

# **FINE GAEL CONSTITUTION & RULES**

**As enacted by Ard Fheis 1996  
and amended 1999-2019**

**FINE GAEL** 

**[www.finegael.ie](http://www.finegael.ie)**  
Issued February 2020

# **FINE GAEL**

## **GUIDING PRINCIPLES**

- Creating a tolerant and pluralist society whose laws fully reflect common values shared by different traditions in our island.
- Ensuring that all the Institutions of State including its political institutions, the legal system and the public service are efficient and serve the purposes for which they were established.
- Promoting enterprise, efficiency and self-reliance by individuals and communities in all economic activity.
- Accepting of the fact that Irish unity requires the consent of a majority in Northern Ireland and promoting peace and reconciliation in the island of Ireland.
- Achieving social justice, in particular through securing equality of opportunity for all our citizens and equality as between the sexes.
- Protecting the rights of the individual to live in peace, safety and security in their own environment.
- Preserving and protecting our physical environment and the cultural heritage of this country.
- Protecting the family, including the extended family, as the fundamental unit of society, and in particular, protecting the rights of children.
- Advancing of the ideal of a united Europe. Pursuing policies of devolution and subsidiarity so as to empower local communities in a programme of democratic renewal.
- Achieving the highest possible standards of efficiency and service in the public and state controlled sectors and protecting the rights of the citizen and the consumer.
- Pursuing an active foreign policy that makes a positive contribution to the achievement of world peace and justice.

# **FINE GAEL**

## **Values**

Equality of Opportunity

Enterprise and Reward

Integrity

Hope

Security

Personal Liberty

Europe and Openness

Protecting the Environment

Compassion



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# PART I

## PARTY AND ORGANISATION

1. The name of the Party shall be Fine Gael (United Ireland) herein after referred to as the Party.
2. (i) Subject to the provisions of Rule 18, membership shall be open to every person who accepts the Principles of the Party and who agrees to abide by its Constitution and Rules.  
  
(ii) No member of the Party may campaign for, participate in or assist in the organisation of the affairs of a candidate or candidates for election to Dáil Éireann, Seanad Éireann, the European Parliament, the Presidency of Ireland, Local Authority or Údarás na Gaeltachta other than those candidates ratified by the Executive Council of the Party.
3. Subject to the provisions of Rule 4 the members of the Party shall be those who are members when these rules come into effect together with such other persons as may be admitted to membership under the provisions of these rules.
4. No person shall be entitled to rights or privileges of membership of the Party unless he/she is a registered member of an affiliated Branch of the Party and his/ her name is included on the copy register furnished by the Branch Secretary under Rule 14 and he/she is aged at least fifteen years on the date the relevant register came into force.
5. (i) The Units of the Party shall be:
  - (a) Branch
  - (b) District Executive
  - (c) Constituency Executive
  - (d) Parliamentary Party
  - (e) Executive Council
  - (f) Ard Fheis

Each unit of the Party shall be organised on the basis that it shall:

- Be of service to the community in which it operates;
- Be capable of informing and educating in political and social matters;
- Provide a forum for debate on local and national issues;
- Provide access for the public to elected representatives;
- Identify, promote, support and ensure the election of candidates who best represent the principles and values of Fine Gael;
- Be open, democratic and participative;
  - Maximise the numbers of Fine Gael candidates who are elected to public office;
- In so far as is practicable, and subject to the Rules and the directives of the Executive Council, each Constituency organisation shall be responsible for devising, administering and managing its own internal structures.

(ii) The Organs of the Party shall be;

- (a) Young Fine Gael
- (b) Council of Local Representatives
- (c) National Agricultural, Food & Rural Development Forum and such other Organs as may from time to time be established by the Executive Council and ratified by the Ard Fheis.

6. (i) The National Officers of the Party shall be the President, two Vice Presidents, who shall be elected at each Ard Fheis to hold office until the next Ard Fheis, together with not less than five and not more than eleven Trustees. The Trustees shall be appointed and removed from office by the Executive

Council on the proposal of the Party Leader as defined in Rule 49 (i).

- (ii) In the event of death or resignation of any National Officer, the Executive Council may appoint a successor to hold office until the next Ard Fheis.
- 7.
- (i) The property and assets of the Party shall be vested in the Trustees who, for the time being, shall control the finances of the Party, including the general policies and procedures to be followed in raising, managing and dispersing funds and shall be responsible for presenting audited accounts of the National Headquarter's revenue and expenditure to the Executive Council as soon as possible after the end of each calendar year and also to the Ard Fheis following the accounts year end. The Trustees shall not be liable for any loss howsoever arising other than such as shall have been occasioned by deliberate neglect or default.
  - (ii) The Trustees shall be empowered and authorised to open and make arrangements for the operation of a banking account or accounts in such bank or banks or other financial institutions as the Executive Council shall from time to time determine. Other Units of the party may, however, open and operate banking accounts provided that sanction for doing so is given by resolution of the relevant Unit and that particulars of the said banking accounts be submitted to National Headquarters. A bank shall be entitled to rely on a text of such resolution in relation to the opening and operation of such account and shall not be required to seek any permission or consent from the Trustees in relation to same.
  - (iii) The Trustees shall be empowered to borrow from a bank or other financial institution such amount as the Party may require and



shall be empowered and authorised to provide security therefore by the mortgage or pledge of the Party's property or assets or in such other manner as may be required or appropriate.

- (iv) The Trustees shall on a quarterly basis present a statement to the Executive Council outlining the financial affairs of the Party. The Trustees shall, in consultation with the Party Leader and General Secretary, present a budget to the Executive Council, in the event of any election, an Ard Fheis, and annual running expenses.
  - (v) The Trustees shall be empowered to bring or defend any legal proceedings in the name of or on behalf of the Party.
  - (vi) The Trustees shall be responsible for determining the terms and conditions of employment of staff and subject to the approval of the Party Leader, their appointment and removal.
8. (i) The National Headquarters of the Party shall be established at an address to be determined by the Executive Council and shall be administered by the General Secretary of the Party.
- (ii) The Staff employed at National Headquarters shall act as secretariat to the Executive Council.
  - (iii) The principal functions of National Headquarters shall include the efficient organisation of the Party throughout the country and the promotion in every way open to it of the Principles of the Party as enunciated in the Constitution.

## PART II

### THE BRANCH

9. The Branches of the Party shall be:-
- (i) All Branches affiliated to National Headquarters.
  - (ii) Such other Branches as may from time to time be established or reconstituted by the Executive Council or by any Constituency Executive with the approval of the Executive Council and may be duly affiliated.
10. Where any Branch fails to participate in Party fundraising activity or carry out instructions issued by the Constituency Executive then either the registered members of such Branch or the Branch (whichever shall be appropriate) may be the subject of a complaint to the Regulatory Committee (and may be subject to forfeiture of all voting rights in the Party for the following twelve months).
11. (i) A Branch shall consist of not less than eight persons whose annual subscription has been paid and accepted under the provisions of Rule 14 (i) hereunder.
- (ii) The members of a Branch shall be drawn from those who are ordinarily resident in the functional area of the Branch, but other persons may be members of a Branch with the consent of the Constituency Executive in whose functional area the Branch is situated. Save as otherwise provided for in these rules no person may be a member of more than one Branch at the one time and any person wishing to resign his/her membership of a Branch and join another Branch must have the consent of the Constituency Executive in whose functional area the Branch he/she proposes to join is situated.
12. (i) The Executive Council may, however, establish a Branch or Branches without a functional area to which associate members

may be admitted by applying in writing, by electronic mail or on the internet in accordance with guidelines established by the Executive Council and if approved, they shall be entitled to receive correspondence on policy or other matters from time to time, but shall not be entitled to vote at a meeting of any unit of the Party. The Executive Council shall determine the annual membership fee for associate members, and the method of payment.

(ii) Every Branch established under this rule shall have such functions as the Executive Council may from time to time assign to it and shall be subject to the direction and control of such Unit or Units of the Party as the Executive Council may direct.

13. (i) The functional area of each Branch other than a Branch established under Rule 12 shall be prescribed by the Constituency Executive. Disputes about functional areas shall be adjudicated on by the Hearing Committee.

(ii) Every Branch other than a Branch established under Rules 12, 55 and 57 shall be responsible for the organisation of its members and Party supporters and for all other aspects of organisation within its functional area. It shall take an active interest in local affairs by holding regular meetings and organising political and social activities and by all other appropriate means seek to increase the standing, strength and effectiveness of the Party.

14. (i) Each member of a Branch shall pay an annual subscription to his/her Branch. The amount of the subscription and the proportion of such subscription to be allocated to National Headquarters and the affiliation fee for Branches shall, from time to time, be determined by the Executive Council, which may, at its discretion, set different fees and

subscriptions for purposes of encouraging early affiliation of branches.

- (ii) Each Branch shall be affiliated at National Headquarters by completing the procedures at paragraphs (a) to (d) hereof inclusive, not later than 30 April in each year or in exceptional circumstances only, such as a Dáil election, such other date as may be specified from time to time by the Executive Council.
  - (a) The registration by its Secretary (or in his/her absence the Branch Chairperson) with the General Secretary of the names and addresses of the Branch Officers and the date of their election; and
  - (b) The payment of the Branch affiliation fee; and
  - (c) The furnishing to the Executive Council of the Branch accounts for the previous accounting year in accordance with Rule 16; and
  - (d) The furnishing to the Executive Council of a copy of the Branch Register in accordance with paragraph (iii) of this rule.
- (iii) The Branch Secretary shall ensure that the Members' Register contains at all times a complete and accurate record of membership and shall furnish copies of the Register through National Headquarters to the Executive Council and the Constituency Executive as soon as practicable in each year and whenever the Executive Council or the Constituency Executive requests a copy.
- (iv) A membership card of the Party shall be issued by National Headquarters to each member on a basis to be decided by the Executive Council, from time to time. Only persons who have been registered at National Headquarters by the Branch Secretary are deemed to be Branch members.

- (v) Provisional Membership, for a period not exceeding three months, may be granted to those seeking to join the Party only following a determination of the relevant Constituency Officer Board situated in the functional area where the applicant ordinarily resides, and pending consideration of that person's application for membership by the relevant Branch. A provisional member shall be entitled to attend meetings at Branch, District and Constituency level and receive correspondence from Party Headquarters, but shall not be entitled to voting rights or to otherwise participate in the affairs of the Party until registered in accordance with the rules hereof. Following the grant of provisional membership, National Headquarters shall advise the Branch appropriate to such member of the grant of provisional membership and request such Branch to consider within a period of two months, the grant of membership to that person. If the Branch fails to consider the application within such time, or to notify its determination to National Headquarters, the Executive Council may, on application by the person concerned, decide to admit the person to membership of the relevant Branch. If the Branch refuses to admit a person, the person may appeal the decision to the Hearing Committee.
- (vi) National Headquarters shall, no later than June 30 in each year or such other date as may be specified from time to time in exceptional circumstances by the Executive Council, cause to be published by constituency, a Register of all Branches duly affiliated together with a list of the members thereof. This Register shall be furnished:
- to the Honorary Secretary and each Oireachtas member in the relevant Dáil Constituency;

- in the case of each Branch, to the Honorary Secretary of that Branch, and
- in the case of each Branch in a Local Authority Electoral Area, to the relevant Local Public Representatives.

