



The **Constitution** Unit

# **Nations and Regions: The Dynamics of Devolution**

**Quarterly Monitoring Programme**

## **Devolution and the Centre**

**Quarterly Report  
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**by Guy Lodge**



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**The Leverhulme Trust**

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## Key Points

- Assembly Finance Minister Edwina Hart criticises Whitehall civil servants
- Lord Norton debate on the British Constitution in the House of Lords
- Helen Liddell announces that the number of MSPs will remain at 129 in the outcome of the consultation on the size of the Scottish Parliament.
- House of Lords Constitution Committee publishes Devolution: Inter-Institutional Relations in the United Kingdom
- House of Lords debate on the Barnett Formula
- Second Reading and Committee Stage of the Regional Assemblies (Preparations) Bill
- Seven options for Lords Reform fail to gain a majority.
- Establishment of the Select Committee on the Lord Chancellor's Department
- The British-Irish Council holds its fourth Summit meeting in New Lanark
- Third Meeting of the British-Irish Council Environmental Group
- Meeting of the Joint Ministerial Committee on Europe
- Meeting of the British-Irish Council Ministerial Meeting of the Misuse of Drugs Sectoral Group

# 1 Devolution and Westminster

**Figure 1: Chronology of Events at Westminster (November'02-February'03)**

4 December	Oral questions to the Wales Office
5 December	Meeting of the Welsh Grand Committee
10 December	Meeting of the Scottish Grand Committee
18 December	House of Lords debate on the British Constitution
19 December	Scottish Affairs Committee publishes <i>The Work of the Scottish Affairs Committee 2002</i>
7 January	Oral questions to the Scotland Office and the Advocate General
8 January	Oral questions to the Northern Ireland Office
15 January	Lords Constitution Committee publishes report on Devolution: Inter-Institutional Relations in the United Kingdom
21 January	Northern Ireland Affairs Committee publishes <i>Annual Report 2002</i>
27 January	Debate on the Barnett Formula in the House of Lords
27 January	Select Committee on Lord Chancellor's Department established
28 January	Peter Wishart MP Amendment on the Composition of the Select Committee on the Lord Chancellor's Department
4 February	Oral Questions to the Scotland Office and the Advocate General
4 February	Debate on House of Lords Reform
10 February	David Hamilton MP replaces Mark Lazarowicz MP on the Scottish Affairs Committee
12 February	Meeting of the Scottish Grand Committee

## 1.1 House of Lords Debate on the Constitution

Lord Norton of Louth suggested that in recent years the constitution had undergone fundamental change, but that such change had taken place in piecemeal fashion, and was therefore not 'rooted in any particular view of the

constitutional change.’ The current Government had embarked upon a series of reforms without paying any attention to the ‘sort of constitution they are trying to achieve.’ Lord Norton commented that ‘because we have no view of the whole, we have no way of seeing how each part fits with the other parts.’ In his response the Lord Chancellor, Lord Irvine said that the Government had rejected the ‘purism’ espoused by Lord Norton in favour of ‘pragmatism based on principle, without the need for an all embracing theory.’<sup>1</sup>

## **1.2 New Breakaway Conservative Party**

A new breakaway Conservative Party, which plans to challenge the Tories in the May elections in Scotland, will launch at the end of February. The new party, which remains at present, unnamed, plans to make the future of the Scottish Parliament a key part of its campaign. They are being financed by the Scottish industrialist, Robert Durward, while Jenny Ungless, the former Chief of Staff Ian Duncan Smith’s former Chief of Staff, has been formally associated with the party.

## **1.3 House of Lords Constitution Committee**

On January 15 the Constitution Committee published its report entitled *Devolution: Inter-Institutional Relations in the United Kingdom*<sup>2</sup>, which recommended that the working relationship between the UK Government and the devolved bodies should be strengthened in order to ensure the future success of devolution. The Chair of the Committee, Lord Norton said that the current relationships between institutions, was too reliant on ‘goodwill.’ He warned that action to strengthen intergovernmental relations must be taken before a change occurred in the political complexion of the institutions, from the current situation which sees Labour in power in London, Edinburgh and Cardiff.

