
CONSTITUTION – EASY GUIDE

The Constitution is a series of documents referred to as Sections, which together form the rules, procedures, protocols and guiding principles within which the Council operates and takes decisions.

The Constitution is approved by the Members of the County Council save for minor amendments which can be approved by the Monitoring Officer.

Set out below is a brief outline of what is included in each Section of the Constitution:

Section 1 Introduction

<ul style="list-style-type: none">• Purpose and Content of the Constitution (Rules 1.1 – 1.6)	<ul style="list-style-type: none">• How the Council Operates (Rules 1.7 – 1.9)
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Section 2 Purpose, Definition, Interpretation and Amendment of the Constitution

<ul style="list-style-type: none">• Purpose of the Constitution (Rule 2.1)	<ul style="list-style-type: none">• Definitions in the Constitution (Rule 2.2)	<ul style="list-style-type: none">• Interpretation of the Constitution (Rule 2.3)
<ul style="list-style-type: none">• Duty to Monitor and Review the Constitution (Rule 2.4)	<ul style="list-style-type: none">• Protocol for Monitoring and Review of the Constitution by the Monitoring Officer (Rule 2.5)	<ul style="list-style-type: none">• Changes to the Constitution (Rules 2.6 – 2.8)
<ul style="list-style-type: none">• Suspension of the Constitution (Rules 2.9 – 2.10)	<ul style="list-style-type: none">• Publication (Rule 2.11)	

Section 3 Getting Information and Getting Involved

<ul style="list-style-type: none">• Information Available to Members of the Public (Rules 3.1 – 3.8)	<ul style="list-style-type: none">• Information Available to Councillors (Rule 3.9)	<ul style="list-style-type: none">• Information Given in Confidence (Rule 3.10)
<ul style="list-style-type: none">• Information Not Available to members of the Council (Rules 3.11 – 3.12)	<ul style="list-style-type: none">• Members of Scrutiny Committees (Rules 3.13 – 3.14)	<ul style="list-style-type: none">• Information Available to Officers (Rule 3.15)
<ul style="list-style-type: none">• Information Not Available to Officers (Rule 3.16)	<ul style="list-style-type: none">• Getting Involved (Rules 3.17 – 3.18)	

Section 4 Full Council

<ul style="list-style-type: none">• Introduction (Rule 4.1)	<ul style="list-style-type: none">• The Policy Framework (Rule 4.2)	<ul style="list-style-type: none">• The Single Integrated Plan (The One Powys Plan) (Rule 4.3)
<ul style="list-style-type: none">• The Budget (Rule 4.4)	<ul style="list-style-type: none">• Housing Land Transfer (Rule 4.5)	<ul style="list-style-type: none">• Functions of the Full Council (Rules 4.6 – 4.8)

CONSTITUTION – EASY GUIDE

<ul style="list-style-type: none"> Chairing the Council (Rules 4.9 – 4.12) 	<ul style="list-style-type: none"> Council Meetings (Rule 4.13) 	<ul style="list-style-type: none"> Rules of Procedure and Debate (Rule 4.14)
<ul style="list-style-type: none"> Council Procedure Rules - Annual Meeting of the Council (Rules 4.15 – 4.17) 	<ul style="list-style-type: none"> Ordinary Meetings (Rule 4.18) 	<ul style="list-style-type: none"> Extraordinary Meetings (Rules 4.19 – 4.20)
<ul style="list-style-type: none"> Time, Place and Duration of Meetings (Rules 4.21 – 4.22) 	<ul style="list-style-type: none"> Notice of and Summons to Meetings (Rule 4.23) 	<ul style="list-style-type: none"> Chair of Meeting (Rule 4.24)
<ul style="list-style-type: none"> Conduct of Meeting (Rule 4.25) 	<ul style="list-style-type: none"> Quorum (Rule 4.26) 	<ul style="list-style-type: none"> Remote Attendance (Rule 4.27)
<ul style="list-style-type: none"> Questions by Councillors (Rules 4.28 – 4.36) 	<ul style="list-style-type: none"> Motions on Notice (Rules 4.37 – 4.43) 	<ul style="list-style-type: none"> Rules of Debate (Rules 4.44 – 4.59)
<ul style="list-style-type: none"> Previous Decisions and Motions (Rules 4.60 – 4.61) 	<ul style="list-style-type: none"> Voting (Rules 4.62 – 4.74) 	<ul style="list-style-type: none"> Minutes (Rules 4.75 – 4.77)
<ul style="list-style-type: none"> Record of Attendance (Rules 4.78 – 4.80) 	<ul style="list-style-type: none"> Exclusion of Public (Rule 4.81) 	<ul style="list-style-type: none"> Members' Conduct (Rules 4.82 – 4.88)
<ul style="list-style-type: none"> Disturbance by Public (Rules 4.89 – 4.90) 	<ul style="list-style-type: none"> Filming, Audio Recording and Use of Social Media During Meetings (Rule 4.91) 	<ul style="list-style-type: none"> Suspension and Amendment of Council Procedure Rules (Rules 4.92 – 4.93)
<ul style="list-style-type: none"> Officer Advice (Rules 4.94 – 4.95) 	<ul style="list-style-type: none"> Attendance of Cabinet Members at Council Meetings (Rule 4.96) 	<ul style="list-style-type: none"> Petitions (Rules 4.97 – 4.98)
<ul style="list-style-type: none"> All Council Seminars / Member Development Sessions (Rule 4.99) 		