The Register as aforesaid, shall be effective for the purposes of any vote from 1 July in that year until 30 June in the following year. Applications however, may be made for the rectification of such Branch Register, provided the application is made before 30 June in the following year. Such applications shall be considered by the Hearing Committee. The Register of Branches duly affiliated and their members, as rectified by the Hearing Committee shall be conclusive.

The provisions of this rule shall also apply to Non College Branches of Young Fine Gael. However, in the case of Young Fine Gael Branches in educational institutions, such Branches shall affiliate no later than 31 October each year and the Register of Members shall be issued no later than 31 December each year, and shall be effective from the following 1 January to the following 31 December. For the purposes of Rule 49 (i) all references to the previous year commencing 1 July and terminating 30 June shall be construed in the case of a Young Fine Gael Branch in an educational institution as a reference to the previous year commencing 1 January and terminating 31 December.

15. (i) The Officers of the Branch shall be elected from among the members of the Branch present at the Annual General Meeting. The date of the Annual General Meeting shall be determined by the Branch with the consent of the Constituency Executive, and in any event not later than January 31 unless otherwise directed by the Executive Council. The Chairperson of the Annual

General Meeting shall not be a member of the Branch, and his/her appointment shall be subject to the approval of the Constituency Executive. All Branches in a District Executive Functional Area should hold Annual General Meetings before the District Executive Annual General Meeting or where no District Executive exists before the Constituency Executive Annual General Meeting.

- (ii) The Officers of the Branch shall consist of a Chairperson, one Vice/Chairperson, one Secretary, two Treasurers, one Policy Officer, one Membership Officer, one Organiser and one Public Relations Officer. The Branch may, if it so desires, elect other officers.
- (iii) The Officers so elected shall hold office until the commencement of the next Annual General Meeting and then retire. They shall perform the duties of acting officers at such AGM solely for the purposes of conducting the business of such AGM. No member shall be eligible for election to, or shall remain in the office of Chairperson, Vice/Chairperson, Secretary, Treasurer, Policy Officer or Membership Officer if he/she has held that same office since the Annual General Meeting held in the third year prior to the then current year. This provision shall apply similarly to the equivalent Officerships of District Executives and Constituency Executives. Each Officer must be elected individually and a resolution providing for the election of officers en bloc shall not be entertained and shall be of no effect.
- (iv) A Branch may, by a majority of not less than two thirds of its members present and voting at a meeting of which not less than seven days notice in writing specifying the intended business has been given to all those entitled to be present, by order dismiss any Officer of the Branch from his/

her office, provided such Officer has been afforded an adequate opportunity of making any submissions or tendering any evidence written or verbal or both. Such submissions may be made personally or by any other member of the Party acting on behalf of the Officer concerned. If such Officer is dissatisfied with the manner in or process by which the dismissal has been conducted, he or she may question the validity (though not the merits) of the decision in an arbitration in accordance with Rule 44F.

- (v) Any vacancies arising during the course of the year, either through death, resignation, retirement or otherwise shall be filled by co-option at the following meeting.
- (vi) A person who is a member of the Parliamentary Party or a member of a Local Authority shall not be elected as an Officer of a Branch. If an Officer of a Branch becomes a member of the Parliamentary Party or a member of a Local Authority, they shall cease forthwith to hold their Branch office and the Branch shall proceed as soon as may be to fill the vacancy.
- (vii) Conventions for the selection of Candidates for Borough/Town Councils or co-options shall be convened by the Constituency Secretary in consultation with the General Secretary and in accordance with the terms of a directive from the Executive Council to select candidates for Borough and Town Council Election or co-option and to take decisions for any purpose that the Executive Council may direct.

Those eligible to vote at these conventions, unless otherwise directed by the Executive Council shall be:-

- (i) Members of Branches registered at National Headquarters in accordance with Rule 14(ii) whose names appear on



the Register of Members referred to in Rule 14(vi) which applies at the date of the Convention and whose names also appeared on the Register of Members in the previous year commencing 1 July and terminating 30 June as published in accordance with Rule 14 (vi). Save that where restructuring or reformation of Branches has taken place in accordance with a Scheme of Reorganisation approved by a Constituency Executive, those Branches affected may seek the consent of the Hearing Committee that their members be permitted to participate, notwithstanding the fact that such members have been affiliated with different Branches in accordance with the list aforesaid. At such a Convention, each registered member will be required to present identification when receiving a ballot paper.

- (ii) Public Representatives taking the Party Whip, who are members of the Party and who represent the Local Authority area or part thereof, provided that no Public Representative may vote at more than one Convention in the same Local Election;
- (iii) Senators, who are members of the Party, taking the Party Whip, ordinarily resident in the functional area of the Local Authority concerned.

Nominations for candidates shall be furnished in writing by Branch Members to the Constituency Secretary for the Constituency in which the Borough/ Town Council is situated at least fourteen days before the Convention, unless a shorter period is authorised by the Executive Council and/or the General Secretary.

16. The Treasurers of each Branch shall, as soon as possible after the end of each calendar year, prepare and furnish accounts furnishing details of revenue and expenditure of such calendar year and of the assets and liabilities of the Branch at the end of each such calendar year. Copies of these accounts signed by two Officers of the Branch shall be furnished to all members of the Branch present at the Branch Annual General Meeting and through National Headquarters to the Trustees and to the Executive Council and the Constituency Executive not later than March 31 following such accounting calendar year or such other time as may be specified from time to time by the Executive Council.
17. Meetings of the Branch shall be held at regular intervals and unless the Branch shall otherwise determine, with the consent of the Constituency Executive, a Branch shall meet not less than twice yearly and on a day to be determined by the Chairperson.. Special meetings may be called at any time by the Chairperson of the Branch and shall be called on a request in writing to the Chairperson by five Branch members or by any higher Unit of the Party. The quorum for a Branch meeting shall be five or a quarter of the membership which ever is the greater; for branches with a membership of over thirty however the quorum shall be eight or a quarter of the membership whichever is the lesser. A report on the activities of the Branch shall be furnished by the Secretary to the District Executive, or in areas where there is no District Executive to the Constituency Executive as may be appropriate, as soon as practicable after each Annual General Meeting.
18. Subject to Rule 14 (v) every application for membership of a Branch shall be considered at a meeting of the Branch and if accepted the Branch Secretary, or in his/ her absence, the Branch Chairperson shall (but in the case of a Branch established without a functional area only with the consent of or in accordance with guidelines established by the Executive Council or the Unit

of the Party to the direction and control of which such Branch is subject) following the first meeting attended by the applicant enter the name and address of the new member on the Members Register and communicate the new membership as soon as possible to National Headquarters. An application from a person who has stood for election to Dáil Éireann, Seanad Éireann (other than as a candidate on the university panels), European Parliament, Local Authority or Údarás na Gaeltachta other than as a Fine Gael candidate shall not be considered without the approval in writing of the Executive Council. An application from a person who has formerly been a member of Fine Gael but who has been expelled or who has resigned from the Party shall not be considered without the approval in writing of the Executive Council.

19. (i) The representation of Branches at District Executive and Constituency Executive shall, unless otherwise determined from time to time by the Executive Council be on the basis that each registered member of such Branch is entitled to one vote.
- (ii) The representation of Branches at all Conventions and at the Ard Fheis shall be on such basis as shall be determined from time to time by the Executive Council.

## **PART III**

### **DISTRICT EXECUTIVE**

20. District Executives shall be those which are in existence at the time when these Rules come into effect but the Executive Council shall be entitled, after consulting with the appropriate Constituency Executive, which shall furnish details of these functional areas to the General Secretary or his/her deputy to dissolve any District Executive or to establish further District Executives.

21. The Functional Area of each District Executive shall be defined by the Constituency Executive and shall ordinarily be the same as the boundaries of a Local Authority Electoral Area. The District Executive shall consist of all members of Dáil Éireann, City, County, Borough and Town Councillors, taking the Party Whip representative of the District Executive or part thereof. It shall also consist of all Senators ordinarily resident in the District Executive taking the Party Whip subject to the fact that a Senator may seek the consent of the Executive Council to become a member of a District Executive other than the one in whose functional area he/she is ordinarily resident and on foot of that application the Executive Council may make such decisions and issue such directions as seem proper. It shall also consist of the registered members from each Branch within the District Executive area.
22. (i) The Officers of the District Executive shall be the Chairperson, Vice/Chairperson, Secretary, two Treasurers, Membership Officer, Organiser and P.R.O. A District Executive may, if it so desires, elect other Officers. The provisions of Rule 15 relating to Branch Officers shall similarly apply to the election of the Chairperson, Vice-Chairperson, Secretary, two Treasurers and Membership Officer of District Executives and their removal from office. The Organiser and P.R.O. shall be appointed at a meeting of the elected District Executive Officers and the Public Representatives taking the Party Whip representing the area or part thereof.
- (ii) Nominations for Officers to be elected at the District Executive Annual General Meeting shall be furnished by Branch Secretaries to the District Executive Secretary at least fourteen days before the Annual General Meeting unless a shorter period is authorised by the Constituency Executive and approved by the Executive Council.

- (iii) Any member of a Branch in the District shall be eligible for officership in such District Executive provided, however, that no member of the Parliamentary Party or of a Local Authority will be eligible for election as Officers of a District Executive.
- (iv) The date of the Annual General Meeting shall be determined by the District Executive with the consent of the Constituency Executive but in any event an Annual General Meeting shall be held not later than March 1st in each calendar year unless otherwise directed by the Executive Council and/or the General Secretary.

The Annual General Meeting of all District Executives in a Constituency should be held before the Constituency Executive Annual General Meeting.

- (v) The Treasurers of each District Executive shall, as soon as possible after the end of each calendar year, prepare and furnish accounts furnishing details of revenue and expenditure of such calendar year and of the assets and liabilities of the District Executive at the end of each calendar year. Copies of these accounts signed by two Treasurers of the District Executive shall be furnished to all members present at the District Executive Annual General Meeting and to the Constituency Executive and through the National Headquarters to the Trustees and the Executive Council as soon as possible thereafter.
- (vi) Meetings of the District Executive shall be held at least quarterly unless otherwise authorised by the Constituency Executive, and shall be held whenever required by the Chairperson or by a higher authority, or whenever required in writing by two branches within the District. The agenda of every meeting of a District Executive shall

include reports to be submitted to that meeting by every Branch within the District on its activities.

(vii) The District Executive shall subject to the control of the Constituency Executive have full responsibility for Party Organisation in its functional area.

(viii) The District Executive shall be registered at National Headquarters each year by completing the procedures set out at paragraphs (a) to (b) hereof inclusive not later than April 30 in each year or such other date as may be specified from time to time by the Executive Council.

