

Research Briefing

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Intergovernmental relations in the United Kingdom



Summary

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Summary

Since 1998, intergovernmental relations (IGR) have been an important yet understudied part of the United Kingdom's new machinery of government. To borrow a phrase from Lord Hennessey, they are "[the hidden wiring](#)" of the UK's territorial constitution.

Origins of intergovernmental relations

Although IGR in the UK has a deeper provenance than is widely assumed, most of the present arrangements evolved following the Northern Ireland Act 1998, Scotland Act 1998 and Government of Wales Act 1998. These established three devolved legislatures and governments/executives in Belfast, Edinburgh and Cardiff respectively. What had previously been discussions within a single UK government became a new set of relationships between four different governments.

Since then, IGR have been necessary for two main reasons: resolving disputes between the UK Government and the three devolved administrations, and for joint decision-making where two or more administrations share competences or responsibilities. In the case of Northern Ireland, IGR also operates internationally.

Criticisms of IGR

The political and institutional structures that underpin those relations, however, have been criticised, particularly from the perspective of the devolved governments. Concerns include the lack of a statutory framework, the process for resolving disputes, and too much decision-making power resting with the UK Government in London. Some of these were resolved when a long-awaited IGR Review reported in January 2022.

Four phases of IGR

Since 1998, there have been four broad phases of intergovernmental relations in the UK: an initial period of stability (1999-2007) widely attributed to the dominant position of the Labour Party in Scotland, Wales and England. There followed a more uncertain period (2007-2016) in which several different

parties led the UK's four governments. Thirdly, Brexit and the Covid-19 pandemic put IGR in the spotlight as never before (2016-22). Finally, new IGR arrangements launched in January 2022 marked the beginning of the fourth phase.

1 Present intergovernmental machinery

Since 1999, engagement between the [United Kingdom Government](#), [Northern Ireland Executive](#), [Scottish Government](#) and [Welsh Government](#) has taken place under the umbrella of “intergovernmental relations” (IGR). This refers to the relationships between ministers and officials of the four different governments within the UK.

As the House of Commons Public Administration and Constitutional Affairs Committee observed in a report, by 2018 there was a [“growing consensus that the current UK inter-governmental relations mechanisms are not fit for purpose”](#). This view was echoed by Lord Dunlop in his 2019 review of devolution (which included IGR), in which he concluded [“that the IGR machinery is no longer fit for purpose and is in urgent need for reform”](#).¹

A joint review was undertaken by the UK government and the devolved administrations to update intergovernmental structures and ways of working. The [Review of Intergovernmental Relations](#) reported on 13 January 2022 with all four administrations agreeing to work under the new arrangements.²

The Review stated that collaborative working was “founded” on the following principles:

- maintaining positive and constructive relations, based on mutual respect for the responsibilities of the governments and their shared role in the governance of the UK
- building and maintaining trust, based on effective communication
- sharing information and respecting confidentiality
- promoting understanding of, and accountability for, their intergovernmental activity
- resolving disputes according to a clear and agreed process.³

¹ Cabinet Office, [Dunlop Review into UK Government Union capability](#), 24 March 2021.

² Some of the new IGR reforms had been recommended in the Centre on Constitutional Change/Bennett Institute Report, [Reforming Intergovernmental Relations](#), which was prepared for joint review.

³ Cabinet Office, [Review of Intergovernmental Relations](#), 13 January 2022.

The new IGR structures and processes are non-statutory. They do not create new, or over-ride existing, legal relations or obligations, nor are they justiciable.⁴ The arrangements are to be “kept under review”.⁵

Overall accountability for IGR continues to rest with the Prime Minister, the First Ministers of Scotland and Wales and the First and deputy First Minister of Northern Ireland.⁶

1.1 IGR structure

The new IGR structure comprises three tiers:

- **Top tier:** The Prime Minister and Heads of Devolved Governments Council (“The Council”)
- **Middle tier:** The Interministerial Standing Committee (IMSC), the Finance Interministerial Standing Committee (F:ISC) and additional time-limited interministerial committees formed as necessary
- **Lowest tier:** a number of interministerial groups (IMG) formed to discuss specific policy areas⁷

In contrast with the previous IGR arrangements (see **Section 6.4**), engagement within the new structure is to take place regularly and not just “when needed”. Intergovernmental decisions, however, will continue to “work on the basis of agreement by consensus”.⁸

1.2 Top tier

Intergovernmental relations in the UK are overseen by the overarching Prime Minister and Heads of Devolved Governments Council (“the Council”). All middle-tier and portfolio (lower-tier) engagement is accountable to this forum.

