



The Constitution Unit

Nations and Regions: The Dynamics of Devolution

Quarterly Monitoring Programme

Devolution and the Centre

**Quarterly Report
November 2003**

Guy Lodge



The Leverhulme Trust

The monitoring programme is jointly funded by the ESRC and the Leverhulme Trust

Contents

Key Points

- 1 Devolution and Westminster
 - 1.1 Opposition Party Reshuffles
 - 1.2 The West Lothian Question and foundation hospitals
 - 1.3 Scottish Parliament (Constituencies) Bill
 - 1.4 Other Bills in the Queen's Speech
 - 1.5 The Work of the Territorial Select Committees
 - 1.6 The Grand Committees
 - 1.7 Standing Committees for England's regions?
 - 1.8 Hain on the Richard Commission
 - 1.9 Representation of the People (Consequences of Devolution)
- 2 Devolution and Whitehall
 - 2.1 Reducing the Size of the Scotland Office
 - 2.2 Government rejects calls to review the Barnett Formula
- 3 Intergovernmental Relations
 - 3.1 Joint Ministerial Committee meeting of senior officials
 - 3.2 Quadrilateral Meeting of Finance officials
 - 3.3 Meeting of the British-Irish Council
 - 3.4 JMC (Europe)
 - 3.5 Devolution and Constitutional Division in the Department for Constitutional Affairs

Key Points

- Conservative party reshuffle creates a Local and Devolved Government team
- Government rely on the votes of Scots and Welsh Labour MPs to get controversial legislation on foundation hospitals through
- Scottish Parliament (Constituencies) Bill is laid before Parliament
- Queen's Speech
- Hain gives views on the Richard Commission
- Scotland Office staff numbers cut
- Joint Ministerial Committee meeting of senior officials
- Quadrilateral meeting of finance officials
- British-Irish Council holds its fifth Summit
- JMC (Europe) meets

1 Devolution and Westminster

Figure 1.1: Chronology of Events at Westminster (Sept – Dec 2003)

16 September	Oral questions to the Scotland Office and Advocate General
17 September	Oral questions to the Wales Office
28 October	Oral questions to the Scotland Office and Advocate General
29 October	Oral questions to the Northern Ireland Office
5 November	Oral questions to the Wales Office
10 November	Conservative party reshuffle announced
19 November	Commons vote on foundation hospitals
26 November	The Queen's Speech – Scottish Parliament (Constituencies) Bill
2 December	Oral questions to the Scotland Office and Advocate General
3 December	Oral questions to the Northern Ireland Office

1.1 Opposition Party Reshuffles

On 10 November Michael Howard, the new leader of the Conservative party, announced details of his shadow Cabinet. Howard has opted for a slimmed-down shadow Cabinet, having only 12 members. He has also decided to merge responsibility for local government with devolved and regional government. David Curry has been appointed shadow Secretary of State for Local and Devolved Government and will sit in the shadow Cabinet. He has five Conservative frontbench MPs working with him, (although they will not be members of the shadow Cabinet), who will have responsibility for Local Government, the English Regions, Northern Ireland, Scotland and Wales. Details of David Curry's team are set out in Figure 1.2.

The move by Howard means that Scotland, Wales and Northern Ireland will not have separate representation in the shadow Cabinet. Nigel Evans, who was shadow Secretary of State for Wales under Howard's predecessor, Iain Duncan Smith is alleged to have resigned the post when it emerged that the

job was to be downgraded.¹ The nations will of course be represented through David Curry, but the Labour party were quick to accuse the Conservatives of hypocrisy. Back in June the Conservatives severely criticised the Prime Minister's decision to combine the posts of Scottish and Welsh Secretaries with other Cabinet positions. At the time of the June reshuffle, Duncan Smith accused the Labour Government of treating the Scots and Welsh 'like second class citizens'.² Peter Hain, Welsh Secretary and Leader of the House of Commons, said the decision shows the 'utter contempt the Tory Party still has for Wales. Not a single MP in Wales, and now not even bothering to ensure Wales' voice is heard at the top table of the Tory Party'.³

In October the Liberal Democrats also reshuffled part of their front bench. The Liberal Democrat Scotland spokesman, John Thurso was also given the transport brief, reflecting the decision by the government to make Alistair Darling Scottish Secretary alongside his job as Secretary of State for Transport.