Section 5 The Cabinet

<ul style="list-style-type: none"> Introduction (Rule 5.1) 	<ul style="list-style-type: none"> Form and Composition of the Cabinet (Rules 5.2 – 5.8) 	<ul style="list-style-type: none"> Delegation of Functions (Rule 5.9)
<ul style="list-style-type: none"> Responsibility for Functions When There is No Cabinet (Rule 5.10) 	<ul style="list-style-type: none"> Rules of Procedure and Debate (Rule 5.11) 	<ul style="list-style-type: none"> Cabinet Procedure Rules (Rules 5.12 – 5.29)

Section 6 The Leader

<ul style="list-style-type: none"> Election (Rules 6.1 – 6.2) 	<ul style="list-style-type: none"> Term of Office (Rule 6.3) 	<ul style="list-style-type: none"> Resignation, Dismissal, Disqualification and Suspension (Rules 6.4 – 6.7)
<ul style="list-style-type: none"> Functions and 	<ul style="list-style-type: none"> Deputy Leader(s) 	

CONSTITUTION – EASY GUIDE

Delegated Authority (Rules 6.8 – 6.13)	(Rules 6.14 – 6.16)	
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Section 7 Scrutiny Committees

• Introduction (Rules 7.1 to 7.2)	• Scrutiny Committees (Rules 7.3 to 7.5)	• Functions (Rules 7.6 to 7.10)
• Who May Sit on Scrutiny Committees? (Rules 7.12 to 7.13)	• Chair of Scrutiny Committees (Rules 7.14 to 7.15)	• Work Programmes and Meetings (Rules 7.16 to 7.17)
• Rules of procedure and Debate (Scrutiny Procedure Rules) (Rules 7.19 to 7.36)	• Call-In Procedure Rules (Rules 7.37 to 7.38)	• Joint Chairs and Vice- Chairs Steering Group (Rules 7.39 to 7.40)
• Councillor Call for Action (Rules 7.41 to 7.46)		

Section 8 The Standards Committee

• Membership of the Standards Committee (Rule 8.1)	• Membership of the Standards Community Sub-Committee (Rule 8.2)	• Term of Office (Rule 8.3)
• Quorum of Standards Committee (Rule 8.4)	• Quorum of Standards the Community Sub- Committee (Rule 8.5)	• Voting (Rule 8.6)
• Chairing the Committee and the Standards Community Sub-Committee (Rule 8.7)	• Role and Function (Rules 8.8 – 8.9)	• Rules of Procedure and Debate (Rule 8.10)

Section 9 Regulatory Committees

• The Democratic Services Committee (Rule 9.2)	• Regulatory Committees and Sub- Committees (Rule 9.3)	• Rules of Procedure and Debate (Rule 9.4)
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Section 10 Joint Committees

• Joint Arrangements (Rule 10.3)	• Access to Information (Rule 10.4)	• Delegation to and from Other Local Authorities (Rule 10.5)
• Contracting Out (Rule 10.6)		