The report represents one of the most substantive reviews of intergovernmental relations in the UK. The main recommendations of the report are outlined below.

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<sup>1</sup> The full text of the debate is available at [http://www.publications.parliament.uk/pa/ld199900/ldhansrd/pdvn/lds02/text/21218-04.htm#21218-04\\_head3](http://www.publications.parliament.uk/pa/ld199900/ldhansrd/pdvn/lds02/text/21218-04.htm#21218-04_head3)

<sup>2</sup> House of Lords Constitution Committee, *Devolution: Inter-Institutional Relations in the United Kingdom*, Session 2002-03, HL Paper 28. The report can be viewed at <http://www.publications.parliament.uk/pa/ld200203/ldselect/ldconst/28/2801.htm>

- More use should be made of formal mechanisms for intergovernmental relations such as the JMC
- A substantive press release should be issued after every JMC meeting
- The UK Prime Minister should make a statement to Parliament after each annual plenary meeting of the JMC
- Concordats and other agreements should be deposited in the Parliamentary library
- The Government should consider merging the positions of the Scottish and Welsh Secretaries of State into one Cabinet Minister with responsibility for intergovernmental relations
- The Government should consider merging the devolution teams in the Scotland and Wales Offices with those in the ODPM. The ODPM team should be strengthened so as to provide for a strong co-ordinating centre.
- Information relating to changes in public spending for England and hence the devolved areas through the Barnett Formula, should be made available
- When the Barnett formula is reviewed an independent and impartial body should conduct it with representatives from the devolved administrations and the UK Government.
- Intergovernmental relations should be reviewed at least once a Parliament
- Measures should be taken to improve Westminster legislation affecting the National Assembly in Wales. Westminster should show Greater consistency when it legislates and UK bills that affect Wales should contain an explanatory note detailing how.
- There should be a greater role for the Welsh Affairs Committee to carry out inquiries into bills that affect Wales, including taking evidence from affected groups in Wales such as AMs. Greater use should be made of the Welsh Grand Affairs Committee, for instance in the Committee stage of bills.
- Westminster should increase the use of pre-Legislative scrutiny.
- Westminster should consider the use of business committees in light of the experience of the devolved institutions
- A single Home Civil Service should be retained

The report attracted widespread media attention and perhaps unsurprisingly, most of this focused on the recommendation to consider merging the Scottish and Welsh Cabinet posts. BBC News picked up on the recommendation, to which Helen Liddell responded that 'My job is a matter for the Prime Minister...those who argue against having a Scottish voice in the cabinet are arguing to reduce Scotland's influence.'<sup>3</sup> In an interview in the Guardian on 27 January 2003, when asked about the Constitution Committee's recommendations, Helen Liddell said that:

'the members of the Lords Committee involved people like John McGregor and Ian Lang' whom she described as 'retreads, whose enthusiasm for devolution is not particularly marked.'<sup>4</sup>

#### **1.4 Regional Assemblies (Preparations) Bill**

The Regional Assemblies (Preparations) Bill had its Second Reading on 26 November 2002. For a detailed analysis of its Parliamentary progress please see the Devolution and the English Regions Monitoring Report for November-February at <http://www.ucl.ac.uk/constitution-unit/leverh/monitoring.htm>.

#### **1.5 Parliamentary Questions to the Wales Office**

On 4 December 2002 the Conservative Shadow Secretary of State for Wales, Nigel Evans MP asked the Secretary of State whether he would hold a referendum in Wales, if the Richards Commission recommended further powers being transferred from Westminster to the Assembly. Peter Hain MP responded by saying that no decision would be taken until the Richards Commission had reported in late 2003.<sup>5</sup>

#### **1.6 The Work of the Territorial Select Committees**

##### ***The Scottish Affairs Committee***

On February 11 David Hamilton MP (Midlothian) replaced Mark Lazaowicz MP (Edinburgh North and Leith) on the committee.