Figure 1.2: The new Conservative Front Bench for Local and Devolved Government

Rt Hon David Curry MP:

Shadow Secretary of State for Local and Devolved Government (member of the shadow Cabinet)

Erick Pickles MP:

¹ BBC Online, *Tory cabinet drops Welsh post*, 10 November – see <http://news.bbc.co.uk/1/hi/wales/3258655.stm>. The article quotes Nigel Evans as saying 'The Conservatives will continue to fight for a separate voice for Wales around the cabinet table, Wales deserves nothing less.' The BBC later claimed that Bill Wiggin, the new shadow Welsh Secretary said that Wales should have a separate voice around the shadow Cabinet table. See BBC Online, *Wiggin wants Cabinet voice*, 13 November – see <http://news.bbc.co.uk/1/hi/wales/3265733.stm>.

² Quoted in Lodge, G., *Devolution and the Centre Monitoring Report August* (London: The Constitution Unit, 2003), p. 7. See http://www.ucl.ac.uk/constitution-unit/monrep/centre/centre_august_2003.pdf.

Shadow Secretary of State for Local Government

Bernard Jenkin MP:

Shadow Secretary of State for the Regions

David Lidington MP:

Shadow Secretary of State for Northern Ireland

Peter Duncan MP:

Shadow Secretary of State for Scotland

Bill Wiggin MP:

Shadow Secretary of State for Wales

1.2 The West Lothian Question and Foundation Hospitals

The government's controversial plans to introduce foundation hospitals once again raised the West Lothian Question at Westminster. The question refers to the anomalous position whereby following the introduction of devolution, Scottish MPs can vote on English matters at Westminster, while English MPs cannot vote on issues devolved to the Scottish Parliament. (It is named after the constituency of Tam Dalyell MP, who first raised the issue during the devolution debates in the 1970s.)

On 19 November the government was forced to rely on the support of Welsh and Scottish Labour MPs to defeat an amendment that opposed the policy of foundation hospitals as set out in the Health and Social Care (Community Health and Standards) Bill. The proposals for foundation hospitals in Part 1 of the Bill do not apply to Scotland or Wales – although technically the territorial extent of the Bill covers England and Wales (as other parts of the Bill contain

³ BBC Online, *Tory cabinet drops Welsh post*, 10 November.

clauses extending to Wales).⁴ Indeed part of the Bill also applies to Scotland, and it therefore contains a Sewel motion.⁵ Moreover, both the Scottish Parliament and the National Assembly for Wales have explicitly rejected the foundation hospital model for Scotland and Wales.

The vote on 19 November (division 381) witnessed the government achieve its smallest majority since coming to power in 1997. The amendment against the government's proposals was defeated by just 17 votes. 44 Labour MPs representing Scottish constituencies and 24 Labour MPs representing Welsh constituencies voted with the government. If only MPs representing English constituencies had voted then the government would have lost the vote by 17. 234 MPs representing English constituencies supported the government, while 251 opposed it. The vote for division 381 is set out in Figures 1.3 and 1.4 below.

Tim Yeo, the Conservative shadow Secretary of State for Education and Health attacked the government for presiding over what he termed a 'constitutional outrage'. Yeo raised a point of order after the vote:

'On a point of order, Mr. Deputy Speaker. The House has just approved a measure the impact of which will be felt exclusively in England. The Government's greatly reduced majority has been obtained through Scottish Members of Parliament. What advice do you have for those of us whose constituents will regard this as a constitutional outrage? Will you now allow the Secretary of State to make a statement, and to consider my offer to him to

⁴ For the territorial extent of the Bill see the Health and Social Care (Community Health and Standards) Bill, Part 3, 15 (2): 'Subject to that and except as provided below this Act extends to England and Wales.' See also the explanatory notes that were published with the Bill which states that Part 1 of the Bill applies only to England. HL Bill 94, Health and Social Care (Community Health and Standards) Bill, *Explanatory Notes*, 9 July 2003.

⁵ The Sewel motion applies to Part 3 of the Bill, concerning recovery of NHS costs where a third party pays compensation to the person receiving treatment. This part extends to Scotland.

enter into immediate talks on how the Bill can be improved, so that its passage through both Houses can be guaranteed?⁶

Responding John Reid the Secretary of State for Health, and MP for the Scottish constituency of Hamilton North and Beshill, accused Tim Yeo of being a ‘pathetically bad loser.’