Section 11 Officers

• Chief Officers (Rule 11.2)	• Statutory Officers (Rule 11.3)	• Functions of the Head of Paid Service (Rules 11.5 to 11.6)
• Functions of the	• Functions of the Chief	• Functions of the

CONSTITUTION – EASY GUIDE

Monitoring Officer (Rules 11.7 to 11.17)	Finance Officer (Rules 11.18 to 11.25)	Director of Social Services (Rule 11.26)
• Lead Director for Children and Young People's Services (Rule 11.27)	• Functions of the Chief education Officer (Rule 11.28)	• Functions of the head of Democratic Services (Rule 11.29 to 11.32)
• Deputy Chief Officers (Rules 11.34)	• Appointment of proper Officers (Rules 11.36 to 11.39)	• Conduct, Employment and Indemnity for Officers (Rules 11.40 to 11.42)
• Officer Employment Procedure Rules (Rules 11.43 to 11.70)		

Section 12 Finance, Contracts and Legal Matters

• Financial Management (Rule 12.1)	• Contracts (Rule 12.2)	• Legal Proceedings (Rule 12.3)
• Authentication of Documents (Rule 12.4)	• Common Seal of the Council (Rule 12.5)	

Section 13 Responsibilities for Functions

• Principles of Decision Making (Rules 13.2 to 13.3)	• Schedule 1 – Functions Not to be the responsibility of the Cabinet (Pages 3 to 43)	• Schedule 2 – Council functions may be delegated to the Executive and other Member Bodies. (Pages 44 to 69)
• Schedule 3 – Functions Not to be the Sole Responsibility of the Cabinet (Pages 70 to 78)	• Circumstances in which Functions are not to be the responsibility of the Cabinet (Pages 79 to 81)	• Delegation to Officers (Pages 82 to 89)
• Delegation to Cabinet Portfolio Holders (Pages 90 to 100)		

Section 14 Access to Information Procedure Rules

• Scope (Rules 14.1 to 14.3)	• Rights to Attend Meetings (Rule 14.5)	• Notice of Meetings (Rules 14.6 to 14.7)
• Access to Agenda and Reports Before the Meeting (Rules 14.8 to 14.9)	• Access to Minutes After the Meeting (Rule 14.10)	• Background Papers (Rules 14.11 to 14.12)
• Exclusion of Access by the Public to Meetings (Rules 14.14 to 14.23)	• Exclusion of Access by the Public to Reports (Rule 14.24)	• The Forward Work Programmes (Rules 14.25 to 14.28)

CONSTITUTION – EASY GUIDE

<ul style="list-style-type: none"> Record of Decisions (Rules 14.29 to 14.33) 	<ul style="list-style-type: none"> Decisions by an Individual Member of the Cabinet (Rules 14.34 to 14.36) 	<ul style="list-style-type: none"> Members' Access to Documents (Rules 14.37 to 14.41)
<ul style="list-style-type: none"> Information Given in Confidence (Rules 14.42 to 14.44) 		

Section 15 Budget and Policy Framework Procedure Rules

<ul style="list-style-type: none"> Framework for Executive Decisions on Implementing the Budget (Rule 15.1) 	<ul style="list-style-type: none"> Process for Developing the Budget Frameworks (Rule 15.2) 	<ul style="list-style-type: none"> Process for Developing the Budget (Rule 15.3)
<ul style="list-style-type: none"> Virement (Rule 15.4) 	<ul style="list-style-type: none"> Decisions Outside the Budget or Policy Framework (Rule 15.5) 	<ul style="list-style-type: none"> Urgent Decisions Outside the Budget or Policy Framework (Rule 15.6)
<ul style="list-style-type: none"> In Year Changes to Budget and / or Policy Framework (Rule 15.7) 	<ul style="list-style-type: none"> Call-In of Decisions Outside the Budget or Policy Framework (Rule 15.8) 	

Section 16 Financial Procedure Rules

<ul style="list-style-type: none"> Introduction (Rules 16.1 to 16.8) 	<ul style="list-style-type: none"> Financial Regulations (Rules 16.9 to 16.77) 	<ul style="list-style-type: none"> Financial Procedures (Rules 16.78 to 16.521)
<ul style="list-style-type: none"> Financial Management (Rules 16.78 to 16.141) 	<ul style="list-style-type: none"> Financial Planning (Rules 16.142 to 16.208) 	<ul style="list-style-type: none"> Risk Management and Control of Resources (Rules 16.209 to 16.359)
<ul style="list-style-type: none"> Financial Systems and Procedures (Rules 16.360 to 16.476) 	<ul style="list-style-type: none"> External Arrangements (Rules 16.477 to 16.521) 	