The Scottish Affairs Committee continued to take evidence on the following enquiries; *Homework's in Scotland and the Minimum Wage*, *The Work of Citizens Advice in Scotland* and *Future Skills in Scotland*. In addition it also

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<sup>3</sup> BBC Online—<http://news.bbc.co.uk/1/hi/scotland/2660583.stm>.

<sup>4</sup> The Guardian, 27 January 2003.

<sup>5</sup> See

[http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm021204/debtext/21204-02.htm#21204-02\\_spnew13](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm021204/debtext/21204-02.htm#21204-02_spnew13).

published its first report of the 2002-03 session on *The Work of the Scottish Affairs Committee in 2002*<sup>6</sup> and its first special report on *Scotland Office Expenditure*.<sup>7</sup> The reports and oral evidence can be viewed at <http://www.publications.parliament.uk/pa/cm/cmsscotaf.htm>.

### ***The Northern Ireland Affairs Committee***

The Northern Ireland Affairs Committee launched an inquiry into the operation of the PEACE II programme in Northern Ireland on January 16. Northern Ireland receives Objective 1 funding from the EU through this initiative. The inquiry should shed light on the operations of the North-South Ministerial Council, as they administered the allocation of PEACE II funds. The committee has also announced that it is going to take evidence on Electoral Registration in Northern Ireland following the implementation of the Electoral Fraud (Northern Ireland) Act 2002.

It has also published a series of reports in this quarter. On 21 January it published its first report on *The Impact in Northern Ireland of Cross-Border Road Fuel Price Differentials: Three Years On*<sup>8</sup>, its second report which was its *Annual Report* was published on 21 January<sup>9</sup>. On January 28 its third report was published on *The Police (Northern Ireland) Bill*<sup>10</sup> and on February 4 it published its fourth report on *The Control of Firearms Northern Ireland and the Draft Firearms in (Northern Ireland) Order 2002*.<sup>11</sup> Details of the new inquiry and published reports can be found at <http://www.parliament.the-stationery-office.co.uk/pa/cm/cmniaf.htm>.

### ***The Welsh Affairs Committee***

The Welsh Affairs Committee has finished taking evidence on its inquiry into the *Primary Legislative Process as it affects Wales* and is expected to publish its report in early March. The Committee has published two reports this quarter—its second report on 13 January on *Transport in Wales*<sup>12</sup> and its third report on 6 February, *Work of the Committee in 2002*.<sup>13</sup> The reports can be

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<sup>6</sup> HC 197

<sup>7</sup> HC 199

<sup>8</sup> HC 105-I

<sup>9</sup> HC 271

<sup>10</sup> HC 233

<sup>11</sup> HC 67-I

<sup>12</sup> HC 205-I

<sup>13</sup> HC 263

viewed at <http://www.parliament.the-stationeryoffice.co.uk/pa/cm/cmwelaf.htm>.

The report on the Work of the Committee emphasised the Committee's desire to 'develop a close working relationship with the Assembly', which includes taking evidence from AMs in their inquiries. The Committee cites the inquiry on primary legislative powers as an example of how they are developing a positive relationship with the Assembly and its members. The report also highlighted their work on the *Draft National Health (Wales) Bill*<sup>14</sup> as an example of how the Committee can play a prominent role in pre-legislative scrutiny.

Clearly the Committee is looking at ways to enhance relations with the Assembly. The report states

'Meeting with the Assembly Committees on an informal basis is a useful exercise but the ability to meet formally, when our work and theirs coincides, would be of even greater use. We will seek guidance from the Procedure Committee on how this situation can be resolved.'<sup>15</sup>

The report was critical of the House of Commons authorities for not having made reciprocal arrangements for AMs to be allowed unescorted access to the Palace of Westminster. The Committee have had this proposal rejected on two occasions by the House authorities.