Figure 1.3: Breakdown of Division 381 on Foundation Hospitals by Nation

Nation	For Government	Against Government
England	234	251
Scotland	44	17
Wales	24	11
Northern Ireland	0	6
Total	302	285

Figure 1.4: Breakdown of Division 381 on Foundation Hospitals by Party and Nation

Nation	Party	For Government	Against Government
England	Conservatives	0	154
	Labour	234	55
	Lib Dem	0	41
	Other	0	1
	Total	234	251
Scotland	Conservatives	0	0
	Labour	44	2
	Lib Dem	0	9

⁶ HC Deb Col 856, 19 November 2003.

	SNP	0	5
	Other	0	1
	Total	44	17
Wales	Labour	24	5
	Lib Dem	0	2
	Plaid Cymru	0	4
	Total	24	11
Northern Ireland	DUP	0	3
	SDLP	0	0
	Sinn Fein	0	0
	Ulster Unionist	0	3
	Total	0	6

This is the second time that the West Lothian issue has been raised in relation to foundation hospitals – in July 2003 the government narrowly defeated an amendment by 286 to 251 votes. At the time much was made of the fact that had only MPs representing English constituencies voted, the government would have lost the division by 1 vote. This generated debate within Parliament and the media about the West Lothian question – several Labour MPs expressed anger at the fact that Scottish and Welsh Labour MPs had saved Blair's flagship health policy reform. Interestingly, in the November vote these Labour MPs (led by Frank Dobson the ex-Health Secretary and David Hinchliffe the chair of the Health Select Committee) hardly raised the issue.⁷

Media interest in the issue had also seemed to dissipate since July. One notable exception was the Daily Mail who ran the following headline on its front page: 'Humiliated: Blair rocked as Hospitals Bill is saved by Scots MPs.'⁸

⁷ For an analysis of the July vote see Lodge, G., *Devolution and the Centre Monitoring Report August* (London: The Constitution Unit, 2003), pp. 23-27.

⁸ Daily Mail, *Humiliated: Blair rocked as Hospitals Bill is saved by Scots MPs*, 20 November 2003. The Express also picked up on the issue referring to how Blair now needs the support of the 'Tartan Army' to implement controversial policy – Daily Express, *Scots MPs save Blair*, 20 November 2003.

The vote failed to spark a wider public debate on the issue. The Scottish media, who are much more interested in the subject, covered it but on the whole the UK press in London did not. This is partly explained by the fact that the visit by George Bush to London was dominating the media agenda. The other reason is that the Lords rejected the Bill and so the government were forced to amend it, forcing a second vote in the Commons. This (division 388) the government won with a majority of 41 votes. 227 English MPs voted for with the government and 227 voted against it. The numbers of Labour rebels fell from 62 in the first vote to 35 in the second.

Recently the Conservative party have shown some interest in the West Lothian issue following a lull during the leadership of Iain Duncan Smith – who dropped his predecessors policy of ‘English votes on English laws.’ Duncan Smith saw that William Hague achieved no political return on his policy as it failed to resonate with the public. The new leader, Michael Howard has already unveiled plans calling for the introduction of a new clause to every Bill that would bar Scottish MPs from voting on English issues. Howard has said that every Bill produced at Westminster would contain a ‘certificate’ explaining whether it dealt with a devolved or reserved matter. He said that the reform would require the support of all political parties in order to be implemented. The Conservatives believe that the foundation hospital episode has pushed the issue up the political agenda. Howard also rejected the government’s opposition to any such proposals, which they argue would create two classes of MPs at Westminster, as ‘essentially bogus’.⁹

It should be noted that the proposals put forward by the Conservatives have been aired before and they have usually come up against the same problem. That is that it is actually much more difficult to stipulate the territorial extent of Bills. The Health and Social Care (Community Health and Standards) Bill is a

⁹ The Scotsman, *Howard vows to end Scots MPs’ vote on English Affairs*, 8 December 2003. Other interest from Conservative quarters has been expressed by Nigel Evans MP – see HC Deb Col 436, 2 December 2003. Furthermore Andrew Selous MP asked whether the government would prohibit Members for non-English seats voting on English matters – see HC Deb Col 170, 9 September 2003.

