

FEDERAL APPEALS PANEL

BETWEEN:

Mr Gareth Epps

Applicant

-and-

Federal Conference Committee

Respondents

PERMISSION DECISION

David Graham

Case Manager
16 November 2025

Decision

1. Permission to proceed with this application is refused on grounds of untimeliness.
2. Any representations objecting to publication of this ruling should be made within 7 days of its transmission to the parties.

Reasons

1. In this application dated 19 October 2025, the Applicant challenges the decisions of the Respondents ('FCC') in not selecting his motion to be included in a ballot of members for the Emergency Debate at the Party's Autumn Conference, and the comments about the motion made by its chairman in a subsequent debate on the Applicant's procedural motion to suspend Standing Orders at Conference. He says that he would like the FAP to rule on whether Conference was intentionally misled and

would like the Chair of FCC to apologise to Conference for misleading the floor during that debate.

2. I have not been provided with a copy of the draft emergency motion. The Applicant says it related to arrests of people holding placards expressing support for the proscribed group 'Palestine Action'. On 13 September he says he was told, 'It is similar in effect to a subject chosen for a topical issue discussion', namely the UK's response to the Israel-Palestinian conflict and how to end it (item F23 on the Agenda, scheduled for Sunday 21 September). The written feedback, he said, included the following, "the focus of it was very much Palestine Action...there is definitely mileage in and a need for conference to discuss restrictions on the rights to protest...". The Applicant appealed the decision on the basis that the topical discussion was focused on foreign policy whereas his motion was about domestic politics and proscription of 'non-violent direct action'. The Applicant's appeal was rejected by FCC on 19 September.
3. On 20 September, the Applicant introduced a procedural motion to suspend standing orders (in order to persuade Conference to add his motion onto the ballot) and was given 2 minutes to speak in support. The Chair of FCC in response said there was already an opportunity to debate the proscription on the agenda, that the Home Affairs spokesperson would address Conference under item F23 (which did not happen), and that the Chair then contradicted the FCC's previous written reasons when he said, "'the rest of the motion dealt with protest rights more broadly.... This is a worthy issue that I have a lot of sympathy with, but it did not count as an emergency issue". The Applicant says this misled members because nobody was actually called to speak about proscription of the group when F23 came up, the Home Affairs spokeswoman did not address the F23 debate, and the reasoning was different to the written reasons given.

Constitution and Standing Orders

4. The Federal Party Constitution ('FPC') provides as follows:
 - '6.4 Subject to the provisions of this Constitution, the Conference shall be the sovereign representative body of the Party, and shall have power to determine the policy of the Party in accordance with and subject to the provisions of Article 7.
 - [...]
 - 6.6 Business motions may be submitted to the Federal Conference by the Federal Board, the Federal Conference Committee or any other persons or bodies entitled to submit motions or amendments under Article 7.6.
 - [...]
 - 7.6 Policy motions and amendments (including emergency motions and amendments) may be submitted for debate by Federal Conference (in

accordance with its Standing Orders) by the Federal Policy Committee, party members, State Parties in accordance with their internal procedures, Regional Parties in England, Local Parties and Affiliated Organisations. Amendments to motions accompanying policy papers may be submitted in the same way.

[...]

11.1 There shall be a Federal Conference Committee ("FCC") which shall be responsible for organising the Conference. It shall be subject to the control of the Federal Board in matters of financial and other resources. Standing Orders for the Conference shall be made by the Conference Committee subject to the approval of the Conference.'

5. The Federal Conference Standing Orders ('FCSO') include a Glossary. This defines 'emergency motion' as follows: 'A proposal which derives from a significant recent development which occurred after the deadline for the submission of motions'.
6. The FCSO provided (s.o. 1.5(a) and (b)) that FCC must specify a date for receipt of policy motions which was to be at least 8 weeks before the start of Conference, and a date for emergency motions which was to be at least 2 days before the start of Conference. For reference, the deadline for ordinary motions was 25 June, and whilst the decision to proscribe Palestine Action was announced in Parliament on 23 June, the proscription order was laid before Parliament on 30 June.
7. The following other provisions of the FCSO appear most relevant:
 - 3.1 The shortlisting of motions
The Committee shall draw up the Agenda and shall decide which of the motions duly submitted shall be included in it. The Committee may allocate time for one or more policy or business motions to be selected by ballot....
[...]
 - 4.4 Emergency motions
The Committee may reject an emergency motion if:
 - a) It is similar in effect to another motion that has been selected for debate or ballot.
 - b) It is similar in effect to a subject chosen for a topical issue discussion.
 - c) It is unclear as to its meaning or intent or is, in the opinion of the Committee, too poorly drafted to provide a sensible basis for debate.
 - d) It falls outside the definition of emergency motions.No amendment shall be taken to any motion selected under this Standing Order.
[...]
 - 4.5 Ballots for emergency motions

All emergency motions, except those rejected under Standing Order 4.4, must be placed either on the agenda for debate or in a ballot for selection by Conference. The Committee may hold separate ballots to select which of a range of emergency policy motions and which of a range of emergency business motions to debate....

