

## How does devolution work in Scotland?

After the Scotland Act (1998) new institutions were set up to enable devolution in Scotland.

### The Scottish Parliament

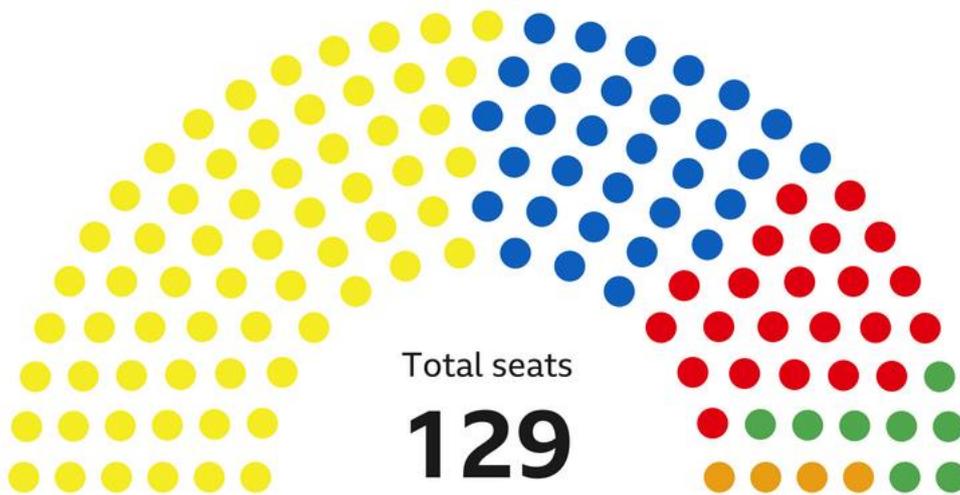
The Scottish Parliament is made up of 129 MSPs (Members of the Scottish Parliament). It is based at Holyrood near Edinburgh. It is often simply called 'Holyrood'

The voting system used for the Scottish Parliament is the [Additional Member System](#). Therefore, Members of the Scottish Parliament are chosen via two voting systems:

73 (57%) are chosen from single-member constituencies using the First Past the Post System.

56 (43%) are elected as part of eight multi-member regions. Seats are allocated proportionate to the vote received.

The current make-up of the Scottish Parliament is:



**SNP** – 64 Seats

**Conservatives** - 31 Seats

**Labour** - 22 Seats

**Green** - 8 Seats

**Liberal Democrats** - 4 Seats

## The Scottish Government

The Scottish Government is the executive of the devolved area of Scotland. Until 2007, it was known as the Scottish Executive. The Executive is led by the **First Minister** who is usually appointed from the biggest party in the Scottish Parliament. Since devolution, the Scottish Government has been made up as such:

<u>Years</u>	<u>Type of Government</u>	<u>Government</u>
1999-2003	Coalition	Labour and Liberal Democrat
2003-2007	Coalition	Labour and Liberal Democrat
2007-2020	Majority	Scottish National Party
2021-Present	Coalition	Scottish National Party and Greens

## What are the devolved powers in Scotland and how have they evolved?

The Scotland Act (1998) gave the Scottish Parliament authority, at least in part, over the following devolved areas:

- Agriculture Policy
- Education Policy
- Environmental Policy
- Health Policy
- Housing Policy
- Local Government Policy
- Sports and Arts Policy
- Transportation Policy
- Tax Policy
- Welfare Policy

However, subsequent changes have been made to the devolution settlement with Scotland:

<u>Act of Parliament</u>	<u>Additional Powers given to Scotland</u>
<b>Scotland Act (2012)</b>	<ul style="list-style-type: none"> <li>• Gave new powers for borrowing for the Scottish Parliament.</li> <li>• Changed the name from the Scottish Executive to the Scottish Government.</li> <li>• Gave the power to introduce new taxes.</li> <li>• Allowed Scotland to set its own national speed limit.</li> <li>• Gave the ability to amend the rate of income tax by 10%.</li> </ul>
<b>Scotland Act (2016)</b>	<ul style="list-style-type: none"> <li>• Gave control over rail franchising.</li> <li>• Gave control of the Social Care system.</li> <li>• Gave the right to receive 50% of all VAT raised in Scotland.</li> </ul>

## Examples of policies that are different from Scotland to England

**Health** – In England, prescription charges are £9.15 per prescription. In Scotland, prescriptions are free.

**Education** – In England, Year 6 students sit SATS tests. In Scotland, there are no formal tests for Year 6 pupils.

**Income Tax** – In England, the bottom rate of Income Tax is 20% and the top rate is 45%. However, in Scotland the bottom rate is 19% and the top rate is 46%.