case in point. Its territorial extent applies to England and Wales, yet Part 1 of the Bill applies only to England – yet the territorial extent of the Bill defines it as an England and Wales Bill and Part 3 contains a Sewel motion. Howard’s proposals to say whether something is ‘devolved’ or ‘reserved’ will have to be applied ‘Part by Part’ or even clause by clause. But even then there may be room for argument. For instance should Scottish MPs vote in the forthcoming debates on tuition fees? Student finance in Scotland is devolved so under a strict reading they should not. However, it is clear that the policy will have an impact on Scottish universities and so many Scottish MPs would say that this entitles them to vote. The Scottish National Party, who have hitherto adopted a policy of not voting on matters at Westminster that are devolved to Holyrood for Scotland, themselves voted on foundation hospitals on the grounds that given the devolution financial settlement, changes in health funding for England would affect Scotland through the Barnett formula. The complexity of defining bills by territory is just one of the problems associated with answering the West Lothian Question. There are others – less technical and more political in nature – notably what happens when a party forms a government with a small majority at Westminster that is dependent on its Scottish and Welsh MPs.

In recent months the West Lothian issue has gathered momentum with the votes on foundation hospitals and also hunting, as well as the appointment of the Scot, John Reid to the post of Secretary of State for Health. With tough times ahead for the government, in particular over tuition fees, there is also the prospect of the Blair government having to further rely on the support of its Celtic MPs to implement policies that will only apply in England. That said there is still little evidence to suggest that the issue has struck much of a chord with the English public.

1.3 Scottish Parliament (Constituencies) Bill

In the Queen’s Speech the Government announced plans to introduce the Scottish Parliament (Constituencies) Bill which will legislate for the retention of 129 MSPs in the Scottish Parliament. It will do so by amending the Scotland Act 1998 - which stipulated that the number of MSPs be reduced in line with

the Government's proposals to reduce the number of Scottish MPs sitting at Westminster. However, following a consultation on the issue the Government decided not to reduce the number of MSPs. It does, however, remain committed to reducing the number of Scottish MPs, which means that the current link between Westminster and Holyrood constituencies will be broken.

Such a move will have implications for electoral politics in Scotland. This has prompted the Scottish Affairs Committee at Westminster to launch an inquiry into the issue (see Section 1.5 below).

1.4 Other Bills in the Queen's Speech

The government also introduced the Public Audit (Wales) Bill, which was the only Wales-only Bill announced in the Queen's Speech. The Bill will create a single public audit body for Wales, headed by the Auditor General.¹⁰

In a speech to the National Assembly for Wales, the Welsh Secretary Peter Hain gave details of how the proposed legislation set out in the Queen's speech will impact on Wales. In addition to the Public Audit (Wales) Bill, Hain said that there were seven Bills which 'have a major Welsh interest.' These include the Fire and Rescue Services Bill which will devolve responsibilities for the fire service to Wales. The Higher Education Bill will transfer responsibility for further and higher education policy to the National Assembly.¹¹

The government also announced their plans to introduce legislation to establish a Children's Commission for England in the form of a Children's Bill. Wales and Northern Ireland already have a children's commissioner, and Scotland is about to appoint one.

¹⁰ For more detail about this see the Devolution and Wales: Monitoring Report August (London: Constitution Unit and the Institute of Welsh Affairs, 2003). See http://www.ucl.ac.uk/constitution-unit/monrep/wales/wales_august_2003.pdf.

¹¹ See Wales Office press release, Queen's Speech heralds a fairer future for Wales says Peter Hain, 26 November 2003. http://www.ossw.wales.gov.uk/pn_20031126.html.

1.5 The Work of the Territorial Select Committees

Scottish Affairs Select Committee

The Committee has not published any reports this quarter. It has, however, launched its inquiry into the *Coincidence of Parliamentary Constituency Boundaries in Scotland and the Consequences of Change*. The Committee announced:

'Following the Government's decision to retain the current numbers of MSPs and the provisional proposals of the Boundary Commission for Scotland to reduce the number of Scottish constituencies represented at Westminster from 72 to 59, the Scottish Affairs Committee will undertake an inquiry into the consequences for Scotland's governance and political life, including the implications for voters, of the creation of different constituency boundaries in Scotland for the UK and Scottish Parliaments.'¹²

In parallel to the inquiry into Parliamentary constituency boundaries, the Scottish Affairs Committee also announced that they would hold an inquiry on the *Registration of Voters in Scotland*.