Annual meetings are chaired by the Prime Minister. In addition, it is anticipated that the Prime Minister will engage with First Ministers and other parties, for example local leaders, outwith these structures. Other ministers

⁴ Cabinet Office, [Review of Intergovernmental Relations](#). The Review adds that “Nothing within them should be construed as conflicting with the Belfast/Good Friday Agreement”.

⁵ Cabinet Office, [Review of Intergovernmental Relations](#).

⁶ Cabinet Office, [Review of Intergovernmental Relations](#).

⁷ Cabinet Office, [Review of Intergovernmental Relations](#). Annex B contains “Draft terms of reference for the council, IMSC and ICs, and draft list of IMGs”.

⁸ Cabinet Office, [Review of Intergovernmental Relations](#).

and relevant parties will be invited to attend the Council depending on the specific agenda items under discussion.

The functions of the Council will include:

- considering policy issues of strategic importance to the whole of the UK;
- overseeing the functioning of and providing strategic direction to the system of multi-level governance created by devolution;
- reaching decisions on strategic direction for IGR by consensus;
- acting as the final escalation stage of the dispute resolution process; and
- overseeing and regularly reviewing this agreement.⁹

1.3

Middle tier

Interministerial Standing Committee (IMSC)

The Interministerial Standing Committee (IMSC) considers issues which cannot be considered at the portfolio-level within the relevant IMG, in order to bring together strategic considerations affecting many different portfolios and to discuss any cross-cutting international issues. It is intended to meet every other month, according to rotating arrangements, but can meet more or less frequently according to need and if agreed by consensus.

The IMSC consists of the relevant IGR ministers from all governments. When portfolio-level expertise is deemed beneficial to the particular conversation at hand, ministers from other departments and ministries can be invited to attend.

When considering wider strategic international issues, ministers from the Foreign, Commonwealth & Development Office will be invited as necessary. This is complemented by two internationally focussed IMGs, including the Trade IMG to discuss agreements with the UK's new trading partners, and an IMG for the UK-EU Trade and Cooperation Agreement.¹⁰

Finance Interministerial Standing Committee (F:ISC)

Building on previous engagement in the Finance Ministers Quadrilateral, a Finance Interministerial Standing Committee (F:ISC) consists of representatives of His Majesty's Treasury together with the devolved governments' finance ministers in order to consider finance and funding matters. The F:ISC sits alongside the IMSC and has similar operating

⁹ Cabinet Office, [Review of Intergovernmental Relations](#).

¹⁰ Cabinet Office, [Review of Intergovernmental Relations](#).

arrangements. The F:ISC is chaired by the UK Government or a devolved administration finance minister. HM Treasury and the devolved administrations publish joint communiques.¹¹

Time-limited Interministerial Committee (IC)

If a cross-cutting issue normally falling within the remit of the IMSC requires specific consideration in isolation from other issues, due to political developments, repeat appearances on the IMSC agenda, or urgency, a time-limited Interministerial Committee (IC) can be established for that purpose.¹²

1.4 Lowest tier

All governments commit to regular portfolio-level engagement in areas of mutual interest. This engagement is intended to take place formally within Interministerial Groups (IMGs), which are expected to cover a number of policy areas and will aim to meet regularly on a quadrilateral basis. The Review noted that much engagement at portfolio level is already in place and, thus, would be rebranded to align with the new IGR structure.

Any government has the right to request that an item for discussion from an IMG be referred for consideration at the Interministerial Standing Committee or Finance Interministerial Standing Committee.