### **Why did the Scottish Independence Referendum take place and what were its consequences?**

Since 2007 the Scottish National Party has had been the biggest party in the Scottish Parliament and between 2007 and 2020 formed a majority government. This is particularly impressive, as a majority is harder to achieve under Scotland's Additional Member System than under the First Past the Post system. A key political belief of the Scottish National Party is that Scotland should be an independent nation. With the majority that they received in the Scottish Parliament they believed that they had a mandate to hold a referendum on whether Scotland should become an independent nation. This referendum was agreed to by the Westminster Parliament in the [Scottish Independence Referendum Act \(2013\)](#). A referendum date was set for September 2014.

The Scottish National Party campaigned for an independent Scotland. However, they wanted to retain some links with the UK. For example:

- They wished to keep the Pound as part of a [currency union](#) with the UK
- They wished to keep the Queen as Head of State

Two official campaigns emerged to fight the referendum. They were:

**Better Together** – This was supported by Labour, the Conservatives and the Liberal Democrats

**Yes Scotland** – This was supported by the SNP

Some major issues may have swung the result in Better Together's direction:

- The [UK Treasury](#) said that there would be no currency union with an independent Scotland. This would mean that an independent Scotland would have to create its own currency. The SNP seemingly had no contingency plan for this.
- The European Union said that Scotland could not automatically become a member if they opted for independence. They would have to apply for membership like anyone else.
- When looking at the polls before the referendum the major UK parties were worried. Just 48 hours before polling day David Cameron, Ed Miliband and Nick Clegg signed a pledge that more powers would be transferred to the Scottish Parliament. These powers were the so-called 'devo-max' powers.

The result of the referendum was 55.3% to 44.7% in favour of Scotland remaining in the UK. There was a huge turn-out of 84.5%.

A major consequence of the Referendum campaign was the Scotland Act (2016) which transferred significantly more powers to the Scottish Parliament

## How does devolution work in Northern Ireland?

Achieving devolution in Northern Ireland was a harder task for Tony Blair's Government than in Wales and Scotland. Since 1968, Northern Ireland had been dealing with violence between **Republicans** and **Unionists**. There were paramilitary groups on each side who were using violence to try to achieve their aims. For example, the IRA (Irish Republican Army) wanted a United Ireland and the UVF (Ulster Volunteer Force) wanted Northern Ireland to remain a part of the United Kingdom.

Before Tony Blair became Prime Minister some progress had been made on the issues facing Northern Ireland. However, it was the Good Friday Agreement of April 1998 that provided the basis for a peaceful settlement in Northern Ireland. The Good Friday Agreement said:

- Paramilitary Units would remain disarmed
- The Irish Republic would give up any claim to Northern Ireland
- Northern Ireland's future would always be decided by the people of Northern Ireland
- New political institutions would be set up in Northern Ireland
- A unique power-sharing arrangement would be set up as a part of devolution

A referendum was held in both the Republic of Ireland and Northern Ireland to agree to the Good Friday Agreement. It was ratified in both the Republic and Northern Ireland. The Northern Ireland Act (1998) set up the new institutions to enable devolution in Northern Ireland.