Northern Ireland Affairs Select Committee

The Committee published two reports this quarter.

- 17 September *Government's Response to the Committee's Seventh Report on PEACE II (Seventh Special Report HC 1077)*

- 4 November *The Illegal Drugs Trade and Drug Culture in Northern Ireland (Eighth Report HC 1217-I)*

¹² Taken from the Scottish Affairs Select Committee website – see http://www.parliament.uk/parliamentary_committees/scottish_affairs_committee/030917.cfm.

Welsh Affairs Select Committee

The Committee has not published any reports this quarter. However, it has had a change in membership. Following the Conservative party reshuffle Bill Wiggin MP became shadow Secretary of State for Wales which meant that he had to stand down from the Welsh Affairs Select Committee. He was replaced by his predecessor in the post, Nigel Evans MP.

1.6 The Grand Committees

The Grand Committees have not met this quarter. They will meet to discuss how the government's legislative programme set out in the Queen's Speech will affect their respective territories, in due course.

1.7 Standing Committee's for England's regions?

On 18 September the Labour MP Gordon Prentice (Pendle) asked the Leader of the House, Peter Hain MP the following question in relation to Westminster scrutiny of the English regions:

Gordon Prentice MP: Given the Government's commitment to regionalism, would it not be a good idea to set up a Standing Committee for each of the eight English standard regions? We could meet to discuss regional affairs here at Westminster, but we could also travel to our own regions and discuss them.

Peter Hain MP: I know that that has been suggested, and we can keep it under review. I should like to see how the newly established Regional Affairs Committee works before we decide whether any such modifications are needed.¹³

¹³ HC Deb, col 1076, 18 September 2003. The Standing Committee on Regional Affairs was formed in 1975 and continued to meet until 1978 when it was disbanded. In April 2000 Parliament decided to reconvene the Standing Committee as a specific England-only forum.

1.8 Hain on the Richard Commission

Labour MP, George Foulkes asked the Secretary of State for Wales, Peter Hain how the Government envisage responding to the report of the Richard Commission.¹⁴ He was also pressed by Conservative MP, Michael Fabricant on whether the Government would hold a referendum on any proposals to give the National Assembly an ‘increase in powers’. Hain said that any proposals to give the National Assembly tax-varying powers would have to be subjected to a referendum.

Mr. Foulkes: Since it is Westminster that will have to legislate on any changes, could the Secretary of State please tell us the exact status of the commission and to whom and when it will report? Given that it affects all parts of the United Kingdom, not just Wales, will the Leader of the House tell us when we can debate the matter on the Floor of the House?

Mr. Hain: The National Assembly set up the commission and it is due to report in early spring next year. Its report will go to the National Assembly and the Welsh Assembly Government will consider it. No doubt representations will be made to us. If any changes are sought as a result of the Richard commission, my right hon. Friend is right that it will be for the House—obviously in partnership with the Welsh Assembly Government—to decide.

Michael Fabricant (Lichfield): Should it not also be in partnership with the people of Wales? Will the Secretary of State for Wales now give an undertaking that, if the Lord Richard report states that the National Assembly should have increased powers, the people of Wales will be consulted through a national referendum?

¹⁴ The Richard Commission was set up by the National Assembly for Wales to review the powers and electoral arrangements for the National Assembly. It is expected to report in the early 2004.

Mr. Hain: If the Richard commission were to propose tax-varying powers—as apply in Scotland, and the Scots held a referendum on that precise issue—Wales would have to hold a referendum.¹⁵

1.9 Representation of the People (Consequences of Devolution)

The Liberal Democrat MP Andrew George (St Ives) introduced a Ten Minute Rule Bill which contained provisions for reducing the number of MPs who sit at Westminster. He argued that as a consequence of devolution the number of MPs required at Westminster had fallen as devolved bodies have taken on the responsibilities previously administered by Westminster. However, the Bill fell at the end of the Parliamentary session.

¹⁵ HC Deb Col 786. See

http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm031105/debtext/31105-02.htm#31105-02_sbhd2.

