

## The NI Assembly - Relationships with other UK Assemblies

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## DEVOLUTION IN THE UNITED KINGDOM

### **Notes from a talk by Simon James, Cabinet Office, Constitution Secretariat**

#### The new arrangements

- Scotland: Parliament of 129 members electing a First Minister and Executive. Responsible for most aspects of domestic, economic and social policy. Elections May 1999; assumes power in July or September.
- Wales: Assembly of 60 members with executive powers and power to make secondary (but not primary) legislation. Responsible for economic and social matters, but not law and order. The Assembly will choose between appointing a Cabinet, or of working through a committee system. Elections May 1999; goes live a month later.
- London: Directly elected Mayor and Assembly of 25 members. Likely to go live in 2001.
- English Regions: Network of economic development agencies appointed, required to consult with voluntary chambers representing local authorities and business. In the longer term (but not in this Parliament) legislation to allow people in each region to decide in a referendum whether they want a directly elected regional assembly.
- UK Government remains responsible for: foreign affairs, defence, macro economic and fiscal matters, and employment (also social security in Scotland and Wales, and law and order in Wales and Northern Ireland).

#### Main features of new arrangements

- Very extensive devolution of functions from Westminster.
- "Variable geometry" approach: Different arrangements from one region to another in degree of autonomy and institutions proposed.
- Popular approval of new arrangements: In each area, new arrangements submitted to a regional referendum.

- UK Parliament retains ultimate sovereignty, able to alter constitutional arrangements and legislate in any area, (subject in Northern Ireland to its obligations under the Good Friday Agreement). But difficult to amend radically a settlement approved by referendum.
- No 'override' powers for UK Government to block (or require) action of devolved administrations except (a) to secure compliance with international obligations and (b) prevent encroachment on reserved issues.
- Dispute resolution: fast track reference to judicial committee of the Privy Council to resolve disputes over *vires*.
- Finance: block grant calculated, as at present, through "Barnett" formula to cover transferred functions. Scottish Parliament has power to raise or lower the basic rate or income tax by up to 3p in the pound.
- Relations with the European Union: UK Government retains overall legal responsibility as member state. Devolved administrations involved closely in agreeing negotiating stance and attending and speaking at EU Council of Ministers as appropriate. Devolved legislatures to scrutinise EU legislative proposals.
- Protection of minority and individual rights: Illegal for the devolved administrations to act in contravention of the European Convention of Human Rights. Rights of smaller parties protected by proportional representation and, in Wales, committee system. Protection of certain territorial interests: Regional Committee for North Wales, guaranteed seats for Orkney and Shetland Islands.



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