

Devolution evolution

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There are moves to advance devolution in Scotland, Wales and Northern Ireland

The process of devolution has always been dynamic and asymmetrical, with individual settlements for Scotland, Wales and Northern Ireland. These continue to evolve separately and centrifugally towards more devolved powers. The continuation of this trend requires the assent of the UK Parliament. With a combined 27 seats, the nationalist and Northern Ireland parties may well extract high prizes for their participation in crucial votes.

SCOTLAND

The SNP minority Government in Scotland has called for independence, and having launched a “National Conversation” on “independence and responsibility in a modern world”, is taking forward a Referendum Bill in the Scottish Parliament.

The Calman Commission proposals offer more devolution as an alternative to independence

Partly in response to the SNP’s plans, the Calman Commission was established in 2008 to review the *Scotland Act 1998*, with the support of the UK Government and the three main unionist parties in the Scottish Parliament.

The Commission made 63 recommendations on strengthening devolution; co-operation between Parliament and governments; the Scottish Parliament; financial accountability and tax-raising powers. Responsibility for implementing the recommendations lies variously with the UK Government and both the Scottish and UK

Parliaments. The coalition Government has pledged to implement Calman. *How will the tensions between the parties’ approaches and those of the Parliaments at Westminster and Holyrood affect the evolution of the devolution settlement?*

WALES

Under the *Government of Wales Act 2006*, the Assembly can pass legislation known as ‘Measures’ in matters where the UK Parliament has agreed that it should have the powers to do so. Powers to make Measures in new areas can be granted in ‘framework’ provisions included in UK Acts or in Legislative Competence Orders (LCOs). LCOs are effectively requests from the Assembly for additional powers, which have to be approved by the UK Parliament. There is likely to be re-examination of the balance between the use of framework provisions and LCOs, the complex procedures for granting LCOs, and the role of (Welsh) MPs in these processes.

The process of granting full law-making powers to the National Assembly has started

The *Government of Wales Act 2006* also allows the Assembly to acquire full law-making powers across all devolved matters. The process has five main stages:

1. A two-thirds majority in favour in the Assembly
2. A decision within 120 days by the Secretary

- of State for Wales either to lay a draft Order to hold the referendum or to refuse to do so, giving reasons
3. Approval of the Order by both Houses of the UK Parliament
4. Approval of the Order by the Assembly
5. A majority ‘yes’ vote in a referendum

We have reached the second stage: the Assembly voted in favour of a Welsh Assembly Government motion for such a referendum on 9 February 2010. The coalition Government has agreed to allow the referendum process to go forward. *Should the pace of devolution be decided exclusively in Wales or should this be a joint decision with Westminster? Would Wales vote ‘yes’? Current polls suggest a narrow majority in favour.*

NORTHERN IRELAND

Northern Ireland has had an Assembly and Executive for three years, but neither is yet seen to be functioning efficiently. Northern Ireland absorbs disproportionate Whitehall time and energy because of the fear of a return to a power vacuum which might be filled by terrorism. To ensure that the recently agreed devolution of policing and justice in 2012 works in practice is likely to remain a major objective for the UK Government, despite attempts to ensure that problems are resolved in Northern Ireland rather than being referred to the UK and Ireland.

Can the devolution of policing and justice operate effectively in practice?

The representation of all four major Northern Ireland parties in the Executive means that the concept of Cabinet collective responsibility familiar at Westminster does not apply. The Assembly has been slow to legislate and to show that devolution can make a difference to bread and butter issues such as education or health services. Several strains are developing in relation to one of the essential characteristics of the Belfast Agreement, the cross-community vote, before major decisions are taken. The DUP has called for reform together with a reduction in size of the Assembly.

The Conservative’s alliance with the UUP yielded no results in terms of seats, indicating that the re-integration of Northern Ireland politics with the mainland remain remote. Instead, the Unionist parties might form a united bloc to head off any prospect of a Sinn Fein First Minister. After an initial surge in the early 2000s, Sinn Fein’s support in the Republic is relatively low, although its support in the North remains solid. The prospect of the party winning a referendum for union with the Republic (provided for in the Northern Ireland Act 1998) looks unlikely in the short to medium term. *Will Northern Ireland’s parties continue to focus on identity issues, or on more mainstream concerns?*

AN EVER MORE DEVOLVED UNION?

Scotland, Wales and Northern Ireland are each moving in the direction of more devolution, albeit in different ways and at different paces. *Does this signify a maturing union or a disintegrating one? What does this mean for England? And how will the role of the UK Parliament develop?*