Section 17 Contract Procedure Rules

<ul style="list-style-type: none"> Glossary of Terms (Rule 17.1) 	<ul style="list-style-type: none"> Overriding Principles (Rules 17.2 to 17.9) 	<ul style="list-style-type: none"> Extent of Contract procedure Rules (Rules 17.10 to 17.13)
<ul style="list-style-type: none"> Compliance (Rules 17.14 to 17.18) 	<ul style="list-style-type: none"> Procurement by Consultants (Rules 17.19 to 17.23) 	<ul style="list-style-type: none"> Procurement of Consultants (Rule 17.24)
<ul style="list-style-type: none"> Declaration of Interests (Rules 17.25 to 17.27) 	<ul style="list-style-type: none"> Electronic Procurement (Rule 17.28) 	<ul style="list-style-type: none"> Spend Controls (Rule 17.29)
<ul style="list-style-type: none"> ICT Procurement (Rule 17.30) 	<ul style="list-style-type: none"> Pre-Contract Requirements (Rule 17.31) 	<ul style="list-style-type: none"> Forward Work Plan (Rules 17.32 to 17.33)
<ul style="list-style-type: none"> Sustainable Procurement 	<ul style="list-style-type: none"> Data Processing Agreements 	<ul style="list-style-type: none"> Contract Terms and Conditions

CONSTITUTION – EASY GUIDE

(Rule 17.34)	(Rule 17.35)	(Rules 17.36 to 17.37)
• Revenue Earning Contracts (Rule 17.38)	• Regeneration Opportunities (Rule 17.39)	• Quotation and Tenders (Rules 17.40 to 17.41)
• Thresholds (Rules 17.42 to 17.44)	• All goods and services except works (Rules 17.45 to 17.48)	• Agency / Consortium Contracts (Rule 17.49)
• Form of Contract (Rules 17.50 to 17.54)	• Tenders (Rule 17.55)	• Exemptions from Tendering (Rules 17.56 to 17.63)
• Tendering by Advertisement (Rules 17.64 to 17.66)	• Selective Tendering from an Approved Contractors List (Rule 17.67)	• Creation of Approved Lists (Rule 17.68)
• Inviting Tenders (Rules 17.69 to 17.71)	• Receipt and Opening of Tenders (Rule 17.72)	• Evaluation of Tenders (Rules 17.73 to 17.77)
• Accepting Tenders (Rules 17.78 to 17.79)	• Debriefing (Rules 17.80 to 17.83)	• Contracts Register (Rule 17.84)
• Record and document retention and control (Rule 17.85)	• Contract Management (Rule 17.86)	• Contract Variation (Rules 17.87 to 17.92)
• Contract Extensions (Rules 17.93 to 17.97)	• Financial Limits (Rule 17.98)	• Disposals (Rules 17.99 to 17.103)
• Compliance with Procedure rules (Rules 17.104 to 17.105)	• Review and amendment of contract procedure rules (Rule 17.106)	

Section 18 Code of Conduct for Members

• The Members' Code of Conduct (Rule 18.1)	• Conduct of Members – The Principles (Rule 18.2)	• Protocol – Standard of Conduct Expected by Members (Rule 18.3)
• Procedure for Dealing with Allegations Made against members and referred to the Standards Committee (Rule 18.4)		

Section 19 Planning Protocol

• Interpretation (Rule 19.6)	• Protocol's Aims (Rules 19.7 to 19.14)	• Delegation of the Planning Functions (Rules 19.15 to 19.18)
• Roles of Councillors – General Provisions (Rules 19.19 to 19.61)	• Councillors with Personal and Prejudicial Interests (Rules 19.62 to 19.72)	• Councillors with a Dispensation (Rules 19.73 to 19.75)