## 1.7 The Work of the Grand Committees

The Scottish Grand Committee met on 10 December 2002 to discuss the *Scottish Fishing Industry* and on 13 February to discuss the Scottish Economy. The Welsh Grand Committee met on 21 November to discuss the *Queens Speech—Implications for Wales* and on 5 December to discuss the *Pre-Budget Report—Implications for Wales*.<sup>16</sup>

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<sup>14</sup> HC 959

<sup>15</sup> HC263

<sup>16</sup> For transcripts of the debates please see the following links:

Scottish Grand Committee—

<http://www.publications.parliament.uk/pa/cm200203/cmstand/scotg/cm Scot.htm>.

Welsh Grand Committee –

<http://www.publications.parliament.uk/pa/cm200203/cmstand/welshg/cm Welsh.htm>.

## 1.8 Select Committee on the Lord Chancellor's Department

In January the House agreed to the establishment of the Select Committee on the Lord Chancellor's Department. At its first meeting held on February 4<sup>th</sup>, the Committee chose as its Chairman the Rt Hon Alan Beith MP. The committee has been established to examine the expenditure, policy and administration of the Lord Chancellor's Department and associated public bodies. Its remit includes the following areas: constitutional issues, civil justice and the legal services market, family justice, criminal justice, the courts and tribunals, judicial matter and international legal matters.

The committee looks likely to announce details on their first inquiry in March 2003. Details of the committee's work will be placed on their website as they emerge. See [http://www.parliament.uk/parliamentary\\_committees/lcdcom.cfm](http://www.parliament.uk/parliamentary_committees/lcdcom.cfm).

### ***Figure 2: Membership of the Select Committee on the LCD***

Rt Hon Alan Beith MP (Liberal Democrat) Berwick-upon-Tweed

Peter Bottomley MP (Conservative) Worthing West

James Clappison MP (Conservative) Hertsmere

Ross Cranston QC MP (Labour) Dudley North

Ann Cryer MP (Labour) Keighley

Jim Cunningham MP (Labour) Coventry South

Hilton Dawson MP (Labour) Lancaster and Wyre

Mark Field MP (Conservative) Cities of London and Westminster

Clive Soley MP (Labour) Ealing, Acton and Shepherd's Bush

Keith Vaz MP (Labour) Leicester East

Dr Alan Whitehead MP (Labour) Southampton Test

## 1.9 Minority Party Representation on Select Committees

The composition of the Select Committee on the Lord Chancellor's Department was agreed following a debate in the House of Commons on 28 January.<sup>17</sup> During the debate the SNP Chief Whip, Peter Wishart MP, tabled

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<sup>17</sup> See

[http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030128/debtext/30128-35.htm#30128-35\\_head0](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030128/debtext/30128-35.htm#30128-35_head0) for the full debate

an amendment to remove Rt Hon Alan Beith MP from the committee and replace him with the UUP's Lady Hermon MP. Peter Wishart MP insisted that the purpose of the amendment was:

'purely political' and 'moved in order to address the continuing exclusion of the minority parties from the vast majority of select committees.'<sup>18</sup>

The SNP believe that the Liberal Democrats are over-represented on select committees and that the minority parties are under-represented. Indeed, Alex Salmond pointed out that the SNP are under-represented by two and the Liberals are over-represented by 2. John McWilliam MP (Chairman of the Committee of Selection) insisted that it was wrong to reflect the composition of the whole House on a committee whose competences do not cover the whole of the UK. To counter this claim the SNP suggested that Lady Hermon MP should be put on the committee as the LCD still covers Northern Ireland and because of her legal background.