[...]

6.1 Appeals against rejection of motions

The Committee shall provide written reasoning to the nominee of the proposers for the rejection of any motion or amendment. The proposers may appeal, in writing, to the next meeting of the Committee. Any such appeal shall provide reasons why, in the opinion of the proposers, the expressed reasons for rejection are not valid. If the appeal is allowed, the motion or amendment shall be treated as an emergency motion or amendment according to the stage of the agenda-setting process at which the appeal has been allowed.'

The FCSO contain no right of appeal to the FAP.

8. The jurisdiction of the FAP is conferred by article 22.3 of the FPC. The arguably relevant ground is '(b) any claim that the rights under this Constitution of a member...have been infringed'.
9. I note that article 23.3 of the FPC provides for the Federal Board to make Complaints Procedures. Article 23.1 states: 'If a complaint is brought against a member of the Party, it shall be dealt with by the State Party which covers the Local Party they are a member of...', and article 23.2 states that 'each State Party may...decide to delegate the administration of all its complaints to the Federal Party'. The State Parties have delegated their complaints to the Federal Party.

FAP published procedures

10. Once an application has been lodged, the Case Manager shall determine whether it is in jurisdiction and should be granted permission to proceed (r.4.1). Permission will not be granted where an application is untimely, vexatious, frivolous or insubstantial, academic, or is made when alternative remedies have not been exhausted (r.4.3).

Is this a case that should be granted permission to proceed?

11. The first issue that I must consider is jurisdiction.
12. Members do not have any express or necessarily implied right under the text of the Constitution and Standing Orders to prevent other members being misled during proceedings in Conference. Neither the FPC nor the Standing Orders made by FCC and approved by Conference make any particular provision about misleading Conference or sanctions for doing so. Article 6.4 of the FPC provides that Conference is 'sovereign',

subject to the provisions of the Constitution. It seems to me that any penalties for misleading Conference during a debate should therefore be a political matter for Conference to determine, and/or for FCC members to be held accountable for in subsequent elections or appointments under article 11. Insofar as there are complaints about the conduct of the then-Chair of FCC that amount to misconduct in the sense of deliberate deceit bringing the Party into disrepute, and article 6.4 on the sovereignty of Conference does not oust article 23, the Federal Complaints Process is an alternative remedy. Those allegations relating to the debate on 20 September 2025 on any view seem to me to be clearly outside the remit of the FAP, and so I refuse permission for them to proceed to a hearing.

13. FCC is not itself a committee of the sovereign Conference but a partly-elected standing body constituted by and under article 11 of the FPC. Article 7.6 of the FPC confers a right upon members to submit emergency motions in accordance with standing orders. These provide limited and exclusive grounds for rejecting emergency motions. It accordingly seems that the FAP does have jurisdiction to review the reasonableness of the exercise of judgment by FCC as to whether an emergency motion falls within limbs (a) to (d) of standing order 4.4 and in particular in this case whether it was 'similar in effect' to the topical discussion subject.
14. There is an express right of appeal, albeit one which is not in terms expressed to be final. Only at that point after alternative remedies had been exhausted would it make sense for the FAP to review the decision-making on appeal, because there would have been an opportunity for correction of erroneous decisions.
15. Any such review would not be an appeal whereby the Panel would substitute its own view, because it is FCC which has been entrusted with applying the criteria in standing order 4.4. However, the FAP should in principle be able to review the reasonableness of the way these criteria had been applied, if the FCC's reasons for dismissing any appeal are explained to it.
16. It does not seem to me that any power of review by FAP could generally be practically and sensibly exercised in the time available (about 2 or 3 days) between the date of the appeal decision and the members' ballot, because a Case Panel would have to be convened with scant notice, and usually on the Conference weekend itself; the FCC would be very busy with organising the Conference; and the Panel would have to give all concerned a chance to make representations. It may be that some members of the FAP could be asked to be contactable during Conference for emergency applications to them during a fixed timeslot immediately following the FCC sitting that considered the

appeal. At any rate, at a month's remove this application is clearly untimely because there can be no practical remedy now that Autumn Conference has concluded.

17. I appreciate that the Applicant feels aggrieved and would like the moral vindication of being determined to have been entitled to have members vote whether to select his emergency motion for debate. Nevertheless, in view of the time that has passed, it does not seem to be a sensible use of volunteer time to investigate the reasoning of the FCC when it considered the appeal to rule whether the decision was unreasonable, when there is no practical remedy possible now. Accordingly, I refuse permission to proceed to a Case Panel hearing under rule 4.3 as the application is 'untimely'.