2. Devolution and Whitehall

Figure 2.1: Chronology of Events in Whitehall (Sept – Dec 2003)

9 September	Darling announces decision to reduced the size of the Scotland Office
6 October	JMC (Europe) meets
23 October	Government Response to ODPM Select Committee Report on Reducing Regional Disparities in Prosperity
24 October	Quadrilateral Meeting of Finance Officials
31 October	Joint Ministerial Committee (JMC) meeting of senior officials in Cardiff
28 November	British-Irish Council fifth Summit

2.1 Reducing the Size of the Scotland Office

On becoming Scottish Secretary in June 2003, Alistair Darling made public his view that the role of the Scottish Secretary and the Scotland Office had diminished since devolution. Darling took the view that as Scottish devolution continued to evolve so the arrangements in place at the centre would have to evolve as well. He spoke of the ‘maturing of the relationship’ between the Scottish Executive and the UK government, which would transform the role of the Scottish Secretary and the Scotland Office. He said that this meant that Scottish Executive ministers would deal directly with their counterparts in Whitehall and would not need to go through the Scotland Office. With this new role in mind he announced a review of the size and scope of the Scotland Office.

On 9 September in a Written Ministerial Statement, Darling announced the results of the review. The review, conducted by the Head of the Scotland Office, David Crawley, in consultation with the Permanent Secretary at the Department for Constitutional Affairs, Sir Hayden Phillips will see the number of Scotland Office staff reporting to Alistair

Darling fall from 96 to 65. The overall staffing levels at the Scotland Office will be 100 when the 35 lawyers working for the Advocate-General for Scotland are included. When Darling became Scottish Secretary there were 131 members of staff working at the Scotland Office – there will now be 100. The statement said:

'The reduction of 31 posts has already partly been achieved through transfers of responsibilities (mainly Friends of Scotland) to the Scottish Executive and through not filling vacancies. Further reductions will be achieved by staff returning to the Scottish Executive or by redeployment within the Department for Constitutional Affairs.'¹⁶

The move will also see Scotland Office accommodation in Glasgow given up. As such Scotland Office staff working in Scotland will now be based solely at 1 Melville Crescent in Edinburgh. It is proposed that the staff changes will be complete by 31 December 2003. The statement also said that the changes would result in financial savings to the running costs of the Scotland Office of approximately £1.7 million in the next year. The statement said: 'In line with the statement of funding policy agreed between the United Kingdom Government and the Scottish Executive, the savings realised will reduce the Scotland Office's total call on the Scottish assigned budget by an equivalent amount and will therefore be available to the Scottish Executive.'

¹⁶ Written Ministerial Statement, The Secretary of State for Scotland, *Scotland: Staffing and Location (Scotland Office)*, 9 September 2003, HC 24 WS. The Friends of Scotland initiative was established by Darling's predecessor Helen Liddell to promote Scotland abroad but Darling quickly announced his decision to transfer responsibility for it to the Scottish Executive.

2.2 Government rejects call to review Barnett Formula

The ODPM Select Committee recommended that the government review the way that public money is allocated to the nations and the regions of the UK in their report on *Reducing Regional Disparities in Prosperity*. The report argued that the allocation of funding in the UK does not reflect the patterns of financial needs. They specifically called on the government to review the Barnett formula. However the government once again rejected such calls, and referred to the Statement of Funding Policy, which sets out the funding principles for the devolved administrations.¹⁷

¹⁷ Government Response to ODPM Select Committee Report on Reducing Regional Disparities in Prosperity, Cm 5958, (London: The Stationery Office, 2003), pp. 10-11. Paul Boateng, Chief Secretary to the Treasury, was also pressed on the issue at Treasury questions by Labour MP, Joyce Quin MP. He informed the House that the Government have no plans to review the Barnett Formula. HC Deb Col 13 November 2003 - http://www.publications.parliament.uk/pa/cm200203/cmhsrd/cm031113/debtext/31113-03.htm#31113-03_sbhd1.