(a) The registration by its Secretary with the General Secretary of the names and addresses of the District Executive Officers and the date of their election and;

(b) The furnishing to the Executive Council of the District Executive accounts for the previous accounting year.

23. (i) District Executives shall arrange Conventions for the selection of candidates for election to Local Authorities in their area, in accordance with the terms of a directive from the Executive Council and subject to the authority of the Constituency Executive, shall control all Local Elections in its area.

(ii) In any case where a Local Authority Electoral area includes all or part of the functional area of more than one District Executive, which are all in the same Constituency, the District Executive to carry out the duties provided in paragraph (i) of this rule shall be nominated by the Constituency Executive and approved by the Executive Council.

24. Local Authority Election and co-option conventions shall be convened in accordance with the terms of

a directive from the Executive Council to select candidates for Local Authority Election or co-option and to take decisions for any purpose that the Executive Council may direct. Local Authority Election and co-option conventions and District Executive Annual General Meetings shall be conducted as follows:

Those eligible to vote at such Conventions and Annual General Meetings unless otherwise directed by Executive Council shall be:

- (i) Members of Branches registered at National Headquarters in accordance with Rule 14 (ii) whose names appear on the Register of Members referred to in Rule 14 (vi) which applies at the date of the Convention or Annual General Meeting and whose names also appeared on the Register of Members in the previous year commencing 1 July and terminating 30 June as published in accordance with Rule 14 (vi). Save that where restructuring or reformation of Branches has taken place in accordance with a Scheme of Reorganisation approved by a Constituency Executive, those Branches affected may seek the consent of the Hearing Committee that their members be permitted to participate, notwithstanding the fact that such members have been affiliated with different Branches in accordance with the list aforesaid. At such a Convention or AGM, each registered member will be required to present identification when receiving a ballot paper.
- (ii) Public Representatives taking the Party Whip, who are members of the Party and who represent the Local Authority Electoral Area or part thereof, and Senators, who are Party members, taking the Party Whip as provided for in Rule 21, ordinarily resident in the functional area of the Local Authority concerned provided that no Public Representative may vote at more than

one Convention in the same Local Election and shall be required to opt by a date to be determined by the Executive Council as to where he/she proposes to exercise the right to vote.

- (iii) A Senator taking the Party Whip who wishes to vote or be a member of a District Executive other than the one in which he/she ordinarily resides shall give notice of that fact to the Executive Council who shall make such decision on the application.
- (iv) Nominations for Local Election or Co-option Conventions shall be furnished in writing by Branch Secretaries to the District Executive Secretary at least fourteen days before the Convention unless a shorter period is authorised by the Executive Council and or General Secretary.
- (v) Any vacancy arising on a Local Authority either through death, resignation, retirement or otherwise shall be notified in writing by the District Executive Secretary or where no District Executive exists by the Constituency Secretary through the General Secretary or his/her deputy to the Executive Council.

25. The Executive Council may from time to time issue directives relating to situations where the functional area of a Branch falls into two Local Authority Electoral Areas, two District Executives, two Dáil Constituencies or two European Parliament Constituencies.

26. In Constituencies where no District Executive or Executives exist their functions shall be discharged by the Constituency Executive.

26A Where a Dáil Constituency comprises more than one county, separate County Executives may be established in the different counties (or parts of counties) in that constituency. The provisions of Rule 22 shall apply to the functioning of such



County Executive, as if reference to "District Executive" therein were references to "County Executive" and as if reference to District were a reference to the county or part thereof. If as a result of a reorganisation of constituencies, the counties or parts of counties cease to be associated in the one constituency, all matters concerned with an existing County Executive shall be determined by that County Executive with the agreement of Executive Council (or in case the matter relates to financial issues with the agreement of Executive Council and of the Trustees)".

## **PART IV**

### **CONSTITUENCY EXECUTIVE**

27. (i) A Constituency Executive shall be established in each Dáil Constituency.
- (ii) A Constituency Executive shall consist of;
- (a) All the members of Dáil Éireann, or of any Local Authority taking the Party Whip, representative of the Constituency or any part thereof.
  - (b) All Senators or M.E.P.s ordinarily resident in the Constituency taking the Party Whip subject to the fact that a Senator or M.E.P. may seek the consent of the Executive Council to become a member of a Constituency other than the one in which he/she is ordinarily resident and on foot of that application the Executive Council may make such decisions and issue such directions as seem proper.
  - (c) Registered members of affiliated branches within the Constituency.
- (iii) The Constituency Executive shall, subject to the control of the Executive Council, have full responsibility for Party Organisation in the Constituency.

28. (i) The Officers of the Constituency Executive shall be the Chairperson, one Vice/Chairperson, one Secretary, two Treasurers, one Constituency Organiser, one Constituency P.R.O., one Policy Officer, one Membership Officer, one Youth Officer and one Disability and Equality Officer. The Constituency Executive may if it so wishes elect other Officers. The provisions of Rule 15 relating to the election of Branch Officers, the tenure under which they may hold office and their removal from office shall similarly apply to Constituency Officers with the exception of the Officers appointed under the provisions of Rule 29 hereunder.
- (ii) Nomination for the Officers and Delegates to other organs to be elected at a Constituency Annual General Meeting shall be furnished by Branch or District Executive Secretaries to the Constituency Secretary at least fourteen days before the Annual General Meeting unless a shorter period has previously been determined by the Constituency Executive and approved by the Executive Council.
- (iii) Any registered Member of a Branch in the Constituency shall be eligible for officership in such Constituency Executive subject to Rule 15 hereof, provided, however, that no Member of the Parliamentary Party or of a Local Authority will be eligible for election as Officers of the Constituency Executive.
- (iv) A detailed written plan for the year ahead shall be submitted to the General Secretary by the Secretary of the Constituency Executive not later than three weeks after the Annual General Meeting of the Constituency Executive.
29. (i) Each Constituency Executive shall have a Constituency Organiser and a Constituency Public Relations Officer who shall be selected as follows:

The Constituency Secretary shall seek nominations from all Branches in the Constituency after which a suitable person shall be considered by the Constituency Officer Board, by all members of Dáil Éireann and Seanad Éireann on the Constituency Executive and by the National Director of Organisation in the case of a Constituency Organiser and the National Director of Press and Information in the case of a Constituency P.R.O. When agreement on a recommendation has been reached between the Constituency Officer Board, the said members of Dáil Éireann and Seanad Éireann and the National Director of Organisation and the National Director of Press and Information, as the case may be, the appointment shall require ratification by the Constituency Executive. In the event of agreement on a recommendation not being reached within one month of the position becoming vacant the Executive Council shall have the power to take such action as it thinks fit on the matter.

- (ii) Save with the consent of the Executive Council, a person on accepting appointment as Constituency Organiser or Constituency P.R.O. shall remain ineligible to be nominated as a candidate for election to Dáil Éireann or Local Authority or European Parliament in that Constituency, until after the next Dáil Election, whether or not he or she continues to hold office.
  - (iii) The term of office for a Constituency Organiser or Constituency Public Relations Officer shall terminate after the completion of each Dáil Election, or as directed by the Executive Council but he/she shall be eligible for re-appointment subject to the conditions referred to at paragraph (i) and (ii) hereof.
30. (i) The functions of a Constituency Organiser, Disability and Equality Officer and

Constituency P.R.O. shall be those assigned to them from time to time by the Executive Council.

- (ii) The Constituency Organiser, on the dissolution of the Dáil shall call an immediate meeting of an Election Committee which will assume the powers conferred on the Constituency Executive under Rule 27 (iii) hereof until the declaration of the result by the relevant Constituency Returning Officer. The Committee will consist of the Constituency Organiser, Constituency P.R.O., Accounting Officer and at least one other member selected by the Constituency Executive.
  - (iii) For Local Authority, Údarás na Gaeltachta and European Parliament Election campaigns the Executive Council shall on the proposal of the Party Leader vest such power for such term in the Constituency Organiser as it may decide.
31. (i) The Constituency Executive shall, except where the Executive Council otherwise directs, meet at least quarterly. Meetings may be convened by the Chairperson or by the Executive Council or by a written request giving not less than seven days notice addressed to the Secretary and signed by not less than seven members of the Constituency Executive.
- (ii) The agenda of every meeting of a Constituency Executive shall include reports to be submitted to that meeting by every District Executive within the Constituency on its activities.
32. (i) The Constituency Executive shall after consultation with the General Secretary or his/her deputy call a Constituency Annual General Meeting as early as practicable in each calendar year but in any event not later than March 31 unless otherwise authorised

by the Executive Council to elect Officers and review the work of the Party in the Constituency during the previous year and to plan for the future.

- (ii) The Treasurers of each Constituency Executive shall, as soon as possible after the end of each calendar year prepare and furnish audited accounts furnishing details of revenue and expenditure of such calendar year and of the assets and liabilities of the Constituency Executive at the end of each calendar year. Copies of these accounts signed by two Treasurers of the Constituency Executive shall be furnished to all members present at the Constituency's Annual General Meeting and through National Headquarters to the Trustees and the Executive Council as soon as possible thereafter.
  - (iii) A Constituency Convention or Conventions shall be convened in accordance with the terms of a directive from the Executive Council to select candidates for Dáil Éireann and to take decisions for any purpose that the Executive Council may direct.
33. (i) The Constituency Officer Board shall comprise the Officers of the Constituency Executive, all Public Representatives who are members of the Constituency Executive and two Officers of each District Executive, or where no District Executive exists, at least one Officer of each Branch.
- (ii) The functions of the Constituency Officer Board shall be to implement and expedite the work and decisions of the Constituency Executive as may be required.
34. The Constituency Executive shall have the power from time to time to delegate to a committee of its members any of its functions other than those specified in Rule 29 and Rule 32 (i) and (iii).

35. (i) Conventions for Dáil Elections and Constituency Annual General Meetings shall be conducted as follows:
- (ii) Those eligible to vote at any such Convention or Annual General Meeting unless otherwise directed by Executive Council shall be:
- (a) Members of Branches registered at National Headquarters in accordance with Rule 14(ii) whose names appear on the Register of Members referred to in Rule 14(vi) which applies at the date of the Convention or Annual General Meeting and whose names also appeared on the Register of Members in the previous year commencing 1 July and terminating 30 June as published in accordance with Rule 14(vi), provided that if a Convention for the General Election next ensuing after the date of this Ard Fheis does not take place until on or after 1 July 2006, that Convention shall be treated as an Excepted Convention for purposes hereof and the rule in existence prior to this amendment shall continue to apply to such Convention. Save that where restructuring or reformation of Branches has taken place in accordance with a Scheme of Reorganisation approved by a Constituency Executive, those Branches affected may seek the consent of the Hearing Committee that their members be permitted to participate, notwithstanding the fact that such members have been affiliated with different Branches in accordance with the list aforesaid. At such a Convention or AGM, each registered member will be required to present identification when receiving a ballot paper.
- (b) Public Representatives taking the Party Whip, who are members of the Party and who represent the Constituency

or part thereof, and Senators or M.E.P.s, who are members of the Party taking the Party Whip ordinarily resident in the Constituency. A Senator or M.E.P. taking the Party Whip may seek the consent of the Executive Council to vote at a Convention of a Constituency other than the one in which he/she ordinarily resides. The Executive Council may make such a decision on his/her application as to it seems fit and proper. Public Representatives taking the Party Whip whose area extends to two Dáil constituencies shall opt as to the Constituency Annual General Meeting or Convention in which they will vote.

