



JUDICIARY OF  
ENGLAND AND WALES

12 August 2016

**Christine Evangelou and others v Iain McNicol [2016] EWCA Civ. 817**  
**On appeal from: [2016] EWHC 2058 (QB)**

The appeal was heard by Lord Justice Beatson, Lady Justice Macur and Lord Justice Sales

**Statement in open court by Lord Justice Beatson**

I make this statement to summarise the written judgment which the court is now handing down.

This case concerns an aspect of the Labour Party rules and procedures governing the current leadership election. The matter we have to decide is a pure point of law on the interpretation of the Labour Party's Rule Book. The Rule Book constitutes a contract between Party members.

On 12 July 2016 the National Executive Committee of the Labour Party made decisions about how the election should be conducted. It decided, among other things, that the electorate would include people who were members of the Party as at a freeze date of 12 July, provided that they had been members for six months; that is since 12 January 2016.

Five members of the Party who joined since 12 January brought these proceedings, arguing that the NEC had no power under the Rules to set this condition of eligibility and that all members of the Party as at 12 July should be entitled to vote. The defendant was Mr Iain McNicol, the General Secretary of the Labour Party who was sued as a representative of all members of the Party except the claimants. At first instance, Mr Justice Hickinbottom held that the claimants' argument was correct.

This is the appeal from Mr Justice Hickinbottom's decision. We have heard full arguments on the interpretation of the Party Rules from both sides.

We allow the appeal. On the correct interpretation of the Party Rules, the National Executive Committee has the power to set the criteria for members to be eligible to vote in the leadership election in the way that it did. We find that there is express provision in the Rules which enables them to do this, in particular where the Rules state: "The precise eligibility criteria [- that is to say, to vote in the election -] shall be defined by the National Executive Committee ...". With respect to the judge, we unanimously consider that he erred in law in reaching the contrary conclusion and therefore allow Mr McNicol's appeal.

NOTE: This summary is provided to help in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: [www.bailii.org](http://www.bailii.org).