3. Intergovernmental Relations

3.1 Joint Ministerial Committee meeting of senior officials

In preparation for the forthcoming plenary meeting of the Joint Ministerial Committee (JMC), the Heads and Permanent Secretaries of the territorial offices in Whitehall and the devolved administrations met on 31 October in Cardiff. Details of who attended and what was discussed is set out below in Figure 3.1. The next plenary meeting of the JMC is planned to take place in Edinburgh. A date has not yet been set. The Memorandum of Understanding states that ‘Plenary meetings of the JMC will be held at least once every year’ – but given that the last plenary meeting of the JMC was held on 22 October, this commitment will now not be met.¹⁸

Figure 3.1: Meeting of the Joint Ministerial Committee (Officials)

Attendance
<ul style="list-style-type: none">- Sir Hayden Phillips (Chair) (Department for Constitutional Affairs)- John Elvidge (Scottish Executive)- Sir Jon Shortridge (National Assembly for Wales)- Nigel Hamilton (Northern Ireland Executive)- Sir Joseph Pilling (Northern Ireland Office)- David Crawley (Head of the Scotland Office)- Alison Jackson (Head of the Wales Office)

Agenda
<ol style="list-style-type: none">1. Overview of Devolution: Review of the last year

¹⁸ *Memorandum of Understanding and Supplementary Agreements*, Cm 5240, (London: The Stationery Office, 2001), p. 12.

2. Review of the Joint Ministerial Committee machinery
3. Preparations for the 2003 JMC (Plenary) meeting

3.2 Quadrilateral Meeting of Finance Officials

On 24 October finance officials from the Treasury and from the devolved administrations met in London to discuss a range of economic issues. Some of the themes discussed are outlined in Figure 3.2.

Figure 3.2: Themes discussed the Quadrilateral

- The economic performance of the nations and regions of the UK
- Development Agencies: What can UK development agencies learn from each other?
- Public Service Agreement (PSA) target progress: Improving the economic performance across the countries and regions of the UK.
- Discussion on structural funds
- Discussion on the 2004 Spending Review

3.3 Meeting of the British-Irish Council¹⁹

The British-Irish Council (BIC) held its fifth Summit meeting on 28 November in Cardiff. The meeting was chaired by the First Minister of the National Assembly for Wales, Rhodri Morgan AM. The British and Irish Governments were represented by the Prime Minister, Tony Blair MP and the Taoiseach, Bertie Ahern TD. The Scottish Executive was represented by the Deputy First Minister, Jim Wallace MSP. A full list of those who attended is shown in Figure 3.3.

¹⁹ A communiqué of the meeting was issued and can be found on the British-Irish Council website at http://www.britishirishcouncil.org/documents/belfast_summit.asp.

The main focus of the meeting was *Indigenous Minority and Lesser-Used Languages*, on which the Welsh Assembly Government takes the lead on within the BIC.

The meeting also discussed the recent elections to the Northern Ireland Assembly and noted that it looked forward to the restoration of the devolved institutions in Northern Ireland as soon as possible.

Figure 3.3: Attendance at the BIC meeting

Wales	
First Minister	Rt. Hon Rhodri Morgan AM
Minister for Culture, Welsh Language and Sport	Alun Pugh AM
Minister for Economic Development And Transport	Andrew Davies AM
Minister for Education and Life-Long Learning	Jane Davidson AM
British Government	
Prime Minister	Rt Hon Tony Blair MP
Parliamentary Under Secretary of State for Northern Ireland	Angela Smith MP
Secretary of State for Constitutional Affairs	Rt Hon Lord Falconer
Government of Ireland	
Taoiseach	Bertie Ahern TD

Minister for Communications, Marine and Natural Resources	Dermot Ahern TD
Minister for Community, Rural And Gaeltacht Affairs	Éamon Ó Cuív TD
Scotland	
Deputy First Minister	Rt Hon Jim Wallace QC MSP
Minister for Education and Young People	Peter Peacock MSP
Jersey	
President of the Policy and Resources Committee	Senator Frank Walker
Chief Executive, Policy and Resources Department	Bill Ogle
States of Guernsey	
President, Advisory and Finance Committee	Deputy Laurie Morgan
Chief Executive, Advisory and Finance Committee	Mike Brown
Government of the Isle of Man	
Chief Minister	Hon Richard Corkill MHK
Minister for Education	Hon Stephen Rodan MHK

3.4 JMC (Europe)

JMC (Europe) met on 6 October. It last met in January 2003.

3.5 Devolution and Constitutional Division

Mark Taylor and Peter Thompson, officials in the Devolution and Constitutional Division at the Department for Constitutional Affairs have been moved into new jobs in Whitehall. Belinda Crowe has replaced Mark Taylor as Divisional Manager. The Division is responsible for co-ordinating devolution issues across Whitehall and reports to the Secretary of State for Constitutional Affairs, Lord Falconer.