

Proposed amendments to the Constitution of the International Commission on Zoological Nomenclature

Explanatory notes

The Commission is governed by a Constitution (see Article 76d of the *International Code of Zoological Nomenclature*) which can only be amended by the same procedure as the *Code* itself (see Article 82a). The present Constitution is published as Appendix F of the third (1985) edition of the *Code* (pp. 236-249). Article 16 of the Constitution provides that amendments to the *Code* (and hence to the Constitution also) can only be voted upon by the Commission if they have been published for at least one year and if comments made within that period have been considered by the Commission. The Commission is distributing a discussion draft of a proposed fourth edition of the *Code*. It is desirable that the new edition of the *Code* should contain a Constitution which includes features whose potential merits were not evident in the circumstances existing when the present text was formulated, in its essentials more than 20 years ago. Proposed amendments to the Constitution are put forward now so that the *Code* and Constitution can be considered together and be published in the same volume.

Since the Constitution is administrative rather than nomenclatural in character it is in the first instance a matter for the Council of the Commission rather than for the *Code* Editorial Committee. The proposed amendments were considered by the Council in June 1994. They include two substantial changes (in Articles 3 and 11) from the present Constitution, with which the present notes and proposals should be read.

The proposed Article 3b(i) provides that a Commissioner should not be eligible for re-election after serving for 18 continuous years, after which re-election would be possible only following an interval of three years (Article 3b(ii)). The object of this is to promote turnover of membership, and to counter a widely held belief that membership of the Commission is effectively life-long. Provision is made to avoid a Presidency being cut short, and in Article 3b(iii) to allow a particularly appropriate person to be elected or re-elected to serve as President. If these measures were to take full effect in 1997, the intended effective date of the new *Code*, a large number of vacancies would immediately result. The transitional provision in Article 3b(iv) means that no sudden disruption and loss of experience will be caused by introduction of the 18-year rule; however, a number of present Commissioners will reach the age limit (of 75 years) by 2002 and a considerable change of membership will result from this, in addition to the normal turnover.

The proposed changes in Article 4 are improvements in the procedure for election of Commissioners but involve no changes of principle. The changes in Articles 9 and 10 are likewise minor.

Article 11a removes the present obligation on the Commission to have a meeting at every IUBS General Assembly, but not its ability to do so. The present requirement was natural in the circumstances of the 1970's, when IUBS first succeeded the former International Congresses of Zoology as the Commission's supervisory body, but IUBS Assemblies can be very close in time to other Congresses (such as those of Evolutionary and Systematic Biology (ICSEB)) which are more widely attended by zoologists. A Commission meeting every third year (the interval

between IUBS Assemblies) may be unnecessary when a new *Code* is not being prepared. The proposed Article 11a(i) prescribes that a meeting must be held at least once in six years, but shorter intervals will probably be appropriate and apply in practice. The formal relationship between IUBS and the Commission is unaffected by the proposed Constitution amendments.

The suggested changes in Articles 12 and 14 are minor. The tenor of Article 15 is changed to reflect the proposed change in Article 11a(i), i.e. that meetings of the Commission will not necessarily be held at every IUBS General Assembly. The proposals in Articles 16 and 18 do not involve changes of principle.

Comments on the proposed amendments to the Constitution of the Commission are invited, and should be sent by March 1996 to the Executive Secretary (*c/o The Natural History Museum, Cromwell Road, London, SW7 5BD, U.K.*).

Proposed amendments (cf. pp. 236-249 of the Code)

Article 1. Status and Functions of the Commission. — [No changes proposed].

Article 2. Membership of the Commission. — [No changes proposed].

Article 3. Term of service of Members of the Commission. —

(a) **Normal term.** — The normal term of service of a member of the Commission shall be reckoned as follows:

(i) Members shall be grouped into classes according to the date of their election or most recent re-election. A class consists of the members elected at a particular session of the Section of Zoological Nomenclature of the International Union of Biological Sciences (IUBS) together with those elected at by-elections following that session but preceding the next;

(ii) within a class all members shall have equal seniority and, subject to Section (b), the term of their service ends at the close of the general session of the Commission (Article 11a of this Constitution) at which their class is the most senior.

(b) **Re-election.** — A member whose normal term of service terminates may be re-elected but:

(i) upon completing a continuous period of service of eighteen years (or, if the member is President of the Commission, twenty-four years) a person shall cease to be a member at the next close of a general session of the Commission;

(ii) on completion of the maximum period specified in Subsection (i) three years must elapse before a former member of the Commission is eligible for re-election;

(iii) Subsection (ii) shall not apply when a retiring or former member is pre-elected by the Commission to continue as or to become its President if re-elected as a member;

(iv) as a transitional arrangement, no service prior to 1 January 1985 shall be taken into account for the purposes of Subsection (i).

(c) **Prior termination of membership.** — The membership of any member of the Commission shall terminate:

(i) on the date of his or her 75th birthday;

(ii) on acceptance by the Council of notice of resignation tendered in writing to the Secretary;

(iii) if, not being on leave of absence, he or she fails on five consecutive occasions to record a vote on questions put to the Commission for decision, provided that within a period of three months following such failure no written explanation has been made which the Council finds adequate.

