National Conference to the Party, which is ring fenced for national campaigning purposes.[23]

41 Finance for Candidates at Parliamentary Elections

41.1 When a General Election to the UK Parliament is called, or a seat becomes vacant, all funds held by Branches and Constituency Associations become the property of the Westminster Campaign Committee for the purpose of contesting the election, using proportions determined by the National Executive Committee and based on the electorate in each area falling within the UK Parliament constituency.

41.2 When a notice of election for a member of the Scottish Parliament is issued, all funds held by Branches within the constituency become the property of the Constituency Association for the purpose of contesting the election.

[21] The level of minimum membership subscription is £12 each year; the concessionary rate is £5 each year; and the rate for associate membership for individuals under 16 who are not in any category specified by National Conference under Paragraph 4.6(b) is £2 each year (CR).

[22] The proportion credited to branches is 25% (CR).

[23] The Parliamentary levy is £3,000 each year (CR).

41.3 When a Constituency Association or a Westminster Campaign Committee exercise their rights under this paragraph, any excess funds must be returned to the respective organisations in proportion to the funds gathered within 35 days of the poll.

Constitution, Standing Orders and Rules

42 Group Standing Orders

42.1 A proposal may be made by a parliamentary group to amend their Standing Orders, or by the Association of Nationalist Councillors to amend the Standing Orders for Council Groups.

42.2 The National Executive Committee may amend any Group Standing Orders if the proposal is supported by two thirds of the members of the proposing organisation present and voting at a specially notified meeting.

42.3 Amendments are made to the appropriate Group Standing Orders if supported by two thirds of the members present and voting at the meeting of the National Executive Committee.

43 Rules and Standing Orders

43.1 Standing Orders providing for rules on the conduct of debates at National Conference may only be amended by National Conference as the highest authority of the Party.

43.2 Rules providing for the constitution of Branches, Constituency Branches and Constituency Associations may only be amended by National Conference.

43.3 The National Executive Committee must draw up and maintain Rules of the Party and Standing Orders covering the following

(a) membership processes;

(b) conduct of office bearers, candidates, publicly elected members and other classes of members;

(c) party discipline;

(d) the constitution and operation of bodies within the Party, other than Branches and Constituency Associations;

(e) elections to any national or regional office in the Party;

(f) approval and selection of candidates to stand at any election in the name of the Party; and

(g) any other aspect of the Party's activities which it considers appropriate.

43.4 All Rules of the Party and Standing Orders must be based on the principles laid down in this Constitution, read widely.

43.5 All Rules of the Party and Standing Orders may also be amended by National Conference. The National Executive Committee, in exercising its powers to draw up and maintain Rules, may not amend any rule which has the effect of reversing a decision of National Conference, other than a decision to adopt a new set of Standing Orders or Rules of the Party.

43.6 All Rules of the Party and Standing Orders have the same status as if they were incorporated in this Constitution and are binding on the structures and procedures of the person or body to which they refer.

43.7 In the event of a conflict between Standing Orders or the Rules of the Party and this Constitution, the Constitution prevails.

44 Amending the Constitution

44.1 This Constitution can only be amended by a vote of at least two thirds of the delegates present and voting at National Conference.

44.2 Amendments to the constitution take effect from the end of the first meeting of the National Executive Committee following the National Conference when the amendment was passed, unless the resolution contains its own provisions on commencement.

44.3 The National Executive Committee may give directions to ensure an orderly transition from existing provisions in the constitution to any new constitutional arrangements.

44.4 All Transitional Directions cease to have effect at the end of the next Annual National Conference after the amendment is passed.

45 Interpretation

45.1 Should any question arise at a meeting regarding the interpretation of the Constitution, Rules of the Party or Standing Orders of the Party, the convener of the meeting must adjudicate on the question and their reasonable interpretation is final, unless a motion is passed requiring the person to vacate the chair.

45.2 Where such a question arises between meetings, the National Secretary has the final say on the interpretation of the Constitution, the Rules of the Party and Standing Orders of the Party.

46 Availability of Rules, etc.

The National Secretary must arrange for the following to be made available to members on the Party's website in a current form

(a) this Constitution;

(b) Codes of Conduct, Standing Orders and Rules of the Party;

(c) Schemes of Delegation;

(d) Transitional Directions;

(e) guidance and directions by the National Treasurer to other treasurers of the Party of general application; and

(f) any ruling by the National Secretary on the interpretation of the Constitution, Rules of the Party or the Standing Orders of the Party of general application.