The SNP reiterated their view that minority parties should be entitled to representation on non-regional departmental Select Committees. They also expressed concern at the lack of any minority party members on the Liaison Committee, given that no minority party member chairs a Select Committee. Peter Wishart MP said that he was also worried about minority party representation on Joint Committee's of both Houses, and especially since they were increasingly being used as vehicles for pre-legislative scrutiny, which he attached a great deal of importance to. Alex Salmond drew on examples from the Scottish Parliament's committee structure, where the Green, Scottish Socialist and independent individual members, are represented on committees despite not having enough representation.

The Deputy Leader of the House, Ben Bradshaw MP, gave the following figures for party representation on select committees.<sup>19</sup>

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<sup>18</sup> See

[http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030128/debtext/30128-36.htm#30128-36\\_spnew10](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030128/debtext/30128-36.htm#30128-36_spnew10) Col 834

<sup>19</sup> The figures were quoted in the debate. See

[http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030128/debtext/30128-36.htm#30128-36\\_spnew10](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030128/debtext/30128-36.htm#30128-36_spnew10).

**Figure 3: Minority Party Representation on Select Committees**

Party	Proportional No. of Seats they should have	Actual No. of Seats
Labour	292	295
Conservative	116	115
Liberal Democrats	38	40
Ulster Unionist Party	4	5
Democratic Unionist Party	4	3
SDLP	2	2
SNP	4	2
Plaid Cymru	3	3

In the end Peter Wishart MP's amendment was defeated by 233 votes to 62.

### **1.10 Barnett Formula<sup>20</sup>**

In a Starred Question on 27 January, Lord Barnett asked:

'Whether [the Government] have any plans to scrap the Barnett formula with respect to the allocation of public expenditure?'

Responding for the Government, Lord McIntosh, said that the Government 'have no plans to change the Barnett formula.' He referred Lord Barnett to the report by the Constitution Committee on intergovernmental relations, which although critical of aspects of the formula, rejected abolishing it until there was a credible alternative in place. Lord MacLennan suggested that a commission should be established to review the workings of Barnett. Lord McIntosh dismissed this idea and defended the formula on the grounds that it 'works and is understandable, predictable and challengeable only on the grounds of different calculations of population.'

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<sup>20</sup> The debate was part initiated by a Star Question by Lord Barnett. For a full transcript of the debate see

[http://www.publications.parliament.uk/pa/ld199900/ldhansrd/pdvn/lds03/text/30127-02.htm#30127-02\\_star0](http://www.publications.parliament.uk/pa/ld199900/ldhansrd/pdvn/lds03/text/30127-02.htm#30127-02_star0)

### **1.11 House of Lords Reform**

Following the failure of Commons to support one of the seven options for Lords reform proposed on 4 February, Jack Cunningham MP, Chair of the Joint Committee which put forward the options, has indicated that he will look at the possibility of using indirect elections to get people into a reformed second chamber.<sup>21</sup> Indirect elections could involve members of the Scottish Parliament and Welsh Assembly, and members from any potential English Regional Assemblies, being elected to the Lords. However, most views seem to suggest that the outright rejection of all seven options for elected and appointed ratios has kicked Lords reform into the long grass for the foreseeable future.<sup>22</sup>

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<sup>21</sup> The Guardian, 7 February 2003.

<sup>22</sup> The Guardian, 7 February 2003.

## 2 Devolution and Whitehall

**Figure 4: Chronology of Events in Whitehall (November'02-February'03)**

22 November	British-Irish Council Summit in New Lanark
5 December	Assembly Finance Minister Edwina Hart criticises Whitehall civil servants
18 December	Helen Liddell announces decision on MSP numbers
8 January	Government and the Devolved Administrations Launch the Animal Health and Welfare Strategy Consultation
16 January	Third Meeting of the British-Irish Council Environment Group
30 January	Meeting of JMC (Europe)
7 February	British-Irish Council Ministerial Meeting of the Misuse of Drugs Sectoral Group

### 2.1 Edwina Hart accuses Whitehall of obstructing National Assembly

In giving evidence to the Richards Commission on 5 December, finance minister of the Welsh Assembly, Edwina Hart AM suggested that the working relationship between some Whitehall departments and the Assembly had broken down. She said that:

'There is an absolute arrogance about the way they feel about devolved administrations, particularly Wales. I don't sense that at all with Scotland, which they see as much more of an equal relationship. We are like some sort of large local authority that is a nuisance to have to consult.'<sup>23</sup>

Hart compared her experiences of the Treasury, with whom she said she had an excellent relationship, with that of the Home Office, whom she singled out as the most difficult department to deal with. In describing the relationship between the Assembly and the Home Office, she claimed that there are 'real problems at the heart of the system.' The head of local government and finance at the Assembly, Adam Peat, said that Whitehall departments 'resent having to keep us informed.' Although Hart and the Home Office have clashed over policy on police funding and asylum, the *Western Mail* reports that the Home Office were quick to issue a statement in which they said:

'We don't recognise what Edwina Hart said as representing the nature of the relationship between us the Assembly. All we can say is that things

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<sup>23</sup> Western Mail, December 6, 2002.

are relatively new and that a change in culture is evolving...we recognise the need to work closely with all devolved administrations.'<sup>24</sup>

## **2.2 Helen Liddell Announces Decision on MSP Numbers**

Announcing the outcome of her consultation into the size of the Scottish Parliament, Secretary of State for Scotland, Helen Liddell has decided that the number of MSPs will remain at 129 <sup>25</sup>. The Scotland Act provides that any reduction in the number of Scottish MPs will be correlated to a reduction in the number of MSPs. Provisional recommendations by the Boundary Commission, announced in March 2002, suggest that the number of Scottish Westminster constituencies might be reduced from 72 to 59. Liddell's announcement means that the number of MSPs will not be reduced in line with the number of MPs and, as such the Scotland Act will have to be amended.

In a statement to the House of Commons on 18 December, Liddell said:

'I have weighed up carefully all the responses, and in view of the overwhelming body of opinion in favour of maintaining the current number of MSPs, in the interests of stability, I propose to seek to amend the Parliament Act accordingly.'

Liddell acknowledged that this decision would end coterminosity between MSPs and MPs. To address any difficulties that may arise from this change she proposed that 'an independent commission should be established to examine and make recommendations on issues caused by having different boundaries for Westminster and for Holyrood.' The new commission will begin its work in 2007 after the Scottish Parliament's elections and after the Boundary Commission has submitted its report on a revision of Westminster boundaries to the Secretary of State, which it has to do before June 2006. Liddell also stated that the commission would be appointed by the UK Government 'in consultation with the First Minister of the Scottish Parliament.'

The necessary amendments to the Scotland Act would take place 'as soon as parliamentary time allows.'

The year long consultation process that led to the decision had seen much support for the retention of all 129 MSPs. Many argued that a reduction of MSPs would have adverse effects on the Committee system in the Parliament

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<sup>24</sup> Western Mail, 'Whitehall tries to smooth Assembly', 7 December, 2002

<sup>25</sup> For the full text of the Statement see [http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm021218/debtext/21218-08.htm#21218-08\\_head0](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm021218/debtext/21218-08.htm#21218-08_head0)

and that it would also destabilise and disrupt the Parliament if it was to have to implement a reduction.

Former Scotland Office Minister, George Foulkes MP, warned that the government would create 'chaos and confusion' with the ending of coterminosity. While Labour MP, Brian Donohoe, argued that the best way round the problem would be to amend the Scotland Act to retain the 72 MPs in Scotland.