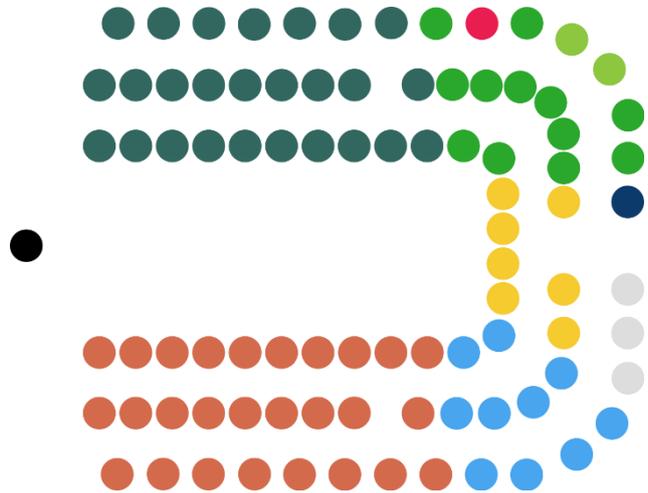
## The Northern Irish Assembly

The Northern Irish Assembly is made up of 90 MLAs (Members of the Northern Irish Assembly). It is based at Stormont near Belfast. It is often simply called '**Stormont**'.

The voting system used for the Northern Irish Assembly is the **Single Transferable Vote**.

The current make-up of the Northern Irish Assembly is:

**DUP – 27**  
**Sinn Fein – 26**  
**SDLP – 12**  
**UUP – 10**  
**Alliance – 8**  
**Green Party – 2**  
**Independent Unionist - 2**  
**PBP – 1**  
**TUV – 1**



## The Northern Irish Executive

The Northern Irish Executive is the name of the government of Northern Ireland. It is formed via a unique power-sharing arrangement. Government posts are allocated in proportion to the strength of the different parties in the Northern Irish Assembly. In addition, the First Minister and Deputy First Minister have equal power. This ensures that both Republican and Unionist communities are represented in the government.

Currently, the First Minister of the Northern Irish Executive is Paul Givan (DUP) and the Deputy First Minister is Michelle O’Neill (Sinn Fein)

Since devolution, the Northern Irish Executive has been made up as such:

<u>Years</u>	<u>Type of Government</u>	<u>First Minister and Deputy First Minister</u>
1998-2002	Coalition (Power-Sharing)	UUP and SDLP
2003-2007	None (Suspended)	None
2007-2011	Coalition (Power-Sharing)	DUP and Sinn Fein
2011-2016	Coalition (Power-Sharing)	DUP and Sinn Fein
2016-2017	Coalition (Power-Sharing)	DUP and Sinn Fein
2017-2020	None (Suspended)	None
2020-Present	Coalition (Power-Sharing)	DUP, Sinn Fein, UUP, SDLP and Alliance

### Why is there no Northern Ireland Executive between 2017 and 2020?

In January 2017 the devolved system in Northern Ireland was thrown into chaos. The First Minister and Leader of the DUP, Arlene Foster, faced criticism over a Renewable Heat Incentive Scheme which actually inadvertently paid volunteers to use more energy. It has emerged that Civil Servants urged the scheme to be abandoned, but it was kept open. On the 9th January the Deputy First Minister from Sinn Fein, Martin McGuinness, resigned. As no nomination for a replacement was made within 7 days an automatic election was called.

The election was held on the 2nd March 2017 and resulted in the DUP's seat share falling, with Sinn Fein moving to within one seat of the DUP. Despite negotiations, an agreement to return to a power-sharing arrangement did not emerge. The situation was further complicated by the fact that the DUP were propping up the Conservative Government in Westminster through a 'confidence and supply motion', perhaps allowing the appearance that the Westminster Government is not an impartial facilitator. From January 2017 to January 2020 the budget of Northern Ireland has been set from Westminster and there has been no devolved government.

### What significant changes were made when there was no Northern Irish Executive?

Northern Ireland has traditionally been more far socially conservative than the rest of the United Kingdom. For example, when Gay Marriage was passed in Scotland (2012) and in the UK (2013), these policies were not automatically copied. In addition, Abortion remained illegal in Northern Ireland even though it had been legalised in the United Kingdom in 1967.

However, whilst there was no Northern Ireland Executive, some MPs in Britain saw this is a chance to enforce changes to social policy in the UK.

In 2019, Labour MP added an amendment to a Northern Ireland Administration bill legalising Same-Sex Marriage in Northern Ireland. It passed by 383 votes to 73 and passed into law. A similar manoeuvre was used to legalise abortion in Northern Ireland.