1.5 Standing IGR Secretariat

The Council, IMSC and ICs are supported by a standing IGR Secretariat, consisting of officials from all four governments. The Secretariat is accountable to the Council rather than to individual sponsoring governments. The IGR Secretariat promotes the efficient and effective maintenance of relations at each tier, facilitate prompt handling and resolution of disputes, and provide administrative support.

The IGR Secretariat is hosted and funded by the Cabinet Office and staffed by officials from all governments (on a rotating basis if overall numbers of staff are lower than four). The Secretariat Head is responsible for managing the Secretariat.

The IGR Secretariat's functions include:

¹¹ Cabinet Office, [Review of Intergovernmental Relations](#). Annex C sets out the Draft Terms of Reference for the Finance Interministerial Standing Committee.

¹² Cabinet Office, [Review of Intergovernmental Relations](#).

- determining dates, agenda, location and chairing of intergovernmental meetings of the Council, IMSC, and ICs, and establishing new IMGs as requested;
- compiling / commissioning background papers for discussion for the Council, IMSC, and ICs;
- reporting on the outcomes of meetings, drafting minutes and sharing joint communiqués for the Council, IMSC, and ICs;
- facilitating the process of dispute resolution;
- compiling reports on IGR activity;
- gathering data relevant to the exercise of its functions.¹³

The F:ISC has its own Secretariat led collectively by officials from the members of the F:ISC.

1.6 Communication

The joint IGR Review committed each government to “increased transparency of intergovernmental relations through enhanced reporting to their respective legislatures”. The IGR Secretariat supports individual governments in making such reports to their legislatures and will also prepare an annual report on intergovernmental activity. All intergovernmental forums will also be encouraged to produce communiqués on their meetings and publish these online.¹⁴

1.7 Dispute resolution process

The joint IGR Review committed all four government to “promoting collaboration and the avoidance of disagreements”. Any government, however, may refer a disagreement to the IGR Secretariat as a dispute.¹⁵

Escalation of a disagreement between governments will only be considered after consideration has been given at portfolio-level, where a disagreement cannot be resolved at portfolio level, and has significant implications for the relationship between two or more governments. There are three stages:

- Stage 1: consideration of dispute by IGR Secretariat

¹³ Cabinet Office, [Review of Intergovernmental Relations](#).

¹⁴ Cabinet Office, [Review of Intergovernmental Relations](#).

¹⁵ Cabinet Office, [Review of Intergovernmental Relations](#). Annex D sets out full details of the “Dispute Avoidance and Resolution Process”.

- Stage 2: consideration by IMSC or F:ISC
- Stage 3: consideration by the Council

No party to a disagreement can be appointed to chair stage 1 or 2 of the dispute resolution process. For non-F:ISC disputes, the IGR Secretariat will, where appropriate, appoint a third-party to provide advice or conduct mediation.

The IGR Secretariat is required to report on the outcome of disputes at the final escalation stage, including on any third-party advice received. Each government is also required to lay this report before its legislature and explain why, if applicable, they were unable to reach a solution.

For the F:ISC, the Review stated that disagreements on funding may only legitimately be escalated to the IMSC “where there is reason to believe a principle of the [Statement of Funding Policy](#) may have been breached” and, further, that “policy decisions on funding are strictly reserved to Treasury ministers, with engagement with the devolved administrations as appropriate”. In the case of a dispute, the F:ISC Secretariat will be comprised of officials from the disputing parties.¹⁶

The Statement of Funding Policy sets out the procedure if there is a disagreement between UK Treasury ministers and the devolved administrations about “any aspect of its application for determining funding”:

[...] the relevant devolved administration can pursue the matter with Treasury ministers. [...] The Treasury will consider and respond to any such representation in taking this forward with the relevant party. This is also in line with the process outlined in the agreement on dispute avoidance and resolution in the Memorandum of Understanding between the UK government and devolved administrations [...] under which matters can also be raised through the Joint Ministerial Committee.¹⁷

Failing any bilateral resolution, financial disputes can then be referred to the UK Cabinet, although there they could only be voiced by the relevant territorial Secretary of State, not the devolved administration itself.¹⁸

Under the new IGR arrangements, disputes raised in relation to the Welsh and Scottish Governments’ fiscal frameworks continue to be managed through the arrangements as set out in their respective fiscal framework agreements (see **Section 2.1**).