- (c) Nominations for Conventions for Dáil Elections shall be furnished in writing by any two affiliated members to the Constituency Secretary before such date as may be approved by the Executive Council.
- (d) The Executive Council may from time to time issue directives relating to situations where the functional area of a Branch falls into two Local Authorities, two District Executives, two Dáil Constituencies or two European Parliament Constituencies.
- (e) In any Dáil Bye Election, the names of Candidates who may be nominated shall, unless the Executive Council otherwise decides, be furnished to the Executive Council by the Constituency Executive at least fourteen days before the Convention. Only Candidates so nominated and approved by the Executive Council shall be submitted to the Constituency Convention. Such a Convention shall select a Candidate from among the names so submitted.

36. The venue and other arrangements for each Constituency Executive Annual General Meeting shall be advised to the General Secretary or his/her deputy and approved by the Executive Council not less than three weeks before the proposed date. In the event of a failure to set a date the Executive Council shall act as it determines.

## **PART V**

### **EUROPEAN ELECTIONS**

37. (a) The Candidates for election to the European Parliament shall be selected by Conventions comprising delegates from each Dáil Constituency, the number of such delegates being as far as practicable approximately proportionate in number to the population or Dáil representation of such Constituency. The detailed arrangements for such Conventions shall be made by the Executive Council. The Executive Council may determine that a particular Constituency or Constituencies may not vote at the Convention if, in the opinion of the Executive Council, such Constituency has failed to assist in fundraising activity or otherwise failed to carry out instructions issued.
- (b) Fine Gael Members of the European Parliament shall be entitled to attend any meeting of a Constituency Executive, District Executive or Branch held within the European Parliament Constituency for which they have been elected.
- (c) On the proposal of the Party Leader the Executive Council shall appoint persons who shall be known as Regional Directors of Election with such powers and for such period as may be necessary for the efficient running of the European Parliament Election campaigns.



- (d) The Executive Council shall determine the arrangements for the composition and ranking of the MEP replacement list in respect of the Fine Gael European Parliamentary representation.

## **PART VI**

### **POLICY**

38. (i) The sole responsibility for the adoption of policy within the Party lies with the Parliamentary Party, subject to the authority of the Ard Fheis in accordance with Rule 55(d) (x)
- (ii) The Parliamentary Party shall provide, for consultative purposes, a statement of current Party policy to all Branches (including Branches of Young Fine Gael), District Executives and Constituency Executives annually;
- (iii) The Parliamentary Party shall present a consolidated statement of party policy to each Ard Fheis.

## **PART VII**

### **EXECUTIVE COUNCIL AND DISPUTE RESOLUTION**

39. The Executive Council shall consist of;

- (a) ex officio

The President

The Party Leader (if he/she is not President or otherwise a member)

The Deputy Party Leader

Two Vice-Presidents (at least one of whom shall not be a member of the Parliamentary Party) elected at the Ard Fheis.

Two Trustees nominated by the President.

(b) elected;

four members elected by the Parliamentary Party from among its membership at the Ard Fheis.

three members (who shall not be Public Representatives) elected from the County of Dublin

three members (who shall not be Public Representatives) elected from the province of Leinster (excluding Dublin)

three members (who shall not be Public Representatives) elected from the province of Munster

three members (who shall not be Public Representatives) elected from the provinces of Connacht and Ulster

- The Executive Council shall have power to determine the allocation of delegates for any constituency which crosses a provincial boundary.

three members elected by the Council of Local Representatives, one of whom shall be the Chairperson of the Council of Local Representatives, ex officio, and two of whom shall be elected by and from its membership at the Ard Fheis.

three representatives (who shall not be Public Representatives) of Young Fine Gael elected by and from its membership.

(c) Any member of the Executive Council who shall be absent for three consecutive meetings during his/ her term of office without furnishing a satisfactory explanation as to his/her absence shall be deemed to have vacated his/her office.

(d) In the event of a vacancy arising on the Executive through death, resignation or

otherwise, the Executive Council may co-opt a replacement either by:

- (i) Selecting the co-optee itself, or
- (ii) Directing the manner in which the person to be co-opted will be selected by the relevant Unit or Organ of the Party.

The Executive Council shall also have the power to decide to leave the vacancy unfilled.

Only those members who are eligible to vote in accordance with Rules 24(i) and 35(ii)(a) shall be eligible to seek election as a member of Executive Council.

- 40. (i) The Executive Council shall meet at least quarterly and shall elect at its first meeting after each Ard Fheis a Chairperson, and a Vice-Chairperson.
  - (ii) A meeting of the Executive Council shall be convened by the Chairperson after petition by six members in writing.
41. A quorum shall be seven members including the Presiding Chairperson but six during the period of a General Election Campaign or at a meeting called in connection with a Dáil Bye Election.
42. (i) The Executive Council shall appoint a subcommittee known as the Regulatory Committee which shall consist of between three and five persons (at least one of whom will be a member of the Executive Council). The term of appointment of its members shall be three years, and up to two members of the Regulatory Committee shall be entitled to serve two consecutive terms in order to preserve continuity of knowledge and expertise. Vacancies arising in the course of the term of a Regulatory Committee through death, resignation, retirement or otherwise shall be filled by the Executive Council. The Regulatory Committee shall elect a Chairman from its appointed members. The Regulatory

Committee shall be entitled to and provided with all reasonable assistance required from the staff employed at National Headquarters in the performance of its functions.

(ii) The Executive Council shall appoint a subcommittee known as the Hearing Committee which shall consist of between five and seven persons (at least 2 of whom shall be members of the Executive Council). The term of appointment of its members shall be three years, and up to two members of the Hearing Committee shall be entitled to serve two consecutive terms in order to preserve continuity of knowledge and expertise. Vacancies arising in the course of the term of a Hearing Committee through death, resignation, retirement or otherwise shall be filled by the Executive Council. The Hearing Committee shall appoint a chairman from its appointed members. The Hearing Committee shall be entitled to and provided with all reasonable assistance required from the staff employed at National Headquarters in the performance of its functions.

(iii) The Executive Council shall have power from time to time to delegate to a committee any business other than the functions assigned to the Regulatory Committee and the Hearing Committee and the discharge of its functions under Rule 44A (xi), (xii) and (xvii) of these Rules and shall determine the quorum for each such committee, provided always that a majority of such a committee are members of the Executive Council.

43. (i) Subject to the authority of the Ard Fheis the management, control, government and administration of the Party shall be vested in and exercised by the Executive Council whose secretariat shall be located at National Headquarters.

- (ii) On the proposal of the Party Leader the Executive Council shall appoint a person to be known as the National Director of Elections with such powers and for such time as may be necessary for the efficient running of a Dáil Election, Local Authority, Referenda, Bye-Election, Presidential or European Parliament Election campaign.

44A. The Executive Council shall have the following powers in addition to the other powers conferred on the Executive Council by these Rules.

- (i) To accept or refuse the affiliation of any Branch.
- (ii) To convene meetings of an ordinary or special Ard Fheis or any meeting of any Unit of the Party.
- (iii) On the proposal of the Party Leader to determine the maximum and minimum number of candidates to be selected by a Convention in any Dáil, European, Local Authority or Údarás na Gaeltachta Election.
- (iv) On the proposal of the Party Leader to ratify candidates in Dáil, European, Local Authority and Údarás na Gaeltachta Elections.
- (v) On the proposal of the Party Leader to add and/ or delete and/or substitute a candidate at any election to those selected by a Convention. For the avoidance of all doubt and without prejudice to the operation of (iv) above, only those persons selected as candidates under and pursuant to these Rules are entitled to describe themselves as being Fine Gael candidates on literature, advertisements, correspondence, through public discourse and whilst engaged in any form of political activity including inter alia election campaigning.
- (vi) On the proposal of the Party Leader to replace or add any candidate in the event of death or withdrawal of any candidate

notwithstanding the prior exercise by the Executive Council of the power set out at (iv) of this rule.

- (vii) To require (after consultation with the relevant Constituency Officer Board) that a selection Convention shall select candidates for election in accordance with such geographical or other considerations as may be determined by the Executive Council.
- (viii) On the proposal of the Party Leader to determine what measures should be taken in the event of the death, incapacity or withdrawal of any candidate who has previously been selected at a convention for a Borough/Town Council, Local Authority Election or Dáil Election or European Election, which measures may include a new convention with a geographical directive and/or a restricted franchise, a reconvened convention at which all candidates previously selected must submit themselves or any other measure the Executive Council considers appropriate.
- (ix) To appoint, from time to time, Area Representatives to represent the Party in a Local Electoral Area or part of a Local Electoral Area, and to vary, extend, terminate and do all things consequential to the said appointment
- (x) To fix the date, method and allocation of the annual National Collection and to fix the target or levy for each Constituency or Unit contribution to National Headquarters.
- (xi) To establish for any period or for an indefinite period any Branch, District Executive or Constituency Executive (after consultation with the appropriate Constituency Executive in the case of a Branch or District Executive).
- (xii) To order for reasons of maintenance of party discipline or for strategic political reasons or

for either the dissolution or suspension for any period or for an indefinite period of any Branch, District Executive, or Constituency Executive (after consultation with the appropriate Constituency Executive in the case of a Branch or District Executive), Organ or Support group providing always that no such order shall be made unless the Unit or Organ concerned has received adequate written notice of the nature of the complaint made against it and has had an adequate opportunity of tendering evidence and making submissions in answer to the complaint provided always that such order shall not be made unless a resolution ordering the dissolution or suspension shall have been passed by a majority of two thirds of the members of the Executive Council present and voting at a meeting of which not less than one weeks notice in writing specifying the intended business has been given to all its members. In the event of such a resolution being passed, the order of dissolution or suspension shall be final and immediately effective

- (xiii) To lay down from time to time a code of conduct for persons offering themselves for election and co-option and persons who have been selected as candidates under these Rules and for the behaviour of Members and Officers at all levels in the Party which Code shall contain inter alia provisions relating to co-options to Local Authority and other public bodies and rules requiring notification to the Constituency Executive and Executive Council of all occasions for co-options as soon as they shall occur.
- (xiv) To require that all Members and Units of the Party shall comply with the provision of any Code of Conduct laid down as aforesaid.
- (xv) To require that all members of the Party offering themselves for election or co-option

and all Public Representatives taking the Party Whip shall take a Party Pledge in terms laid down by the Executive Council before their selection as candidates for election or co-option or before the Whip is extended to them.