Both of these moves were controversial as they breached at least the spirit of the Sewell Convention. However, Westminster had the ability to legislate on these issues and did so. Same-Sex Marriage and Abortion are now both legal in Northern Ireland.

### **What are the devolved powers in Northern Ireland and how have they evolved?**

The Northern Ireland Act (1998) gave the Northern Irish Assembly authority over the following devolved powers:

- Health and Social Services
- Education
- Agriculture
- Social Security
- Housing
- Local Government
- Transport
- Culture and Sport

Between 2003 and 2007 the Northern Ireland Executive was suspended. This was because the biggest Unionist Party, the DUP, refused to go into coalition with Sinn Fein. As a result of this, a period of **Direct Rule** took place from Westminster.

In 2006 a meeting took place to attempt to deal with the situation. It resulted in the St. Andrew's Agreement which resulted in the DUP and Sinn Fein being willing to work together. It also resulted in the devolution of policing and justice to Northern Ireland, something that had not been in place in 1998.

### **Examples of policies that were traditionally different from Northern Ireland to England**

**Gay Marriage** – Gay Marriage is not recognised in Northern Ireland whereas the Same-Sex Marriage Act (2013) legalised Gay Marriage in England and Wales.

**Abortion** – In Northern Ireland it is far more difficult to get an abortion than in England and Wales. In Northern Ireland a woman must be able to show that her life is in danger or she is in danger of serious mental or physical damage due to giving birth.

#### **Be Careful! Box**

Please remember, both Gay Marriage and Abortion are now legal in Northern Ireland. Please read Page 39!

## How does devolution work in Wales?

After the Government of Wales Act (1998) new institutions were set up to enable devolution in Wales.

### The Welsh Parliament

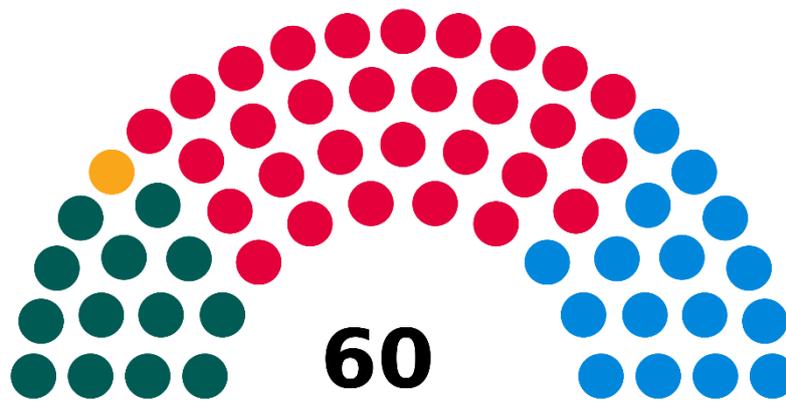
The Welsh Parliament (called the Welsh Assembly until 2020) is made of 60 AMs (Assembly Members). It is based in Cardiff.

The voting system used for the Welsh Assembly is the Additional Member System. Therefore, Members of the Welsh Assembly are chosen via two voting systems:

40 (67%) are chosen from single-member constituencies using the First Past the Post System.

20 (33%) are chosen as part of five multi-member regions. Seats are allocated proportionate to the vote received.

The current make-up of the Welsh Assembly is:



**Labour** – 30

**Conservative** – 16

**Plaid Cymru** – 13

**Brexit Party** - 4

**Liberal Democrats** – 1

**The Welsh Government**

The Welsh Government is the executive of the devolved area of Wales. The Executive is led by the First Minister and is usually appointed from the biggest party in the Welsh Assembly. Currently, a government is made up of Labour, but with Plaid Cymru support. The current First Minister of Wales is Labour's Mark Drakeford.