¹⁶ Cabinet Office, [Review of Intergovernmental Relations](#).

¹⁷ HM Treasury, [Statement of funding policy: funding the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly](#), November 2015, p39.

¹⁸ HM Government, [Protocol for Avoidance and Resolution of Disputes](#), 2010.

1.8

Responses to new IGR structure

The UK government has described the joint IGR Review as a “landmark agreement” which will “create a more equal, transparent and accountable system to support collaboration and information sharing between the UK government and the devolved governments”.¹⁹

However, John Swinney, the former Deputy First Minister of Scotland, cautioned that “re-branding of existing structures will not deliver the step change in attitude and behaviour from the UK government that is needed if there is to be a genuine improvement in intergovernmental relations”.²⁰

A Welsh Government spokesperson said the reformed system of IGR enabled “meaningful engagement”, but added that the “test will be whether the UK Government follows the spirit of the review, based on respect, so that this new approach serves all governments equally and fairly”.²¹

Nichola Mallon, a now former SDLP member of the Northern Ireland Executive, said her party would “take part in initiatives designed to strengthen collaboration across these islands” but observed that “the track record of British government ministers tells us that they’re interested in undermining, overriding and obstructing locally elected political leaders”.²²

Academic commentators agreed that cultural change was important. Professor Nicola McEwen said: “Machinery matters. Process and organisation matter. But the culture and conduct of intergovernmental relations matters more.”²³

Professor Michael Kenny and Jack Sheldon observed that given a “challenging political context”, the “most important question” facing the new IGR model would be:

whether an enhanced system for bringing these governments into partnership will be endowed with real respect, and be allowed to take root, by the politicians at the helm.²⁴

And in a report on the Union, the House of Lords Constitution Committee said it believed:

that strengthening the intergovernmental structures will achieve only so much. The success of the new arrangements will depend on how the Government and

¹⁹ UK Government press release, [Prime Minister to chair new council with devolved governments](#), 13 January 2022.

²⁰ BBC News online, [New forum for talks between leaders from across UK](#), 13 January 2022.

²¹ The National, [Scotland and Wales doubt Tories will honour 'spirit' of new Union council of devolved leaders](#), 14 January 2022.

²² Irish News, [Stormont minister Nichola Mallon voices scepticism...](#), 19 January 2022.

²³ Nicola McEwen, [Worth the wait? Reforming Intergovernmental Relations](#), 14 January 2022.

²⁴ Michael Kenny and Jack Sheldon, [Green shoots for the Union? The joint review of intergovernmental relations](#), Constitution Unit, 19 January 2022.

devolved administrations operate them and whether they are committed to using the new structures to cooperate on achieving shared objectives, rather than simply managing—or taking opportunities to accentuate—their differences.²⁵

Recent commentary has observed that since the review of IGR was published, the UK Government has been led by three different Prime Ministers. During the premiership of Liz Truss, there were no meetings with other UK heads of government and few IGR meetings were held. Although this situation has improved under the current Prime Minister, Mark Drakeford, the First Minister of Wales, has described relations between the UK and Welsh Governments as “fraught”.²⁶

There has also been criticism of the inconsistent frequency of IGR meetings since 2022, across the three new tiers.²⁷ Communiqués for these meetings tend to be published weeks after meetings are held and provide varying levels of information on what has been discussed or agreed between the governments.²⁸ Minister for Intergovernmental Relations Michael Gove has told the Levelling Up, Housing and Communities Committee that while there was an element of responding to current events, “there needs to be a regular tempo so that Ministers can stay in touch to resolve issues that come up”, admitting there was a “variable level of performance” when it came to regular meetings of IMGs as agreed in the review.²⁹

1.9

IGR and Common Frameworks

The completion of the Intergovernmental Relations Review necessitated some small amendments to UK Common Frameworks to reflect the role of the new structures in the mechanisms of the Frameworks (see **Section 5.1**).

²⁵ House of Lords Constitution Committee, [Respect and Co-operation: Building a Stronger Union for the 21st century](#), 20 January 2022, p56.