- (xvi) To require all candidates prior to their selection as candidates for European, Dáil or Seanad elections, to agree, if elected, to contribute to the Party such sum as the Parliamentary Party shall have determined or may from time to time determine.
- (xvii) To decide to restore the Whip and/or set aside the suspension of any member of the Party from whom the Whip has been removed or who has been suspended from the Party pursuant to this rule provided such decision shall only be made by a resolution passed by two thirds of the members present and voting at a duly convened meeting of the Executive Council.
- (xviii) To hear reports from time to time from the General Secretary/National Director of Organisation on the state of Party Organisation and the operation of National Headquarters.
- (xix) On the proposal of the Party Leader to appoint and/ or remove Trustees.
- (xx) To require statements from the Trustees which shall be presented on a quarterly basis, outlining the financial affairs of the Party, including annual running expenses and also to receive a budget in relation to an Ard Fheis which shall be prepared in consultation with the Party Leader and General Secretary.
- (xxi) From time to time and at its absolute discretion to remove either temporarily or permanently any member of the Regulatory or Hearing Committees referred to hereunder from his or her position on the Regulatory or Hearing Committees.



- (xxii) To do all such other acts as are necessary for the proper and efficient management, control, government and administration of the Party and to take all necessary measures to secure compliance with the provisions of the Electoral Acts 1992 to 2013, the Electoral Amendment (Political Funding) Act 2011, any other electoral legislation and any amendment of such Acts and all Statutory Instruments made thereunder, and all guidelines from time to time published by the Standards in Public Office Commission, and to issue directives to candidates and constituencies in relation thereto and generally to do all such other acts as are necessary or desirable to secure compliance with such legislation.
- (xxiii) To determine the arrangements for the establishment of Constituency and District Strategy Committees (without prejudice to the operation of Rule 30 (ii)) and to prescribe standing orders for the governance of same following consultation with the resident Constituency and District Executives
- (xxiv) To lay down from time to time protocols governing the conduct of conventions in any Dáil, European, Local Authority or Presidential election, such protocols to include without limitation, procedures for the chairing, the holding of and voting procedures to be followed in respect of the said conventions.

#### 44B. Functions and jurisdiction of Regulatory Committee

- (i) The Regulatory Committee shall have the following powers and functions:
  - (a) To investigate, commence and take further action in respect of alleged misconduct by, or other complaints against, Members and Units of the Party, whether on foot of complaints made to it, or on its own account;

- (b) To record and maintain records of all decisions on Complaints and Disciplinary action;
  - (c) To do all things necessary and incidental to such functions.
- (ii) For the purpose of these Rules, "Misconduct" shall mean conduct calculated to, or having the effect of seriously damaging the interests of the Party and/or bringing the Party into disrepute, including breach of any of these Rules, the Party Pledge or any code of conduct or protocol of the Party.
- (iii) The quorum for the taking of any decision that further action is warranted in relation to a complaint [under Rule 44D(vii)] shall be 2 members of the Regulatory Committee.

#### 44C. Functions and jurisdiction of Hearing Committee

- (i) The Hearing Committee shall have the following powers and functions:
  - (a) To adjudicate upon allegations of misconduct or complaints referred to it by the Regulatory Committee;
  - (b) To adjudicate upon all appeals taken under the Affiliation Appeals Procedure;
  - (c) To impose sanctions on members pursuant to the provisions of Rule 44D(xviii) below;
  - (d) To do all things necessary and incidental to such functions.

#### 44D. The Disciplinary and Complaints Procedure

- (i) Any member or Unit of the Party, including the Executive Council, may make a complaint in writing to the Regulatory Committee about any member of the Party.
- (ii) Complaints may be made on grounds of misconduct, breach of these Rules, the Party Pledge, or any code of conduct or protocol of the Party.

- (iii) For the avoidance of doubt, the Regulatory Committee shall be entitled to investigate any alleged misconduct, breach of these Rules, the Party Pledge, or any code of conduct or protocol of the Party of its own motion.
- (iv) The Regulatory Committee shall conduct a preliminary investigation into any such complaints in such manner as it thinks appropriate. It shall seek observations and comments on the complaint from the subject of the complaint, may interview such persons as it thinks appropriate, and following such a preliminary investigation shall prepare a Preliminary Report.
- (v) The Preliminary Report shall contain the following:
  - (a) a summary of the matters investigated,
  - (b) its opinion as to whether further action is warranted in relation to the complaint,
  - (c) a list of persons interviewed,
  - (d) copies of any written statements or other documentation received.
- (vi) The Preliminary Report will be sent to the complainant, and to the Executive Council.
- (viii) Where the Regulatory Committee is of the opinion that further action is warranted in relation to the complaint, it shall prepare a Notice of Complaint to be given to the subject of the complaint, (the respondent), which shall consist of the following:
  - (a) A notice in writing with the following information:
    - (i) The name of the person who made the complaint,
    - (ii) The date on which the Regulatory Committee found that the

complaint warranted the taking of further action,

- (iii) The allegations made against the respondent,
- (iv) Advice that the Respondent is entitled to contest the disciplinary action by communicating a Response Notice 28 days of delivery of the Notice of Complaint
- (v) Advice that if the Respondent does not deliver a Response Notice within 28 days that the Hearing Committee may proceed to a hearing of the complaint,
- (vi) An email address and postal address for service of any Response Notice.

(b) A copy of the Preliminary Report.

(viii) A Response Notice shall:

- (a) confirm whether some or all of the complaint is being contested,
- (b) state in summary the grounds of the Respondent's defence
- (c) and may enclose copies of all documents considered by the Respondent to assist in their defence.

(ix) Upon receipt of a Response Notice in which the Respondent contests the complaint, or upon failure by a Respondent to deliver such a notice within 28 days, the Regulatory Committee shall transmit copies of the Notice of Complaint, and the Response Notice and all enclosures issued therewith to the Hearing Committee.

(x) For the avoidance of doubt, the Regulatory Committee shall be entitled seek to legal advice and assistance in relation to all of its functions under these Rules.

- (xi) On receipt of a Notice of Complaint, Notice of Response, and enclosures from the Regulatory Committee, the Hearing Committee shall give at least 7 days' notice to the Regulatory Committee and the Respondent of a hearing date and time.
- (xii) The hearing shall be presided over by the Hearing Committee, and shall require a quorum of three members. A solicitor or barrister will sit with the hearing committee as legal assessor.
- (xiii) The Chairman of the Hearing Committee shall be responsible for determining which members sit on the panel hearing any particular complaint.
- (xiv) Evidence and submissions in support of the complaint shall be presented to the Hearing Committee by or on behalf of the Regulatory Committee.
- (xv) Evidence and submissions opposing the complaint may be presented by or on behalf of the Respondent.
- (xvi) The Hearing Committee will decide on all matters of procedure, and may in its discretion adjourn hearings and take such steps as are necessary and appropriate to the due conduct thereof.
- (xvii) Allegations and complaints must be proved to the civil standard of proof.
- (xviii) Where the complaint is proven to the satisfaction of the Hearing Committee, it shall impose such sanction(s) as it deems fit including:
  - (a) Suspension from all rights and privileges of membership of the Party for a fixed period, including voting rights,
  - (b) Expulsion from the Party;
  - (c) Fines;

- (d) Censure, admonishment, or advice.
- (xix) Further, the Hearing Committee may direct the respondent to take such action as is required to correct any wrongdoing, and failure to comply with such a direction shall be misconduct.
- (xx) The Hearing Committee shall notify its decision to the Regulatory Committee, the Respondent and the Executive Council in writing and the Regulatory Committee shall record the findings and any sanction imposed.
- (xxi) Where these Rules provide for the time limits, the Regulatory Committee, and the Hearing Committee shall be entitled in their absolute discretion to either extend or reduce any time within which any step or action may be taken.
- (xxii) In exercising their functions, members of the Regulatory and Hearing Committee shall ensure, insofar as it is reasonably practicable to do so, that they do not have any conflict of interest which would render it inappropriate for them to consider or determine any matter before them.

#### 44E. The Affiliation Appeals Procedure

- (i) The Hearing Committee shall have the power to adjudicate on and to determine finally any dispute relating to the Register of Members including :-
  - (a) any disputes relating to Branch affiliations;
  - (b) any dispute relating to members to be listed on the Register of Members;
  - (c) any dispute pursuant to Rules 13(i), 14 (v);
  - (d) the administration of the required changes to the Register of Members under schemes of restructuring or

reformation of Branches, which have been proposed by the appropriate Constituency Executive and approved by the Executive Council;

- (e) to consider, and if appropriate, to determine an application from a member who proposes to transfer his/her membership to a different Branch, to transfer their voting rights;
  - (f) to do all such other acts as are necessary to ensure the equitable and efficient administration of the Register of Members.
- (ii) The Hearing Committee shall endeavour to issue its findings within one month of the date of the lodgement of an appeal.
  - (iii) In Affiliation Appeals, a panel of 3 members of the Hearing Committee (chosen by the Chairman) shall consider the appeal, and shall direct the manner in which the appeal should be considered.
  - (iv) Affiliation Appeals are normally dealt with in an informal way, by a written procedure, but the panel considering the appeal shall be entitled to hold an oral hearing, if the panel think it necessary.
  - (v) In exercising its jurisdiction in Affiliation Appeals, the Hearing Committee shall take such steps as are necessary in relation to the register as appears fair and just to the Committee.
  - (vi) The decision of the Hearing Committee on Affiliation Appeals shall be final and not subject to further appeal.

#### 44F. Arbitration

- (i) For the avoidance of doubt, all disputes or differences between any member, applicant for membership, unit or organ of the Party,

and any other member, unit or organ of the Party, shall be resolved by means of the procedures set out in these rules. There is no appeal against the procedures set out in these rules, save as set out hereunder.

- (ii) Save as is set out hereunder, no member, applicant for membership, unit or organ of the Party shall issue proceedings relating to any such dispute in a Court of Law.
- (iii) There is no appeal against decisions of the Regulatory Committee that a complaint warrants, or does not warrant the taking of further action.
- (iv) There is no appeal against the decision of the Hearing Committee on an Affiliation Appeal.
- (v) There is no appeal on the merits of a decision by the Hearing Committee on foot of the Disciplinary and Complaints Procedure or the Executive Council.
- (vi) Members, applicants for membership, units and organs of the party (including the Regulatory Committee) are entitled to contest manner in which, or process by which a decision was made by the Hearing Committee or Executive Council by arbitration under the Arbitration Procedure set out in appendix to these rules.
- (vii) An officer who has been dismissed from office by his Branch under Rule 15(iv) may question the validity (though not the merits) of the decision in an Arbitration in accordance with this rule.
- (viii) Such Arbitration shall be conducted in accordance with the Arbitration Procedure and the Arbitration Act 2010 or any statutory modification or re-enactment thereof. These Rules and the Laws of Ireland shall govern such Arbitration.
- (ix) Upon notification to the Hearing Committee,



Regulatory Committee, Executive Council, or Branch by the Arbitration Office of the result of an arbitration under these rules, the Hearing Committee, Regulatory Committee, Executive Council, or Branch, as the case may be, shall take such steps as are necessary to comply with the decision in the arbitration, including the substitution, or setting aside of a sanction, or reconsideration of a matter, or a complaint, as the case may be.

