

Devolution

Devolution raises many fascinating questions and problems but, in truth, most of them are mainly of interest only to academics and constitutional specialists. There is no reason why most of us should not retain sensible, non-adversarial relations with colleagues working for the devolved bodies.

The key thing, of course, is to show respect for countries which are proud of their national structures, institutions and industries, and of the ways in which they are very different from England. Devolution is hardly a new phenomenon. The Act of Union 1707 provided that Scotland's separate legal system, church and education system should continue to be respected. And it is a mistake to worry too much if politicians from other countries take decisions which are different from those taken by their colleagues in Westminster. Indeed, diversity is not an unintended consequence of devolution. It is the whole point of it.

The relationship with the devolved administrations should be entirely co-operative, and based on free and effective communication. If it would be helpful to share information on a confidential basis, you should not hesitate to do so, as long as the confidentiality is made clear to your colleagues – and as long as the information is exempt from disclosure under the Freedom of Information Act. Tensions will no doubt arise – for instance where, say, the Welsh interest in an EU negotiation is not the same as the wider UK interest. But these problems will be reduced, not exacerbated, by clear and open communication.

Open and effective communication also ensures that colleagues are not surprised by Whitehall announcements, followed as they always are by questions such as 'What are you doing on this in Wales?' Colleagues can respond constructively, even if they are pursuing different policies, as long as they have prior warning.

Above all, you must not be patronising. You should ask whether a devolved administration wishes to act in a certain way, and not suggest that they should do so or, even worse, tell them to do so.

The position concerning legislation is as follows. Although the UK Parliament retains the authority to legislate on any issue, whether devolved or not, the convention is that Westminster will not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament. This convention does not apply to incidental or consequential changes to Scottish Law, where the purpose of the new law is reserved to the UK Parliament, but there should always be close consultation with Scottish colleagues, whatever the constitutional position. The National Assembly for Wales also has a limited ability to pass primary legislation. This link gives more detail:- <http://new.wales.gov.uk/about/constitutional/govwalesact2006/?lang=en> .

As always, of course, look at more detailed and formal documents, including the formal Concordats with the devolved administrations, and consult experienced colleagues, if it looks as though a serious problem might be developing.

By the way, it is important to understand the respective roles of the post-devolution institutions. *The Scotland Office, the Wales Office and the Northern Ireland Office* are London-based departments headed by Secretaries of State who are members of the UK Cabinet. *The Scottish Executive, the Welsh Assembly Government* and the various *Northern Irish Departments* are the executive bodies that report to Ministers accountable to *the Scottish Parliament, the National Assembly for Wales* and *the Northern Ireland Assembly* respectively.