²⁶ Nation.cymru, [Relations fraught between the Welsh and UK governments, Drakeford says in 12-month review](#), 18 July 2023.

²⁷ Senedd Research, [One year on: is the new UK intergovernmental agreement working?](#), 9 February 2023.

²⁸ [Interministerial Group for Business and Industry: communiqué 17 January 2023](#), Department for Business and Trade, 17 January 2023.

²⁹ [Oral evidence from Rt Hon Michael Gove MP to the Levelling Up, Housing and Communities Committee](#), March 2023.

2 Other aspects of intergovernmental relations

Beyond the core IGR structures set out in **Section 1**, there also exist other intergovernmental bodies comprising the four governments in the UK and, in some cases, the three Crown Dependencies and Irish Government.

2.1 Joint Exchequer Committees

As additional fiscal and welfare powers were devolved to Scotland and Wales in the 2010s, there arose the need for new bilateral IGR arrangements.

A UK-Scotland Joint Exchequer Committee (JEC) was established before royal assent was granted to the Scotland Act 2012, which allowed the Scottish Government to set partial income tax rates. It met initially on 27 September 2011, and again in 2012 and 2013, on the latter occasion in Edinburgh. Meetings were attended by Treasury Ministers, the Secretary of State for Scotland and the Scottish Government's Finance Secretary. The JEC [last met on 22 June 2022](#).

Following full devolution of income tax rates, implementation of the Scottish Rate of Income Tax (SRIT) is overseen by a Joint Programme Board. An Intergovernmental Assurance Board also oversees the planning and implementation of financial provisions, jointly chaired by the Treasury and the Scottish Government.³⁰

There were prolonged negotiations between the UK and Scottish Governments regarding the “fiscal frameworks” that would govern related reductions to Scotland's “block grant” via the Barnett formula. This was resolved in February 2016.³¹

A similar Joint Exchequer Committee (Wales) was created shortly before the Wales Act 2014 received royal assent which, like the Scotland Act 2012, granted tax-varying powers to the then National Assembly for Wales.³² The UK-Wales JEC met on 20 October 2014, attended by Treasury Ministers, the Secretary of State for Wales and the Welsh Government Minister for Finance and Government Business. The JEC (Wales) last [met on 24 October 2016](#).

³⁰ HM Government, [Scotland in the United Kingdom: An enduring settlement](#), January 2015, p36.

³¹ HM Government/Scottish Government, [The agreement between the Scottish Government and the United Kingdom Government on the Scottish Government's fiscal framework](#), February 2016.

³² On 6 May 2020 the National Assembly changed its name to the Senedd Cymru or Welsh Parliament.

Other joint bodies

Building on the success of this JEC model, the UK Government then established another joint working group on welfare as “a forum in which UK Ministers and Scottish Ministers can discuss the operation of the new arrangements” both in advance of, and following, the Scotland Act 2016, which gave Holyrood greater control over welfare. Its first meeting took place on 11 February 2015.³³

The January 2020 [New Decade, New Approach](#) agreement included a [UK Government – Northern Ireland Executive Joint Board](#) to be convened by the Secretary of State for Northern Ireland and including the First and deputy First Minister of Northern Ireland.

2.2

Intergovernmental relations and Ireland

Intergovernmental relations are most important in the context of Ireland, its history giving it, to quote Professor Derek Birrell, “a politically symbolic importance, regardless of the practical and utilitarian outcomes”.³⁴

The 1998 [Belfast/Good Friday Agreement](#) (GFA) created (or rather revived) several statutory forums involving the UK, Irish and Northern Irish governments, as well as those (in one case) of the Crown Dependencies and the devolved governments in Scotland and Wales.

North-South Ministerial Council

Strand Two of the GFA provided that at least 12 subject areas would be identified for co-operation and implementation for mutual benefit under the aegis of the [North South Ministerial Council](#) (NSMC).

The NSMC is supported by a standing joint secretariat based in Armagh and staffed by personnel from the Irish Civil Service and the Northern Ireland Civil Service.