45. In addition to being subject to the Complaint and Disciplinary procedures provided for by these Rules, where any member of the Parliamentary Party is in breach of the Code of Conduct or Party Pledge or fails to make the contribution provided for in 44A (xvi) he or she may be liable to lose the Party Whip. The withdrawal of the Party Whip is a matter for the Parliamentary Party alone. In dealing with matters concerning the Party Whip, questions of fact as to whether the Pledge or Code of Conduct has been breached or the contribution specified has been made shall be solely determined by the Parliamentary Party.
46. No candidate for any election shall be entitled to be described on the ballot paper or elsewhere as Fine Gael unless and until the Executive Council has ratified such candidature.

## **PART VIII**

### **PARLIAMENTARY PARTY**

47. (i) The Parliamentary Party shall consist of all the members of Dáil Éireann and Seanad Éireann and the European Parliament taking the Party Whip and during the period from the dissolution of a Dáil to the election of the members of the following Dáil such members of the outgoing Dáil shall be deemed to be members of the Parliamentary Party.

- (ii) The Parliamentary Party shall meet at the commencement of each Parliamentary year, unless a General Election shall have taken place within the six months prior to such commencement and after each General Election to elect its Chairperson, Vice-Chairperson, Secretary, and Assistant Secretary at that meeting. The officers so elected shall hold office until the conclusion of the meeting held at the commencement of the next Parliamentary year or following the next General Election process, as the case may be.
  - (iii) All members of the Parliamentary Party shall be entitled to vote at such elections which shall be by the alternative vote system and shall be by secret ballot.
48. (i) The business of the Parliamentary Party shall be organised by the Chairperson who shall take into account the wishes of its members. Committees of the Parliamentary Party may be established from time to time by the Party Leader who shall also nominate the Chairperson and membership of such Committees.
- (ii) The business of the Parliamentary Party shall include issues of policy, parliamentary tactics, parliamentary disciplines and such other matters as may be referred to it by the Executive Council from time to time. The Parliamentary Party may also discuss matters of Party organisation and may submit its views on these by way of written report to the Executive Council.
  - (iii) The members of the Parliamentary Party elected to the Executive Council shall report on the work and decisions of the Executive Council to the Parliamentary Party and shall likewise report the views of the Parliamentary Party on organisational matters to the Executive Council.

49. (i) (a) There shall be elected in the manner set out below a Party Leader who shall be known and referred to as "Leader of the Parliamentary Party" (in these rules referred to as the Party Leader). The position of Leader of the Fine Gael Parliamentary Party shall be determined by the Electoral College system set out in this rule.
- (b) The Electoral College shall be composed of the following:
- (a) Parliamentary Party, being the persons referred to in Rule 47 (i)
  - (b) Members of the Party, other than persons at (a) and (c), who are entered in the register referred to in Rule 14 (vi) and are eligible to vote
  - (c) Public Representatives, being the persons referred to in Rule 57(a)
- (c) Voting weight attaching to each group shall be as follows:
- |                        |      |
|------------------------|------|
| Parliamentary Party    | 65 % |
| Party Membership       | 25 % |
| Public Representatives | 10 % |

For the avoidance of doubt, the vote of each part of the Electoral College shall be split proportionate to the votes obtained by each candidate in that part of the Electoral College. No member shall be entitled to vote more than once in an Election.

- (d) Party Membership shall be entitled to participate in the election of the Leader in the following way:
- Each member eligible to vote shall be issued with a ballot paper in a manner approved by Executive Council.

- Members shall cast their vote at polling centres on the date fixed by Executive Council for polling.
  - Polling day and times of opening will be determined by the Executive Council but shall not be later than 20 days after a vacancy in the position of Leader arises. Provided that in an exceptional situation, Executive Council, following consultation with the Chairperson of the Parliamentary Party, may extend this time and any other period referred to in this rule.
- (e) Candidates for the position of Party Leader must be members of Dáil Éireann. A candidate must be nominated in writing by members representing at least 10% of the Parliamentary Party, not more than 7 days after the vacancy arises.
- (f) Regional meetings will be organised between day 10 and day 18, or if an earlier date is fixed for polling by the Executive Council, the day before polling day. The regional meetings will provide an opportunity for the Party membership including the local Public Representatives to meet the candidates.
- (g) The ballot shall be by the alternative vote system and shall be by secret ballot.
- (h) Public Representatives shall vote on the same day and at the same venues as the Party membership.
- (i) Parliamentary Party members shall cast their vote at a special Parliamentary Party meeting

convened by the Parliamentary Party Chairperson.

- (j) All matters pertaining to the election, such as organisation of time, date and venue of regional meetings, fixing of polling centres and time of polling for all parts of the Electoral College, appointment of returning officers and distribution of votes will be decided by the Executive Council.
  - (k) The national returning officer shall be appointed by the Executive Council.
  - (l) Those Party members eligible to vote shall be members of Branches registered at National Headquarters in accordance with Rule 14(ii) whose names appear on the Register of Members referred to in Rule 14(vi) which applies at the date of the election for Party Leader and in the case of such an election on or after 1 July 2006 provided their names also appeared on the Register of Members for the previous year commencing 1 July and terminating 30 June as published in accordance with Rule 14(vi).
- (ii) If after a General Election the Party is not forming or joining in the formation of a Government, the Party Leader shall within two months after the conclusion of the election process submit himself/herself to a vote of confidence of the Parliamentary Party to be carried out by secret ballot. If he/she fails to secure a majority in such vote of confidence he/she shall resign as Party Leader. Whenever the Party Leader resigns or dies or in the opinion of the Parliamentary Party, becomes permanently incapacitated

when in office, the provisions of rule 49(i) shall apply to elect a successor. A motion of no confidence in the Party Leader shall be valid only if tabled in writing to the Secretary of the Parliamentary Party by not less than five members of the Parliamentary Party. If a motion of no confidence is defeated, any further motion shall not be valid until a period of at least six months has elapsed. Save as provided aforesaid, motions of no confidence or seeking to remove or change the Party Leader cannot be put down.

50. (i) The Parliamentary Party may by a two thirds majority of its members present and voting at a meeting of which not less than one weeks notice in writing, specifying the intended business, has been given to all its members order the withdrawal of the Whip from or the suspension of any member of the Parliamentary Party on the grounds specified in Rule 45 or any other ground. No such order shall be made unless the member concerned has had adequate written notice of the matter complained against him/her and has been afforded an adequate opportunity of making any submission or tendering any evidence written or verbal or both in answer to such complaint. Such a submission may be made personally or by any other member of Fine Gael acting on behalf of the member against whom the complaint has been made. Where, following a complaint the Whip has been withdrawn from a member of the Parliamentary Party, the Regulatory Committee may if it thinks fit consider that complaint to see whether it wishes to proceed to commence a complaint against that member. There shall be no appeal on any ground against a decision by the Parliamentary Party to withdraw or suspend the Whip from a member of the Parliamentary Party.

- (ii) Where the Whip has been withdrawn from a member of the Parliamentary Party whether under this provision or otherwise it may be re-extended at a meeting of the Parliamentary Party by a majority of two thirds of its members present and voting provided that not less than four days notice in writing specifying the intended business has been given to all its members.
51. The Party Leader shall at his/her discretion appoint and remove a Deputy Leader, members of the Shadow Cabinet, Spokespersons and Whips. He/she shall also nominate members of the Parliamentary Party to represent the Party at functions both in Ireland and abroad.

## **PART IX**

### **SEANAD ELECTIONS**

52. (a) The following shall be the method of selection of Fine Gael candidates for Seanad Éireann on Oireachtas sub-panels.
- (i) The number of candidates shall be decided by a Seanad Selection Commission which shall be established by the Executive Council, comprising five members.
  - (ii) The candidates on each sub-panel shall be selected by the Selection Commission following consideration of nominations which shall be submitted by units of the Party before a closing date to be decided by the Executive Council. The total number of nominations submitted for all Oireachtas sub-panels shall be as follows:
    - (a) 15 nominations from the Parliamentary Party
    - (b) 1 nomination per Constituency, from each Constituency Executive

- (c) 5 nominations from the Executive Council
  - (d) 2 nominations from the Young Fine Gael National Executive
- (iii) On each sub-panel, the Party Leader shall be entitled to add and/or delete and/or substitute a candidate notwithstanding the provisions of paragraph (i) and (ii) of the Rule.
  - (iv) The Selection Commission shall submit the final list of candidates to the Executive Council for individual ratification.
- (b) (i) The Selection Commission shall also determine the optimum number of candidates to seek election as Fine Gael candidates on each non- Oireachtas sub-panel and shall submit to the Executive Council, a list of candidates for each sub-panel for individual ratification.
  - (ii) The full list of ratified candidates shall be circulated to all Fine Gael members entitled to cast a vote in the Seanad Elections.
  - (iii) Any member of the Party who receives a nomination to contest the election to Seanad Éireann on a non- Oireachtas sub-panel shall be obliged to notify the General Secretary accordingly, immediately upon receiving confirmation of such nomination.
- (c) The Executive Council shall have power to determine the manner in which candidates shall be nominated for a Seanad Éireann Bye Election. Such a determination shall be consistent with Rules 52(a) and (b).
  - (d) The Executive Council shall have the power to determine:
    - (i) the manner in which Fine Gael candidates



may be selected and ratified to contest a Seanad Éireann General Election on the National University of Ireland and the University of Dublin panels (or on any successor Higher Education panels to the aforesaid) or

- (ii) the manner in which Fine Gael shall endorse the candidacy of persons nominated to contest a Seanad Éireann General Election on the National University of Ireland and the University of Dublin panels (or on any successor Higher Education panels to the aforesaid).

## **PART X**

### **PRESIDENTIAL ELECTION**

- 53. (i) The selection of a candidate who shall be nominated by the Fine Gael Party to contest a Presidential Election shall be carried out on the basis of an Electoral College system of voting with the votes of each elector weighted as follows:
  - (a) The votes of the Fine Gael Parliamentary Party to comprise 63% of the total poll.
  - (b) The votes of the Fine Gael Council of Local Representatives to comprise 18% of the total poll.
  - (c) The votes of constituency electors to comprise 10% of the total poll.
  - (d) The votes of the Executive Council to comprise 9% of the total poll.
- (ii) Each Dáil Constituency shall be entitled to have five electors in the Electoral College being its Chairperson, Secretary, Treasurers and Constituency Organiser. If one of these offices is for the time being vacant or held by a member of Executive Council, the

Constituency may appoint another officer to be a member of the Electoral College. The persons aforesaid shall be the constituency representatives for purposes of Rule 53 (i)(c).