In a follow up to this announcement Helen Liddell was asked by Michael Weir MP on Tuesday 7 January 2003 whether she would support a provision to transfer the power to determine the size of the Scottish Parliament to the Parliament itself when she comes to amend the Scotland Act. The Secretary of State said that she would not support such a provision.<sup>26</sup>

### **2.3 The Future of the Territorial Offices**

#### ***The Scotland Office***

There has been some debate about the future of the Territorial Offices in the last quarter. The House of Lords Constitution Committee (**see section 1.3**) published its *Devolution: Inter-Institutional Relations in the United Kingdom* which recommended that the Government should consider merging the Secretaries of State for Scotland and Wales into one Cabinet post with responsibility for intergovernmental relations. In addition the report also looked at the disparity in size of the Scotland Office, which has 85 members of staff, and the Wales Office which has 41 members of staff. The committee concluded that they 'were offered no cogent explanation for this discrepancy and do not understand how it has arisen.'<sup>27</sup>

In oral questions to the Scotland Office on 4 February the SNP's Peter Wishart MP picked up the Constitution Committee's comments on the size of the Scotland Office. He asked when an announcement would be made on the proposed staffing arrangements of the Scotland Office for 2003, to which Helen Liddell replied that a statement would be made in spring 2003.<sup>28</sup> The

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<sup>26</sup> See Scotland Office Oral Questions at [http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030107/debtext/30107-01.htm#30107-01\\_spnew14](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030107/debtext/30107-01.htm#30107-01_spnew14).

<sup>27</sup> See House of Lords Constitution Committee, *Devolution: Inter-Institutional Relations in the United Kingdom*, Session 2002-03, HL Paper 28, Page 24. The report can be viewed at <http://www.publications.parliament.uk/pa/ld200203/ldselect/ldconst/28/2801.htm>

<sup>28</sup> See Col 131 at [http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030204/debtext/30204-01.htm#30204-01\\_writ0](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030204/debtext/30204-01.htm#30204-01_writ0).

Secretary of State also added that an independent review of the Wales Office had concluded that it has too few staff and requires more, implying that increasing staff numbers at Gwydyr House should reduce the gulf in the size of the two offices.

Helen Liddell also defended preserving the status quo of the Scotland Office in an article in which she highlighted the importance of promoting Scottish interests in UK wide legislation, referring to the Proceeds of Crime Act and the Communications Bill as recent examples. She said that the Secretary of State for Scotland is the 'custodian of devolution', and therefore much of the work of the Scotland Office is constitutional. As such the Office organises subordinate legislation under the Scotland Act, liases between Scottish and UK interests and promotes the devolution settlement in general. She added that:

'The settlement provides for a number of ways in which disputes over devolution can be settled. That none of them have been invoked is a tribute to the partnership between the Scotland Office and the Scottish Executive.'<sup>29</sup>

### ***The Wales Office***

In giving evidence to the Richards Commission on the powers of the Assembly, Business Minister Carywn Jones, said the relationship between the Assembly and the Wales Office was 'very strong an supportive'. Adding that 'it would be a great loss if the Wales Office were to come to an end.' He did not think that the Wales Office should be abolished even if the Assembly was handed primary legislative powers. He also said that an increase in the powers of the Assembly should be matched by an increase in the number of AMs. He said that 'it would be extremely difficult to steer primary legislation through with the present structure. When you compare the number of AMs with the numbers in the Scottish Parliament, it would be very difficult for 60 AMs take on.'<sup>30</sup>

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<sup>29</sup> House Magazine, 20 January 2003

<sup>30</sup> Western Mail, 23 November 2002.

## 3 Intergovernmental Relations

### 3.1 Meeting of JMC (Europe)

JMC (Europe) met on 30 January at the Cabinet Office in London. The meeting was supposed to be chaired by Jack Straw MP, but he was delayed in a Cabinet meeting. Peter Hain MP instead chaired the JMC. No communiqué was published after the meeting. The JMC discussed the prospect of the Greek presidency, and the issue of Europe and the regions with regards to the Constitutional Convention. Rhodri Morgan and Nicol Stephen attended from the devolved bodies. The full attendance is listed below.