It meets either in “Plenary”, with the Northern Ireland Executive delegation led by the First Minister and Deputy First Minister and the Irish Government delegation led by the Taoiseach, in “Sectoral” format to oversee co-operation in the agreed 12 Areas or Sectors, or in “Institutional” formats where the NSMC endeavours to resolve disagreements and difficulties in the operation of the NSMC.

The NSMC last [met in Armagh on 30 July 2021](#).

³³ See Scottish Government Press Release, [Joint Ministerial Working Group on Welfare](#), 16 June 2016.

³⁴ Derek Birrell, [Intergovernmental Relations and Political Parties in Northern Ireland](#), *British Journal of Politics and International Relations* 14:2, May 2012, p283.

British-Irish Council

The GFA also established the [British-Irish Council](#) (BIC) as an east-west counterpart to the NSMC, with a secretariat based (since 2012) in Edinburgh. According to the BIC's website, its purpose is:

to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands [...] the BIC will exchange information, discuss, consult and use best endeavours to reach agreement on co-operation on matters of mutual interest within the competence of the relevant administrations.³⁵

It consists of representatives from the:

- UK Government;
- [Irish Government](#);
- Northern Ireland Executive;
- Scottish Government;
- Welsh Government;
- [Isle of Man Government](#);
- [States of Guernsey](#); and
- [States of Jersey](#).

The BIC usually meets twice a year at ministerial summits, and via “work sector” meetings, which include ministers and officials from specific policy areas. Work sectors cover energy, early-years policy, transport and misuse of drugs, all areas where there are common challenges across all member administrations.

Even while the Northern Ireland Assembly and Executive were suspended or not fully functioning between 2002-07, 2017-20 and 2022-present, the BIC continued to meet. The academic Alan Trench believed it had “taken on the function of acting as the symbolic meeting of governments of the British Isles”,³⁶ although it had no executive authority or conflict resolution role. “To an extent”, argued Derek Birrell, the BIC also acted as a substitute for the “moribund” Joint Ministerial Committee, for it was perceived “as giving the devolved administrations greater leeway in a more equitable forum”.³⁷

By 2007, the UK Prime Minister had attended three BIC ministerial summits and the Taoiseach almost all, as had the First Ministers of Scotland and Wales. The SNP (in government after 2007) regularly praised the BIC, while it

³⁵ British-Irish Council website, [About the Council](#).

³⁶ Alan Trench (ed), *Devolution and power in the United Kingdom*, Manchester: Manchester University Press, 2007, p165.

³⁷ Derek Birrell, [Intergovernmental Relations and Political Parties in Northern Ireland](#), p279.

had a “neutral” character acceptable to both Unionists and Nationalists in Northern Ireland.³⁸ In November 2022, Rishi Sunak was the first UK Prime Minister to attend the summit since 2007 when the Council met in Blackpool.³⁹

British-Irish Intergovernmental Conference

A third body established under the Belfast/Good Friday Agreement was the [British-Irish Intergovernmental Conference](#) (BIIGC), which subsumed the Anglo-Irish Intergovernmental Council and Intergovernmental Conference established under the 1985 Anglo-Irish Agreement.

The BIIC grants the Irish Government a say in areas of bilateral co-operation and on non-devolved matters and, like the NSMC and BIC, has a joint secretariat comprising officials from the UK and Irish Governments and based in Belfast. Meetings are normally chaired by the Irish Minister for Foreign Affairs and the Secretary of State for Northern Ireland, although provision is made for “summit” meetings between the UK Prime Minister and Taoiseach (as in 1999 and 2005).

Between December 1999 and February 2007, the BIIC met regularly but lapsed thereafter. It [reconvened on 25 July 2018](#), although neither the UK Prime Minister nor Taoiseach were in attendance.

Simon Coveney, the Irish Foreign Affairs Minister, viewed the July 2018 meeting as a mean “to achieve the earliest operation of the devolved institutions” in Belfast, although the UK Government stated that the BIIC is “not an executive body” and thus “there will be no derogation from the sovereignty of either government”.⁴⁰

Senior members of the Democratic Unionist Party have dismissed the BIIC as “a talking shop”.⁴¹

The [BIIGC last met in London on 19 June 2023](#).