- (iii) The ballot will be conducted at a specially convened meeting of the members of the Fine Gael Parliamentary Party, Fine Gael Council of Local Representatives, the constituency electors and Executive Council of which at least seven days written notice has been given to all eligible members. Only those members attending such meeting shall be entitled to vote. Members who qualify to vote under more than one category set out in Rule 53 (i) shall elect as to which category they vote in and shall not be entitled to participate in any other category.
- (iv) The Executive Council shall arrange for the convening of regional meetings to be addressed by prospective candidates if they so wish. These meetings will take place in the period leading up to the specially convened meeting referred to in Rule 53 (iii).
- (v) Nominations for such ballot shall be submitted to the General Secretary in advance of a date to be specified by the Executive Council and shall be accompanied by at least twenty signatures of members of the Fine Gael Parliamentary Party and at least twenty five signatures of members of the Fine Gael Council of Local Representatives and at least five signatures of members of Executive Council.
- (vi) An independent Returning Officer shall be appointed by the Executive Council to oversee the selection process and he/she shall draw up whatever procedures are deemed necessary to ensure the proper conduct of the ballot. The Returning Officer shall submit the name of the winning candidate to the General Secretary.

## PART XI

### SPECIAL DELEGATE CONFERENCE

54. (a) Definitions:

“Partnership” shall mean an arrangement whereby Fine Gael is enabled to enter into Government supported by a Party, grouping, or individual/s from the opposition.

“Coalition” shall mean a Government enabled by the coming together of one or more parties to form a Government.

- (i) Following a General Election where Fine Gael are entering into a partnership and or coalition Government a Special Delegate Conference will be held.
  - (ii) The Special Delegate Conference shall be held to approve the Programme for Government
  - (iii) The Executive Council shall fix the date, time and venue for the Special Delegate Conference
  - (iv) The meeting and its agenda shall be conducted by Executive Council
  - (v) Executive Council shall appoint a returning officer who will oversee the process and will draw up whatever procedures are deemed necessary to ensure the proper conduct of the ballot. The returning officer shall submit the result of the ballot to the General Secretary.
- (b) The following shall be entitled to attend and vote at the Special Delegate Conference
- (i) Members of Parliamentary Party
  - (ii) 10 members from each Constituency including the Constituency Chairperson, Constituency Secretary, Constituency

Organiser, Membership Officer & Youth Officer where available

- (iii) Members of the Council of Local Public Representatives
  - (iv) Members of Executive Council
- (c) The approval of the Programme for Government shall be carried out on the basis of an Electoral College system of voting with the votes of each elector weighted at follows;
- (i) The votes of the Fine Gael Parliamentary Party to comprise 50% of the total valid poll
  - (ii) The votes of Constituency electors to comprise 25% of the total poll
  - (iii) The votes of the Fine Gael Council of Local Public Representatives to comprise 15% of the total poll
  - (iv) The votes of the Executive Council to comprise 10% of the total valid poll

## **PART XII**

### **ARD FHEIS**

55. (a) (i) The Ard Fheis shall be the governing body of the Party.
- (ii) The Ard Fheis shall ordinarily be held once in any twenty four month period on a date to be determined by the Executive Council provided that this period of twenty four months may be extended where the Party Leader and the Executive Council in an exceptional situation so agree.
- (iii) The Executive Council shall by regulation fix the time by which notice of motions for an Ard Fheis are to be received by National Headquarters.

- (iv) The Agenda of Ard Fheiseanna shall be arranged by the Executive Council.
- (b) The following shall be entitled to attend and vote at an Ard Fheis:
  - (i) The members of the Executive Council.
  - (ii) Officers of each Constituency and District Executive.
  - (iii) Such number of delegates from each Branch recognised under the provisions of this Constitution and Rules and currently affiliated as may be determined from time to time by the Executive Council.
  - (iv) Members of the Parliamentary Party.
  - (v) Members of the Council of Local Representatives.
- (c) Such other persons as may be invited by the Executive Council or the Party Leader may attend but without power to vote.
- (d) The Agenda of the Ard Fheis shall include:
  - (i) The appointment of Chairpersons.
  - (ii) The adoption of Standing Orders.
  - (iii) The election of the President.
  - (iv) Election of not more than two Vice-presidents at least one of whom shall not be a member of the Parliamentary Party.
  - (v) Election of four members of the Parliamentary Party to the Executive Council by and from its membership at the Ard Fheis.
  - (vi) Election of three members to the Executive Council, one of whom shall be the Chairperson of the Council of Local Representatives, ex officio, and two to be elected by the Council of Local Representatives, by and from its membership at the Ard Fheis.

- (vii) Election of members of the Executive Council, none of whom shall be Public Representatives.
  - (viii) Presidential address.
  - (ix) Motions of which notice has been given in accordance with Rule 55 (a) (iii) and which have been approved for debate by the Executive Council.
  - (x) Review of new policies.
  - (xi) Any other Business.
- (e) Candidates for election at the Ard Fheis shall be proposed and seconded by units of the Party in accordance with regulations as may be decided from time to time by the Executive Council. Nominations for such elections shall be submitted in writing to National Headquarters not less than twenty-one days before the date fixed for the Ard Fheis.
- (f) (i) All decisions at an Ard Fheis other than election of Officers and members of the Executive Council shall be decided in the first instance by a show of delegate cards and any decision shall be referred to a ballot if so demanded by the Chairperson of the session or by four members of the Executive Council or by ten members of the Parliamentary Party or by fifty voting members at the Ard Fheis. Ballots so demanded shall be carried out in accordance with procedures to be determined by the Executive Council.
- (ii) At the beginning of each session of the Ard Fheis tellers shall be appointed on the proposal of the presiding Chairperson, who shall count a show of delegate cards whenever requested by the presiding Chairperson.

All elections at the Ard Fheis shall be decided by delegates to that Ard Fheis

in accordance with procedures to be determined from time to time by the Executive Council.

## **PART XIII**

### **PARTY ORGANS**

#### **YOUNG FINE GAEL**

56. (a) A Branch of Young Fine Gael should be established in each District Executive or, in Constituencies without District Executives, in each Constituency Executive. Additional Branches of Young Fine Gael may be established with the consent of the Constituency Executive.
- (b) Branches established in educational institutions should be branches of Young Fine Gael and shall be affiliated to and have voting rights in such Constituencies as the Executive Council shall decide.
- (c) Subject to the approval of the Executive Council of the Party, Young Fine Gael may from time to time adopt and amend a Constitution and Rules which shall entirely deal with Organisation, the election of Officers including Youth Officer, the holding of National Conferences, the election of a National Youth Executive and the method of selection of the representatives of Young Fine Gael on the Executive Council of the Party.

A member of Young Fine Gael should be a member of, and shall, if a member be eligible for election to office in a Branch having a functional area.

#### **COUNCIL OF LOCAL REPRESENTATIVES**

57. (a) There shall be established a Council of Local Representatives of the Party of which members of City and County Councils,

any other Local Authorities as may be established, and Údarás Na Gaeltachta taking the Party Whip shall be members.

- (b) Subject to the approval of the Executive Council the Council of Local Representatives may from time to time, adopt and amend a Constitution and Rules which shall entirely deal with Organisation, the election of Officers, the holding of National/ Regional Conferences, the election of an Executive and the method of selection of the representatives of the Council of Local Representatives on the Executive Council.
- (c) The Officer Board of the Council shall meet at least four times a year and shall maintain contact with the Executive Council and the Cabinet/Shadow Cabinet between annual conferences. It may also arrange Regional Conferences of Party Local Representatives.

## **NATIONAL AGRICULTURAL, FOOD & RURAL DEVELOPMENT FORUM**

58. (a) There shall be established a National Agricultural, Food & Rural Development Forum of which all members of the Party who are engaged to a material extent in an activity related to agriculture, agri-business or rural development shall be entitled to be members.
- (b) Subject to the approval of the Executive Council, the National Agricultural, Food & Rural Development Forum may, from time to time, adopt and amend a Constitution and Rules which shall entirely deal with Organisation, the election of Officers, the holding of National Conferences and the election of an Executive.
  - (c) A member of the National Agricultural, Food & Rural Development Forum should be a member of and shall, if a member, be eligible for election to office in a Branch having a functional area.



## **OTHER ORGANS AND SUPPORT GROUPS**

59. The Executive Council may from time to time establish other organs and support groups subject to ratification by the Ard Fheis.

## **PART XIV**

### **GENERAL**

60. Unless otherwise determined by the Executive Council all elections to office in Branches, District Executives, Constituency Executives, Policy Council, the Executive Council, the Ard Fheis and all Organs of the Party and at Conventions and at Annual General Meetings shall be carried out by the Proportional Representation Alternative Vote System on the same basis as employed in elections to Seanad Éireann.
61. Subject to any provision herein before in these rules contained, at least four days written notice (including electronic correspondence) of meetings of any Unit or Organ of the Party shall be given to members and in the case of Branch and District Executive meetings a similar notice shall also be given to Members of the Parliamentary Party and other Public Representatives taking the Party Whip for the electoral area, the Constituency Chairperson, Secretary, Organiser, Public Relations Officer and Policy Officer, provided that the General Secretary with the consent of the Chairperson of the Executive Council can authorise a meeting of the Executive Council or any Unit or Organ of the Party on less than four days written notice, where the exigencies of the situation so require.
62. The General Secretary or in his absence such person as may be nominated by the President shall act as Secretary of the Executive Council, any Committee thereof including the Regulatory Committee, but not the Hearing Committee. The General Secretary shall nominate a person to act as Secretary to the Hearing Committee.

63. The Members of the Executive Council may attend at any meeting of any Constituency Executive, Constituency Officer Board, District Executive or Branch. The Officers of any Unit of the Party may attend any meeting of any unit subsidiary to their unit within their functional area. No member so attending may vote.
64. The accidental omission to give notice of any meeting to or the non-receipt of notice of any meeting by any member entitled to receive notice shall not invalidate the proceedings at the meeting.
65. Where any incongruity in enumeration is evident as a consequence of alterations or variations made to these Constitution and Rules then any such enumeration, being out of sync, shall be interpreted having regard to the change in numeric sequencing made and the cumulative consequence to the pre existing enumeration.
66. (a) This Constitution and Rules shall not be altered save
  - (i) By the Ard Fheis on a motion of which forty two days written notice shall have been given to the General Secretary, or
  - (ii) By a Special Meeting convened specifically for such purpose following a resolution passed at the Ard Fheis on a motion to alter of which forty two days written notice shall have been given to the General Secretary and, in that event any such meeting shall have full and enabling power and authority to alter the Constitution and Rules as affirmed by the Special Meeting.

Those entitled to attend any Special Meeting so convened shall be the persons referred to in Rule 55 (b) and (c). The agenda of the Special Meeting shall be arranged by Executive Council but shall be limited to proposals for alterations to the Constitution and Rules, the appointment of Chairpersons,

adoption of standing orders and any other business.