Since devolution, the Welsh Government has been made up as such:

<u>Years</u>	<u>Type of Government</u>	<u>Government</u>
1999-2000	Minority	Labour
2000-2003	Coalition	Labour and Liberal Democrat
2003-2007	Minority	Labour
2007	Minority	Labour
2007-2009	Coalition	Labour and Plaid Cymru
2009-2011	Coalition	Labour and Plaid Cymru
2011-2016	Majority	Labour
2016-2021	Coalition	Labour, Liberal Democrat and Independent
2021	Majority	Labour (with support from Plaid Cymru)

**What are the devolved powers in Wales and how have they evolved?**

The Government of Wales Act (1998) gave the Welsh Assembly (now Parliament) authority over the following devolved powers:

- Agriculture
- Health
- Housing
- Local Government
- Social Services

However, subsequent changes have been made to the devolution settlement with Wales:

<u>Act of Parliament</u>	<u>Additional Powers given to Wales</u>
The Government of Wales Act (2006)	<ul style="list-style-type: none"> <li>- Allowed the Welsh Assembly the power to ask for further devolved powers.</li> <li>- Allowed the Welsh Assembly to gain Primary Legislative powers if agreed by a referendum</li> </ul>
The Wales Act (2014)	<ul style="list-style-type: none"> <li>- Devolved powers over Stamp Duty and Landfill Tax to the Welsh Assembly</li> </ul>
The Wales Act (2017)	<ul style="list-style-type: none"> <li>- Gave the Welsh Assembly powers to alter Income Tax Rates</li> <li>- Gave the Assembly powers of Fracking, Rail Franchising.</li> </ul>

In 2011 a referendum took place in Wales to establish whether more powers should be devolved to the Welsh Assembly. In total, 64% of the population voted yes.

**Examples of policies that are different from Wales to England**

**School League Tables** – In Wales, no School League Tables are published at any level.

**Free Milk** – In Wales, children under the age of 7 get free school milk.

**Prescription Charges** – In Wales, NHS prescriptions are free to all.

### How does the COVID-19 Pandemic show devolution divergencies in action?

Devolution has been an excellent case study in COVID-19 in action. Health policies are devolved to the governments of Scotland, Wales and Northern Ireland. This has meant that the devolved areas have acted differently to each other in their efforts to try to combat the virus. For example:

**Lockdowns** – Whilst all the four nations went into the original lockdown on the same date (23.03.20) subsequent restrictions were different:

Following the initial lockdown schools began to reopen for students in England on the 1<sup>st</sup> June. This did not happen until the 29<sup>th</sup> of June in Wales and the 11<sup>th</sup> of August in Scotland. During the third lockdown in 2021, schools returned in England on the 8<sup>th</sup> March 2021. However, in Scotland students did not return until after the Easter Break.

In England, the second lockdown did not begin until the 31<sup>st</sup> October 2020. In Scotland, this system was based on levels, with different levels having different requirements for lockdown which started on the 2<sup>nd</sup> November. In Wales, the ‘circuit breaker’ lockdown started on the 14<sup>th</sup> October.

**Facemasks** – Scotland introduced facemasks in public areas after England. Scotland made face coverings compulsory in shops and public transport from the 22<sup>nd</sup> June 2020. However, in England this had already been introduced in May 2020.

**Vaccine Passports** – The controversial notion of COVID passes was introduced much earlier in Scotland and Wales than in England. In Scotland Vaccine Passports were introduced in September 2021. This required proof of vaccination for entry to nightclubs and large events. This was introduced in Wales in October 2021. However, for England, this was only voted on by the UK Parliament the 15<sup>th</sup> December.

The Vaccine Passport scheme was deeply unpopular with many members of the Conservative Party. In total, 99 Conservative MPs rebelled against the measure. This made it the biggest non-Brexit Tory Rebellion on a whipped vote since standardised tobacco packaging in 2015.

### Has COVID-19 shown the strengths or weaknesses of devolution?

As a case study, COVID has arguably shown both the strengths and weaknesses of devolution.

In a positive sense, it has shown how divergent policies can be employed that are suited to an individual area. For example, different policies over lockdown have been introduced across the UK depending on case numbers. The different devolved areas have also been able to learn from each other’s experiences in order to better their own practice. In this way, they have been acting as ‘legislative laboratories’.

However, unlike individuals, COVID-19 does not respect borders. Without a central UK-wide approach it can be argued that containing COVID-19 was much more difficult. Whilst the devolved administrations were meant to be working closely together, at times this has not appeared to be happening. At the start of the crisis the four governments of the UK (British/English, Welsh, Scottish and Northern Irish) did co-ordinate their response. However, they diverged quickly on key policies like testing, track and trace and re-opening of the economy. This has led to some confusion, particularly for those who cross borders for work or pleasure.