CONSTITUTION – EASY GUIDE

<ul style="list-style-type: none"> • Role of Decision Maker (Rules 19.76 to 19.81) 	<ul style="list-style-type: none"> • Local Representative (Rules 19.82 to 19.89) 	<ul style="list-style-type: none"> • Decision Making Process (Rules 19.90 to 19.91)
<ul style="list-style-type: none"> • Decision Making by the Planning Committee (Rules 19.92 to 19.122) 	<ul style="list-style-type: none"> • Development management (Rules 19.123 to 19.133) 	<ul style="list-style-type: none"> • Planning Applications Submitted by Officers (Rules 19.134 to 19.138)
<ul style="list-style-type: none"> • Planning Appeals (Rules 19.139 to 19.145) 	<ul style="list-style-type: none"> • Training (Rules 19.146 to 19.148) 	<ul style="list-style-type: none"> • Regular Review of Decisions (Rules 19.149 to 19.151)
<ul style="list-style-type: none"> • Members' Code of Conduct (Rule 19.152) 		

Section 20 Code of Conduct for Employees

<ul style="list-style-type: none"> • Policy Document (Rules 20.1 to 20.10) 	<ul style="list-style-type: none"> • Nolan's Seven Principles of Public Life (Rule 20.11) 	<ul style="list-style-type: none"> • The Expected Standards (Rule 20.12)
<ul style="list-style-type: none"> • Definition of Declaration of Interest and Conflict of Interest (Rules 20.13 to 20.19) 	<ul style="list-style-type: none"> • Tendering Procedures (Rules 20.20 to 20.23) 	<ul style="list-style-type: none"> • Relations with members, Public and Other Employees (Rules 20.24 to 20.29)
<ul style="list-style-type: none"> • Financial and Property Matters (Rules 20.30 to 20.36) 	<ul style="list-style-type: none"> • Whistleblowing (Rule 20.37) 	<ul style="list-style-type: none"> • Appointment of Staff (Rules 20.38 to 20.42)
<ul style="list-style-type: none"> • Appointment of Any Persons who undertake work for the Council (Rules 20.43 to 20.47) 	<ul style="list-style-type: none"> • Taking Other Employment (Rules 20.48 to 20.52) 	<ul style="list-style-type: none"> • Openness (Rules 20.53 to 20.56)
<ul style="list-style-type: none"> • Acceptable Appearance at Work (Rules 20.57 to 20.62) 	<ul style="list-style-type: none"> • Corruption, Acceptance of Gifts and Hospitality (Rules 20.63 to 20.74) 	<ul style="list-style-type: none"> • Monitoring (Rules 20.75 to 20.79)

Section 21 Protocol on Member / Officer Relations

<ul style="list-style-type: none"> • Introduction (Rules 21.1 to 21.3) 	<ul style="list-style-type: none"> • Roles of Members (Rule 21.4) 	<ul style="list-style-type: none"> • Role of Employees (Rule 21.5)
<ul style="list-style-type: none"> • Undue Pressure (Rule 21.7) 	<ul style="list-style-type: none"> • Familiarity (Rule 21.8) 	<ul style="list-style-type: none"> • Breach of Protocol (Rule 21.9)
<ul style="list-style-type: none"> • Provision of Advice and Information to Members (Rule 21.10) 	<ul style="list-style-type: none"> • Confidentiality (Rule 21.11) 	<ul style="list-style-type: none"> • Provision of Support to Members (Rule 21.12)
<ul style="list-style-type: none"> • Correspondence (Rule 21.13) 	<ul style="list-style-type: none"> • Media (Rule 21.14) 	<ul style="list-style-type: none"> • The Council's Role as Employer (Rule 21.15)
<ul style="list-style-type: none"> • Political Activity 	<ul style="list-style-type: none"> • Presentations / 	<ul style="list-style-type: none"> • Support Services to

CONSTITUTION – EASY GUIDE

(Rule 21.16)	Attendance of Officers at Political Group Meetings (Rules 21.17 to 21.27)	Political Groups (Rules 21.28 to 21.29)
<ul style="list-style-type: none"> • Presentations / Advice to Non-Affiliated Members of the Council (Rule 21.30) 	<ul style="list-style-type: none"> • Sanctions (Rule 21.31) 	