- (b) Any motions passed providing for an alteration in these Rules shall have to be confirmed by Postal Ballot which shall be carried out by posting to each person entitled to vote at that Ard Fheis and/or the Special Meeting convened in accordance with (a)(ii), in the case of Branch delegates, to the Secretary of each currently affiliated Branch, ballot papers setting out the matter to be resolved, and shall be decided upon by a majority of votes cast by all such ballot papers which have been returned to National Headquarters within forty two days of such posting of the ballot papers. Notice of the date, time and venue of the count, which shall be open to any member of the Party, shall accompany the ballot paper.
- (c) Notwithstanding (a) and (b) above, if at any time a Rule of this Constitution and Rules shall in the opinion of the Executive Council become inoperable or invalid, the Executive Council may, for purpose solely of rectifying the invalidity or inoperability of the Rule, adopt an amendment of these Rules. Such an amendment may only be adopted on the proposal of the Party Leader and with the consent of the Trustees and must have the assent of at least 75% of the members of the Executive Council. Any such amendment shall be put before the next ensuing Ard Fheis and/or the Special Meeting convened in accordance with (a) (ii) and confirmed in accordance with (a) and (b) above. If the amendment is not so confirmed, the amendment shall cease to have effect but without prejudice to any action taken thereunder prior to the time it was not so confirmed.
- (d) Notwithstanding (a) and (b) above, the Executive Council shall have the power to

make amendments to this Constitution & Rules solely in the following circumstances;

- (i) to correct any error in cross referencing which arises following the adoption of alterations in accordance with Rule 65(a) and (b);
- (ii) to correct references to the names of bodies referred to in this Constitution & Rules where such bodies have been re-named or replaced by bodies with similar function.

- 67. The Executive Council shall be entitled to interpret these rules and their decision in this respect shall be final.
- 68. This Constitution and Rules shall come into effect on July 1, 1996.
- 69. The provisions in these Rules in relation to Affiliation Appeals, the Regulatory and Hearing Committees, and Arbitration, shall apply from the 26<sup>th</sup> day of July 2019 and any Affiliation Appeal, or disciplinary matter commenced prior to that date shall be dealt with under the Rules that were in force on the commencement of the appeal or disciplinary matter.

## APPENDIX

### THE ARBITRATION PROCEDURE

1. The Arbitration Office
  - 1.1. An office known as the Arbitration Office shall be established for the purpose of resolving all disputes referred to arbitration under Rule 44F of the Constitution and Rules of Fine Gael.
  - 1.2. The Arbitration Office shall be independent of the Party and shall consist of one officer (“the Arbitration Officer”), who shall be appointed by the Executive Council for a term of three years (with the possibility of re-appointment on one occasion for a further three years). If a vacancy occurs during the tenure of an Arbitration Officer, the Executive Council shall be empowered to appoint a replacement for the remainder of the term then subsisting or for a new three-year term, and such vacancy and/or replacement shall not invalidate or otherwise affect any proceedings then pending.
  - 1.3. In all matters in which the Arbitration Officer has a function under this Procedure, they may – when temporarily unavailable or subject to a conflict of interest – appoint a deputy to act in their place. Such deputy shall have all the powers and functions of the Arbitration Officer when thus acting.
  - 1.4. The Arbitration Officer shall maintain a panel of not less than 10 persons, of which at least 50% shall be qualified solicitors or barristers entitled to practice as such in the State. No serving official or officer of the Party shall be eligible to be on the said panel.
  - 1.5. The Arbitration Office and its panel shall not be liable for anything done or omitted in the discharge or purported discharge of their functions unless the act or omission is shown to have been occasioned by actual fraud or bad faith.
  - 1.6. The Arbitration Office shall be indemnified in respect of all costs, expenses and liabilities by the Party.

- 1.7. The Arbitration Office shall lay an account of its business before the Executive Council (or its appointed subcommittee) on an annual basis.
2. Commencement of a Claim
  - 2.1. Any party to a dispute governed by this Procedure who seeks a determination ("the Claimant") shall serve in accordance with Clause 2.4 below a written request for Arbitration ("the Claim") containing the following details:
    - (a) the name and address of the Claimant;
    - (b) the name and address of the intended respondent ("the Respondent");
    - (c) A brief statement describing the nature and circumstances of the dispute, including details of what rule is alleged to have been breached or legal wrong committed;
    - (d) A list of all reliefs or remedies claimed (including any interim remedies); and
    - (e) A signed statement that the matters stated in the Claim are true and accurate.
  - 2.2. In an arbitration which seeks to contest a decision of the Hearing Committee, the parties shall be the Regulatory Committee, and the person or body the subject of the complaint (in a Disciplinary and Complaints matter) or the person or body who has appealed to the Hearing Committee.
  - 2.3. In an arbitration which seeks to contest a decision of the Executive Council, the parties shall be the person or body who seeks to contest the decision of the Executive Council, as claimant, and the Executive Council as respondent.
  - 2.4. In an arbitration which seeks to contest the validity of the decision of a Branch to dismiss an officer under Rule 15(iv), the parties shall be the officer who stands dismissed, and the Branch.
  - 2.5. The Claim shall be accompanied by a deposit in the amount of €500 towards the expenses of Arbitration Office, which amount shall be reviewed

by the Arbitration Officer on an annual basis and any amendments notified to the Executive Council in its accounts.

- 2.6. A Claim shall be deemed to be commenced when a duly completed Claim has been served on:
- (a) The Arbitration Officer, and
  - (b) The Respondent, and
  - (c) The Executive Council (if it is not the Respondent)

The date and time on which service has been effected on all parties aforesaid shall be the date on which the arbitration is commenced ("the Commencement Date").

- 2.7. A Claim shall be commenced promptly and at any rate within 28 days of the making of the decision which it is sought to challenge. Where a claim is not commenced within the said 28 day period, the Arbitration Officer shall be entitled in the interests of fairness to extend the time for commencing of an arbitration.
- 2.8. Not later than 7 days after the Commencement Date, the Claimant shall confirm the Arbitration Officer in writing that service on the Respondent and the Executive Council has been effected, specifying the date, time and mode of service.

### 3. Response to the Claim

- 3.1. Within 28 days of the Commencement Date, the Respondent shall send to the Claimant, the Arbitration Officer and the Executive Council a response ("the Reply") containing the following details:
- (a) A response by way of admission or denial of each statement in the Claim;
  - (b) Details of any preliminary issue or objection (e.g. as to service, commencement within time, exhaustion of internal avenues of complaint etc);

- 3.2. Not later than 7 days after service of the Reply, the Respondent shall confirm the Arbitration Officer in writing that service on the Claimant and the Executive Council has been effected, specifying the date, time and mode of service.
- 3.3. The Executive Council shall participate as a Respondent where it is named as a Respondent and, where it is not a Respondent, may elect to participate where the proceedings involve a matter of wider application to the principles and/or operations of the Party, and shall in such case be entitled to adduce evidence and/or make submissions in support of or contrary to any positions of any of the parties.
4. The Tribunal
  - 4.1. Any dispute submitted to the Arbitration Office shall be decided by a tribunal ("the Tribunal") of three persons selected by the Arbitration Officer from the Arbitration Office panel of arbitrators, at least one of whom shall be a solicitor or barrister entitled to practice as such in the State.
  - 4.2. The Arbitration Officer shall provisionally select the Tribunal from the Arbitration Office panel of arbitrators and shall notify the parties of the names of the Tribunal members as soon as practicable after they have been selected. The Tribunal shall be so constituted, unless within three days of notification, the Arbitration Officer receives an objection from one or more parties to any person provisionally selected, and is satisfied that such person has a genuine conflict of interest.
  - 4.3. If all parties to the arbitration agree that the Tribunal shall consist of only one person nominated by them from the Arbitration Office Panel of arbitrators, they may notify the Arbitration Officer accordingly, and the Arbitration Officer, provided that they are satisfied that the nominated person is independent of the parties to the dispute and willing to accept the nomination, shall appoint that one person, and that one person shall constitute a validly constituted Tribunal.



- 4.4. The Tribunal members shall select one of their number to act as Chairperson, and in default of agreement, the Arbitration Officer shall select the Chairperson.
- 4.5. The Tribunal may decide on its own jurisdiction, including any objections with respect to the existence or validity of the particular referral to arbitration. For that purpose, this Procedure shall be treated as an agreement independent of the other terms of the Constitution and Rules.
- 4.6. If in the opinion of other members of the Tribunal, one member of the Tribunal has become unable or unfit to act or has refused or failed to comply with this Procedure or any applicable law relating to the conduct of the arbitration, the other members may remove him/her, and the remaining members may, if the hearing has not yet commenced require the appointment of a replacement by the Arbitration Officer, or, if the hearing has commenced and cannot be re-commenced without undue expense, inconvenience or unfairness, shall proceed as a Tribunal of two, the Chairman having a casting vote.
5. Conduct of the arbitration
  - 5.1. The Tribunal shall conduct the arbitration in such manner as it considers fit and may follow any varied arbitral procedure agreed by the parties if it is in the Tribunal's opinion reasonably practicable so to do. If appropriate the Tribunal shall consider the arbitration by way of a written procedure.
  - 5.2. Where is necessary to conduct an oral hearing, the Tribunal shall fix the date, time and place of any such hearing in the arbitration and shall give the parties as much notice of same as is reasonably practicable.
  - 5.3. All such hearings shall be held in private, subject to such exceptions as may be agreed by the parties or directed by the Tribunal to expedite or otherwise facilitate the due conduct of the hearing.
6. Decision on arbitration

6.1. In the event that the parties in dispute agree a resolution of the dispute at any stage prior to the delivery of its decision, the Tribunal, if satisfied that such proposed resolution is lawful under the Constitution and Rules of the Party and does not occasion any breach of contract or other wrong whereby any third party is prejudiced, may ratify the resolution agreed, in which case the resolution shall have the same force as if it were a decision of the Tribunal, but no findings of fact shall be deemed to have been made.

6.2. For the avoidance of doubt, in making its award the Tribunal shall be entitled:

- (a) to declare invalid or set aside any act or decision of any member, unit or organ of the Party which is the subject of the arbitration,
- (b) to direct any member, unit or organ of the Party to take, or to abstain from taking, any steps,
- (c) To set aside any sanction or direction made by the Hearing Committee or Executive Council, and if appropriate remit a complaint or matter to the Hearing Committee, the Executive Council., or Branch (in the case of a Rule 15(iv) dismissal)

6.3. The Chairperson of the Tribunal shall arrange for its decision to be delivered to the Arbitration Officer, and the Secretary shall notify the parties and the Executive Council accordingly.

6.4. Save in exceptional circumstances, to be set out in writing by the Tribunal:

- (a) The party deemed by the Tribunal to have been successful in the arbitration shall, on application, be entitled to their reasonable costs as against the party deemed to be unsuccessful,
- (b) No costs shall be awarded in favour of or against the Executive Council where it participates other than as Respondent.

- 6.5. If requested by either party, the Tribunal may measure costs.
- 7. Interim remedies
  - 7.1. A Claimant may apply to the Tribunal for interim temporary remedies where necessary in order to preserve the status quo ante pending the hearing of the arbitration.

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