In addition, there have been disagreements about policies that were introduced UK-wide. For example, the Coronavirus Job Retention Scheme that funded up to 80% of the wages of furloughed workers was introduced across the UK. However, this scheme ended earlier than the Welsh and Scottish Governments wanted it to, but they had no control over this area of policy. In Scotland in particular there has been criticism that the current devolution settlement means that they cannot reinvigorate the Scottish economy despite being forced to shut it down due to COVID-19. They therefore believe that COVID-19 shows how they need more **fiscal autonomy** in Scotland.

### **How does devolution create 'legislative laboratories'?**

One of the potential benefits of devolution is the creation of '**legislative laboratories**'. This means that policies can be tested in one devolved area before they are considered for introduction elsewhere. There are some examples where this might have been the case in the UK:

**Smacking** - In 2020 the 'smacking' of children was made illegal in Scotland. As of 2022, it will also be illegal in Wales. When considering the proposed law the Welsh Parliament relied on much of the research that had been done for the Scottish Parliament when they considered this issue. Just like Scotland, rather than introducing a new law, the Welsh Parliament decided to remove the 'reasonable chastisement' defence from legislation around Common Assault. This decision was taken having considered the legislation in Scotland.

**Smoking Ban** – In 2006 the Health Act was passed by the UK Parliament. This saw smoking outlawed in public spaces in Britain from July 2007. During the debate on this bill reference was made to evidence from Scotland where public smoking had already been banned before the debate took place.

**Organ Donor Opt Out** – In England the new system of 'opting out' from Organ Donorship came into effect in March 2021. However, this system had already in Wales since 2015. This gave lots of opportunity for the UK Government to assess how significant the positive impact of this policy might be.

**Voting Age** – In Scotland, the voting age (for devolved elections) was lowered to 16 in 2015. In 2019 the age was also lowered to 16 in Wales. This followed a consideration of the positive effects on youth turnout this had produced in Scotland.

**Carrier Bags** – Wales became the first country in the UK to bring in a policy that shops must charge a levy for single-use plastic bags. By 2014, use of single-use plastic bags had dropped by 71%. This policy was adopted in both Scotland and by the UK Parliament in 2015.

**How successful has devolution been to the nations of the UK?**

Many arguments exist over whether or not Devolution has been a success for the different nations of the UK:

<b><u>Successes of Devolution</u></b>	<b><u>Limits of Devolution</u></b>
There is now far more opportunity for the electorate to have a direct say on how policies will be made that effect their lives.	It has resulted in the growth of bureaucracy. On average, the number of government workers across the UK has increased by 10% since 1998.
There is more chance for a broader range of people to actively play a role in politics. Women are a higher proportion of both the Scottish and Welsh legislatures than they are at Westminster.	It results in perceived inequality across the UK as people in some areas have access to things that others do not <i>e.g.</i> Wales has free prescription charges.
Despite Devolution, there is still a general feeling that people still support the Union and feel British.	Scotland has held an Independence Referendum in 2014 and will likely hold another. This suggests that people are not happy with the Status Quo.
Since 1998, after 30 years of ‘the troubles’ Northern Ireland has been much more peaceful.	The power-sharing agreement in Northern Ireland has collapsed numerous times and there is a danger that Direct Rule will need to be re-introduced in the future.
The different legislatures have acted as a ‘legislative laboratory’ for Westminster. For example, the smoking ban was introduced in Scotland before England Wales.	The ‘West Lothian Question’ has still not been adequately solved, leaving many people in England disgruntled at the situation.
Referendums are held on the transferring of more power. Decisions made about devolution are made democratically.	The proportional voting systems has led to indecisive government in some of the regions of the UK.
Devolution allows the for different cultural identities to be harnessed across the whole of the UK. For example, it is has seen a re-emergence of the Welsh and Gaelic languages.	The Barnett Formula allocates different amounts of money per person in different areas across the UK. This is seen by many as grossly unfair.