Article 4. Election of Members of the Commission. —

(a) **Notice.** — The Commission shall publish, not less than one year before a general session of the Commission (Article 11a), a notice which:

(i) gives the names, nationalities and fields of specialisation of the members whose terms of service will end at the close of that session;

(ii) quotes Article 2b of this Constitution and invites nominations for membership of the Commission;

(iii) gives a date, not less than three months before the forthcoming general session, by which nominations must be received.

(b) **Circulation.** — The notice specified in Section (a) shall be submitted to IUBS, to the organizers of the Congress where the general session is to be held, and to appropriate journals in different parts of the world, with a request for its dissemination.

(c) **Nominations.** — Nominations, accompanied by a statement of the fields of specialisation and qualifications under Article 2b of each nominee, are to be sent to the Secretary of the Commission. Unless the nomination contains the information, the Secretary shall request each nominee to give consent to the nomination and to provide a *curriculum vitae*, a list of publications, and a statement of his or her nomenclatural experience.

(d) **List of Candidates.** — The Commission shall at a general session:

(i) determine the number of places, which shall be not less than half the number of members retiring at the close of the session, to be filled by a ballot of the Section of Zoological Nomenclature of IUBS;

(ii) consider the nominations which have been made in accordance with Section (c) and prepare from them a list of twice as many candidates as the number of places to be filled by ballot in accordance with Subsection (i).

(e) **Election.** — The Commission shall present the list of candidates to the Section of Zoological Nomenclature of IUBS for an election by secret ballot.

(f) **By-elections.** — The Commission may by a postal ballot fill vacancies arising from prior terminations of membership (Article 3c) or which have not been filled by election at a session of the Section of Zoological Nomenclature of IUBS (Article 4d(i)).

[No changes are proposed in the following Articles]:

Article 5. Duties of Members of the Commission.

Article 6. Officers.

Article 7. Council.

Article 8. Election of Officers and members of Council.

Article 9. Secretariat. —

The Council may appoint an Executive Secretary for such a term and with such duties as may be fixed in the Bylaws; a member of the Commission may be appointed similarly as Secretary-General. The Executive Secretary may be an employee of an appropriate body, such as the International Trust for Zoological Nomenclature.

Article 10. Committees. —

(a) **Appointment and Functions.** — [No change proposed].

(b) **Submission of reports.** — Each *ad hoc* committee shall report to the Council at the time stated in the terms of its appointment or when called upon by the Council to do so. *Ad hoc* committees dissolve on submitting their final report or if they are previously terminated by the Council.

Article 11. Sessions. —

(a) **General Sessions.** —

(i) The President shall convene general sessions of the Commission at intervals not exceeding six years, to be held in conjunction with General Assemblies of IUBS, International Congresses of Systematic and Evolutionary Biology (ICSEB), or other international Congresses which are widely attended by zoologists.

(ii) A general session shall include a meeting for the preparation of a list of candidates for election to the Commission and the presentation of that list to a session of the Section of Zoological Nomenclature of IUBS for election by secret ballot (Article 4).

(iii) A general session may begin before and continue after the Congress with which it is associated, providing that all members of the Commission are notified in advance and that elections to the Commission are held only during the period of the Congress.

(b) **Special Sessions.** — [No change proposed].

Article 12. Voting. —

(a) **In ordinary cases.** — [No change proposed].

(b) **In cases involving the use of the plenary power or amendments to the Code or Constitution.** — In such cases (see Article 79 of the Code for the use of the plenary power and Article 16 of this Constitution for amendments to the Code or Constitution) an affirmative decision shall be deemed to have been taken only when two thirds of the votes validly cast in a postal vote lasting three months are in favour of the proposal, and provided that notice of the proposal had been published in the *Bulletin of Zoological Nomenclature* and submitted for publication to at least three appropriate journals at least six months (in the case of amendments to the Code or Constitution, twelve months) prior to the vote.

(c) and (d) **Conditional and negative votes.** — [To be deleted and incorporated into Bylaws].

Article 13. Financial arrangements. — [No change proposed].

Article 14. Editorial duties of the Commission. — [Delete 'Directions' from Section (a)].

Article 15. Emergency powers. — As a result of an emergency, the Council, or failing this, the President, may assume and exercise such extraordinary powers as it (or the President if relevant) may consider necessary to secure the continued function of the Commission, provided that:

- (i) the powers shall cease as soon as the state of emergency permits;
- (ii) they shall not include powers to vary the Code, or to issue Declarations or Opinions which have not been approved by the Commission;
- (iii) they, the reasons for their assumption, and their duration, shall be reported to the Commission and to IUBS as soon as circumstances permit.

Article 16. Amendments to the Code and Constitution. — The Commission shall

(i) publish the proposed amendment (unless a minor amendment to the Code as therein defined in Article 77b) in accordance with Article 12b of this Constitution;

(ii) receive and consider comments from zoologists that are received within one year of the publication of the proposal;

(iii) vote on the proposal (which may be modified in the light of the received comments) in accordance with Article 12b;

(iv) publish its decision and if two thirds or more of the votes are in the affirmative, declare that the proposal has become incorporated into the Code or Constitution subject to ratification by IUBS.

(1) Provisional ratification of the proposed amendment may be sought from IUBS in advance of the Commission's vote, such ratification to become effective on the amendment's approval by the Commission under Article 12.

Article 17. Bylaws. — [No changes proposed].

Article 18. Inauguration. — This Constitution and all amendments to it shall take effect when it and they have been approved by the Commission and ratified by IUBS in accordance with Article 16.



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