

As per our evidence provided to the Committee at its public hearing on 13 October, please find attached a copy of those provisions in the NDS Constitution relating to the expulsion or suspension of an NDS member from NDS, the grounds and process for doing so.

Regards

David

David Moody

CEO

Suspension and Expulsion of a NDS Member

S2.9 of the [NDS Constitution](#) provides grounds for the suspension or expulsion of a NDS Member:

2.9 Suspension and Expulsion

- (a) Subject to Article 2.9(b), the Company may suspend or expel a Member by a resolution of the Directors if:
 - (i) an Expulsion Event occurs in respect of the Member; and
 - (ii) the Company gives that Member at least 28 Business Days notice in writing:
 - A. stating the Expulsion Event and that the Member is liable to be suspended or expelled; and
 - B. informing the Member of its right under Article 2.9(b).
- (b) Before the passing of any resolution under Article 2.9(a), a Member is entitled to give the Directors, either orally or in writing, any explanation or defence for the Expulsion Event the Member may think fit.
- (c) If a resolution is passed under Article 2.9(a) the Company must give that Member notice in writing of the suspension or expulsion within 7 Business Days of the resolution.
- (d) A Member may by notice in writing to the Company within 14 Business Days of receipt of the notice referred to in Article 2.9(c), request that a resolution under Article 2.9(a) be reviewed by the Company at the next general meeting.
- (e) If a request under Article 2.9(d) is made, the Company must propose at the next general meeting of the Company that a resolution be moved to confirm the suspension or expulsion of the

Member concerned.

- (f) Until the general meeting referred to in Article 2.9(e) occurs, the Member is suspended.
- (g) At the general meeting referred to in Article 2.9(e):
 - (i) the Member has a personal right of audience but shall not be entitled to vote; and
 - (ii) the resolution specified in Article 2.9(e) must be passed by at least 50% of the votes cast by Members entitled to vote on the resolution.
- (h) A resolution under Article 2.9(a) takes effect:
 - (i) if the Member gives a notice under Article 2.9(d), on the date (if any) the resolution is confirmed by a general meeting of the Company; or
 - (ii) if the Member does not give a notice under Article 2.9(d), on the date of the resolution.
- (i) The Company may reinstate a Member on any terms and at any time as the Directors resolve, including a requirement that all amounts due but unpaid by the Member are paid.

Definitions:

- **"Member"** means a person whose name is entered in the Register as either an Organisational Member or a Life Member.
- **"Expulsion Event"** means, where in the opinion of the Directors a Member has intentionally, recklessly or negligently breached a provision of this Constitution, the Company's by-laws or the Company's Code of Conduct.