Section 22 Confidential Reporting (“Whistleblowing”) Code

<ul style="list-style-type: none"> • Introduction (Rules 22.1 to 22.8) 	<ul style="list-style-type: none"> • Our Commitment to You (Rules 22.9 to 22.14) 	<ul style="list-style-type: none"> • How to Raise a Concern Internally (Rules 22.15 to 22.19)
<ul style="list-style-type: none"> • How We Will Handle This Matter (Rules 22.20 to 22.22) 	<ul style="list-style-type: none"> • Council Responsibility for this Policy (Rule 22.23) 	<ul style="list-style-type: none"> • Response Times (Rule 22.24)
<ul style="list-style-type: none"> • Independent Advice (Rule 22.25) 	<ul style="list-style-type: none"> • External Contacts (Rule 22.26) 	<ul style="list-style-type: none"> • If You Are Dissatisfied (Rules 22.27 to 22.28)
<ul style="list-style-type: none"> • Who We Consulted (Rule 22.29) 	<ul style="list-style-type: none"> • Review of the Policy and Scrutiny (Rules 22.30 to 22.31) 	

Section 23 Member Role Descriptions

<ul style="list-style-type: none"> • Section A – Elected Member 	<ul style="list-style-type: none"> • Section B – Shire Member 	<ul style="list-style-type: none"> • Section C – Scrutiny Committee Member
<ul style="list-style-type: none"> • Section D – Regulatory Committee Member 	<ul style="list-style-type: none"> • Section E – Audit Committee Member 	<ul style="list-style-type: none"> • Section F – Standards Committee Member
<ul style="list-style-type: none"> • Section G – Standards Community Sub-Committee Member 	<ul style="list-style-type: none"> • Democratic Services Committee Member 	<ul style="list-style-type: none"> • Cabinet Member
<ul style="list-style-type: none"> • Section J – Chair / Vice-Chair / Assistant Vice-Chair of the Council 	<ul style="list-style-type: none"> • Section K – Cabinet Leader and Deputy Cabinet Leader 	<ul style="list-style-type: none"> • Section L – Leader and Deputy Leader of the Opposition
<ul style="list-style-type: none"> • Section M – Chair / Vice-Chair of a Scrutiny Committee 	<ul style="list-style-type: none"> • Section N - Chair / Vice-Chair of a Regulatory Committee 	<ul style="list-style-type: none"> • Section O - Chair / Vice-Chair of Audit Committee
<ul style="list-style-type: none"> • Section P - Chair / Vice-Chair of Standards Committee 	<ul style="list-style-type: none"> • Section Q - Chair / Vice-Chair of Standards Community Sub-Committee 	<ul style="list-style-type: none"> • Section R - Chair / Vice-Chair of Democratic Services Committee
<ul style="list-style-type: none"> • Section S - Chair / Vice-Chair of a Shire 	<ul style="list-style-type: none"> • Section T – Member Champion 	<ul style="list-style-type: none"> • Section U – Independent Member of the Standards Committee
<ul style="list-style-type: none"> • Section V – Co-opted Member of the Council 		

CONSTITUTION – EASY GUIDE

Section 24. Rights of Way Matters – Public Speaking Provisions

<ul style="list-style-type: none">• Speaking at Planning, Taxi-Licensing and Rights of Way Committee Meetings (Rules 24.1 to 24.4)	<ul style="list-style-type: none">• Who May Speak (Rule 24.5)	<ul style="list-style-type: none">• Obtaining the Right to Speak (Rule 24.6)
<ul style="list-style-type: none">• Right to Respond (Rules 24.7 to 24.8)	<ul style="list-style-type: none">• Notification Prior to the Meeting (Rules 24.9 to 24.10)	<ul style="list-style-type: none">• Public Speaking Procedures (Rule 24.11)

Section 25. Local Resolution Process

<ul style="list-style-type: none">• Background (Rules 25.1 to 25.2)	<ul style="list-style-type: none">• The Local Resolution Process (Rules 25.3 to 25.8)
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Section 26. Indemnity for Members and Officers

<ul style="list-style-type: none">• Form of Indemnity to Members and Officers (Rules 26.2)
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Section 27. Protocol on Civic and Executive Matters

<ul style="list-style-type: none">• Introduction (Rules 27.1 to 27.4)	<ul style="list-style-type: none">• Guidance (Rules 27.5 to 27.9)	<ul style="list-style-type: none">• Political Role (Rules 27.10 to 27.11)
<ul style="list-style-type: none">• Guidance to Officers (Rule 27.12)		