2.3

United Kingdom Supreme Court

If the Prime Minister and Heads of Devolved Governments Council handles disputes of a political (and financial) nature, then the courts and, ultimately, the [United Kingdom Supreme Court](#) (UKSC) deals with legal disputes involving “devolution issues” – ie challenges to the action of a devolved institution for acting ultra vires, or beyond its legal competence.

³⁸ Derek Birrell, [Intergovernmental Relations and Political Parties in Northern Ireland](#), p279.

³⁹ UK Government, [UK government hosts British-Irish Council in Blackpool to bring islands closer together](#), 11 November 2022.

⁴⁰ HL913, [British Irish Intergovernmental Conference: Written question](#), 16 July 2018.

⁴¹ Belfast Telegraph, [DUP leader dismisses intergovernmental conference as ‘talking shop’](#), 2 July 2018.

Although not a constitutional court per se,⁴² the UKSC’s website says it “concentrates on cases of the greatest public and constitutional importance”, a reference to its role in hearing and determining questions:

relating to the powers and functions of the legislative and executive authorities established in Scotland and Northern Ireland by the Scotland Act 1998 and the Northern Ireland Act 1998 respectively, and questions as to the competence and functions of those established by the Government of Wales Act 2006, whether or not the issue arises in proceedings in England and Wales, Scotland or Northern Ireland.⁴³

Prior to the establishment of the UKSC under the [Constitutional Reform Act 2005](#) (which began work on 1 October 2009), “devolution issues” had been considered by the [Judicial Committee of the Privy Council](#). Although these had been limited in the case of the Scottish Parliament – between 1999-2004 only one Act was challenged on the basis that it was considered to have infringed the European Convention on Human Rights – referrals from the then National Assembly for Wales were more common.⁴⁴

More recently, an intergovernmental dispute as to whether the Scottish Government’s EU Continuity Bill was within the Scottish Parliament’s legislative competence was referred by the UK Government, a matter heard by the UKSC on 24-25 July 2018.⁴⁵ Two Acts of the Scottish Parliament were also [referred \(under section 33 of the Scotland Act 1998\) to the Supreme Court in October 2021](#).

2.4 Interparliamentary relations

There is currently no formal role for the UK Parliament, Scottish Parliament, Senedd/Welsh Parliament and Northern Ireland Assembly in scrutinising intergovernmental relations. A Public Administration and Constitutional Affairs Committee (PACAC) report called inter-parliamentary relations the “poorer and less well-developed relative of IGR”.⁴⁶

The main forum for relations between legislatures in the British Isles is the [British-Irish Parliamentary Assembly](#) (BIPA). Established in 1990 as the British-Irish Inter-Parliamentary Body, it was intended as a link between the Houses of Parliament in London and the Houses of the Oireachtas in Dublin.

⁴² Lady Hale, President of the Supreme Court, has argued that the devolution of legislative rather than executive power to Scotland, Wales and Northern Ireland has turned the UKSC “into a genuinely constitutional court” (Lady Hale, [Devolution and the Supreme Court – 20 Years On](#), 14 June 2018).

⁴³ Supreme Court website, [Role of the Supreme Court](#).

⁴⁴ Commons Library Briefing Paper 07670, [The Supreme Court on Devolution](#).

⁴⁵ Supreme Court website, [Case details](#).

⁴⁶ Commons Public Administration and Constitutional Affairs Committee, [The Future of the Union, part 2: Inter-institutional Relations in the UK](#), 29 November 2016, p26. See also Adam Evans, [Inter-parliamentary relations in the United Kingdom: devolution’s undiscovered country?](#), Parliaments, Estates and Representation (early access view).

In 2001, membership was enlarged to include the Scottish Parliament, the then National Assembly for Wales, the Northern Ireland Assembly, the High Court of Tynwald and the States of Guernsey and Jersey. It was renamed in 2008 to “reflect a new era of relations between Britain and Ireland”.

