

FEDERAL APPEALS PANEL

REQUEST FOR A RULING BETWEEN:

DAVID CAMPANALE

Applicant

-and-

**(1) SUTTON LIBERAL DEMOCRATS
(2) LONDON LIBERAL DEMOCRATS
(3) ENGLISH CANDIDATES COMMITTEE
(4) FEDERAL BOARD**

Respondents

FINAL RULING

David Graham
Case Manager
28 October 2022

Ruling

1. Permission to proceed with this application to the FAP is refused for lack of jurisdiction under rules 4.1, 4.2 and 4.5(a)(i) of the Published Procedures.
2. In view of the potential sensitivity of this ongoing matter, I propose that this ruling be published on the Party website by way of an anonymised summary which does not identify the candidates, persons or constituency concerned, but explains why the FAP does not have jurisdiction to intervene. Any submissions about publication should be made to the FAP by 4pm on Friday 4 November 2022.

Reasons

3. The Applicant complains about deselection by his local party which he says will be confirmed at its forthcoming meeting on 1 November 2022. He requests a stay to stop that meeting going ahead. He alleges that has been unlawfully discriminated against on grounds of his beliefs, and/or that the local party has breached its 'Candidate Compact' with him, which he alleges forms a legally binding contract with him.
4. I have received submissions from the English Candidates Committee chair, Rev. Dr Joachim, as well as from current and former officers of the Sutton Lib Dems. The London Region has adopted the ECC observations. I have also received a

representation by the Federal Board. All these representations are to the effect that this is a local matter which is not within Federal Party jurisdiction.

5. The Federal Appeals Panel is not a tribunal set up generally to arbitrate allegations that the law of the land (e.g. the law of contract or the Equality Act 2010) has been broken by Liberal Democrats.
6. We are what is known in law as a 'domestic tribunal', whose remit is set out in the Federal Party Constitution ('FPC') at article 22.3. This is limited to disputes about the interpretation of the FPC, claims that 'rights under this Constitution' have been infringed, disputes between Federal and State Parties, disputes where we have jurisdiction provided by the FPC or rules made under it, and matters referred to us by a State Appeals Panel.
7. The Applicant appeals to general liberal principles as set out in the preamble to the FPC (e.g. freedom of conscience and non-discrimination), but the preamble does not confer jurisdiction on the FAP to intervene whenever these are alleged to have been infringed.
8. Article 2.2 of the FPC provides that whilst the Constitution and any rules made thereunder bind the State Parties, in all other respects 'a State Party shall be sovereign'.
9. Article 19 of the FPC regulates the State Parties' State Candidates Committees' lists of approved Parliamentary candidates (arts 19.1–19.3). Article 19.4 says (my Italics), '*The rules for the selection of Westminster candidates shall comply with the following requirements...K. a procedure shall be provided for the removal of a candidate who has lost the confidence of the Local Party concerned.*' Although the FPC governs the rules for drawing up lists of approved prospective Parliamentary candidates, it does not govern local constituency parties' selection or de-selection of candidates drawn from these lists as their adopted local candidate.
10. Article 4.1 of the FPC says: 'Save as provided for in Articles 4.1, 4.3, 4.9, 4.10, 4.11 and 4.12, all matters relating to the...operation...of Local Parties shall be determined by the Constitutions of the State Parties or by rules made under them...'
11. It is therefore quite clear that the FAP has no power under the FPC to intervene to stop the local party holding its meeting, or to rule on the merits of the dispute as to how the Applicant has been treated by his local party.
12. It is apparent from Rev. Dr Joachim's submissions that the English State Party has an internal written procedure for deselections, which is subject to 2 stages of appeal within the English State Party, first to her and then to the Appeals Panel for England. If it be alleged that this procedure has not been followed, or that it has been applied in an unfair or unlawfully discriminatory way, then the Applicant may appeal as provided for under the English State Party's own constitution. The Applicant says in his submission that he is aware of the appeal route and has been told that an appeal cannot be entertained until after a final deselection decision is made. Where no

Federal Party provision is engaged, is for English State Party appeal bodies to interpret the English State Party's constitution and rules, and determine the extent of their own jurisdiction under those rules.