Attendance of the JMC (Europe) held at No. 70 Whitehall on 30 January 2003

Agenda Items:        1) Prospect of the Greek Presidency  
                              2) Future of Europe: Europe and the Regions

Peter Hain (Chair)	Rhodri Morgan
Nicol Stephen	Anne McGuire
Angela Smith	Chris Leslie
Denis MacShane	Ruth Kelly
John Spellar	Margaret Hodge
Lord Whitty	Baroness Blackstone
Baroness Scotland	Ivor Caplin
Dr Lewis Moonie	

### 3.2 British-Irish Council Summit <sup>31</sup>

The British-Irish Council held its fourth Summit meeting in New Lanark on 22 November. The meeting was chaired by Jack McConnell MSP. The Irish and British Governments were represented by the Taoiseach, Bertie Ahern TD and the Leader of the House, Robin Cook MP. Rhodri Morgan represented the Welsh Assembly Government. Secretary of State for Northern Ireland Paul Murphy MP, also attended. A full list of the delegations can be found at <http://www.british-irishcouncil.org>.

The main focus of the meeting was the issue of social inclusion and, in particular, financial inclusion. The Scottish Executive and Welsh Assembly

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<sup>31</sup> British-Irish Council meetings issue communiqués that can be found at <http://www.british-irishcouncil.org/>.

Government take the lead on these issues, and members reiterated their commitment to promoting social inclusion across the BIC administrations.

The Council were also updated on the work being undertaken by British-Irish Council groups in other policy areas—Drugs, Environment, Transport, Knowledge Economy, Health, Tourism, and Minority and Lesser used Languages. A communiqué from the meeting is available on the British-Irish Council website.

The Council noted that Northern Ireland and Wales are scheduled to host summits in 2003.

### **3.3 Meeting of the British-Irish Council Environment Group**

On 16 January the BIC Environment group held its third ministerial meeting. Taking place in London, Michael Meacher MP, Minister for the Environment, chaired the meeting. The Irish Government was represented by Martin Cullen TD, Minister for the Environment and Local Government. The Welsh Assembly was represented by Sue Essex AM, Minister for the Environment. The Scottish Executive did not send a ministerial representative, where they sent Mike Foulis, Head of the Environment Group. A full list of the delegation can be found at <http://www.british-irishcouncil.org/>.

Progress reports from the sub-groups on Waste Management and the Climate Change Impacts and Adaptation were given. The group also received a discussion paper on Sellafield and Radioactive Waste, submitted by Ireland and the Isle of Man. In addition the group agreed to set up an official level working group to consider what action, if any, the group might like to take in response to the World Summit on Sustainable Development.

The Government of the Isle of Man will host the next meeting. The Welsh Assembly and the Irish Government also offered to host future meetings.

### **3.4 Meeting of the British-Irish Council Drugs Group**

The BIC Drugs Group met in Dublin on 7 February with Noel Ahern TD, Minister of State for Community Affairs and the National Drugs Strategy, chairing the meeting. Bob Ainsworth MP, a junior minister at the Home Office, represented the UK. Hugh Henry MSP, the Deputy Minister for Justice, represented Scotland. A full list of the delegation can be found at <http://www.british-irishcouncil.org/>.

Ireland is the lead administration in the Council on the issues of drug misuse. At this meeting the participants reviewed progress on the work programme agreed in March 2002, and agreed to meet again in early 2004.

### **3.5 UK Government and the Devolved Bodies Launch the Animal Health and Welfare Strategy Consultation**

Elliot Morley MP launched a new 10-year vision for sustainable health and animal welfare, on 8 January 2003, with simultaneous launches taking place in Scotland and Wales. In the wake of the foot and mouth crisis the Government, in conjunction with the Welsh Assembly and the Scottish Executive, decided to publish a consultation document on the subject of animal health with the aim of producing a 10 year Strategy in the summer. The Animal Health and Welfare Strategy will cover England, Wales and Scotland. Defra also said that they are developing links with the Northern Ireland “All Island” animal health programme.<sup>32</sup>

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<sup>32</sup> for further information see the Defra Press Release at <http://www.defra.gov.uk/news/2003/030108a.htm>.