BIPA members engage in non-legislative parliamentary activities via bi-annual plenary meetings (which alternate between the UK and Ireland and include questions to a senior host Minister) and four committees, which meet regularly to take oral and written evidence on specific issues and subsequently publish short reports.⁴⁷

In Scotland, there exists a Written Agreement between the Scottish Government and Scottish Parliament, published in response to a recommendation from the Smith Commission in 2014. This requires the Scottish Government to provide written notice in advance of scheduled intergovernmental meetings to the relevant parliamentary committee, and to provide a written summary of the issues discussed after this takes place.⁴⁸

The [Interparliamentary Forum on Brexit](#) was also established in October 2017 to “support more effective scrutiny of the Government’s handling of Brexit”. In February 2022, ‘Brexit’ was dropped from the title of the forum – due to the formal process of the UK leaving the European Union being complete and the adoption of a broader range of priorities which now include: the operation of international agreements, the UK internal market and Common Frameworks and the impact of new constitutional arrangements on the legislative process. The forum is comprised of the chairs of the relevant committees from the House of Commons, House of Lords, Scottish Parliament, Senedd and – when power-sharing institutions are fully functioning – the Northern Ireland Assembly.⁴⁹

⁴⁷ British-Irish Parliamentary Assembly website, [About the Assembly](#).

⁴⁸ Strategy and Constitution Directorate, [Inter-Governmental Relations: Agreement between the Scottish Parliament and Scottish Government](#), Scottish Government, 2016.

⁴⁹ UK Parliament, [Launch of the Interparliamentary Forum](#), 25 February 2022.

3 Intergovernmental relations at the centre

The evolution of intergovernmental relations in the UK has also had an impact on the UK Parliament and Government and their working methods.

3.1 The Cabinet Office

Until early 2020, the Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office was the member of the UK Government with responsibility for “overseeing constitutional affairs and maintaining the integrity of the Union”.⁵⁰ Rishi Sunak inherited the title of Minister for the Union when he took over as Prime Minister from Boris Johnson in 2022.⁵¹

Within the Cabinet Office, the UK Governance Group (UKGG) was established in June 2015 to lead the UK Government’s work on constitutional and devolution issues.⁵² Within the UKGG, a group of civil servants comprise the “Constitution Group”, which “maintains an overview of the position of the devolved administrations within the constitution and works to sustain good relations between the devolved administrations, the Scotland Office, Wales Office and Northern Ireland Office, and Whitehall more widely”.

There is also a team within the Treasury responsible for the financial aspects of devolution, including the devolution of fiscal powers and management of the Barnett formula.⁵³

The Home Civil Service (HCS) remains unified despite devolution to Scotland and Wales, while the separate Northern Ireland Civil Service (NICS) works closely with the HCS. There is a broad consensus that this arrangement benefits intergovernmental relations, with Richard Parry of Edinburgh University describing the HCS as the:

oil and glue in intergovernmental relations [...] an adhesive function that binds staff together in a common personnel system that gives them common orientations and interests.⁵⁴

⁵⁰ HM Government website, [The Rt Hon David Lidington CBE MP](#).

⁵¹ HM Government website, [Minister for the Union](#).

⁵² The Northern Ireland Office is not part of the UKGG, but works closely with it.

⁵³ Institute for Government, [Governing in an Ever Looser Union](#), pp33-34.

⁵⁴ Richard Parry, [The Civil Service and Intergovernmental Relations in the Post-devolution UK](#), British Journal of Political and International Relations 14:2, 2012, p297.

At the same time, a 2015 report from the Institute for Government concluded that political developments in different parts of the UK after 2007 had diminished general communications and sharing of information between civil servants based in Edinburgh, Cardiff and Whitehall.⁵⁵

3.2

Territorial Secretaries of State

Prior to devolution, Scotland, Wales and Northern Ireland had been represented at Cabinet level by territorial Ministers supported by government departments, the Scottish Office (established in 1885), the Welsh Office (1965) and the Northern Ireland Office (1972).

The three territorial Ministers remained after 1999, although between 2003-10 they were shared with other Cabinet positions. There was a long-running debate as to whether they could be merged into a single department, and for a while the Scotland and Wales Offices became entities of the Ministry for Justice (and before that the Department for Constitutional Affairs).

In 2001, Professor Robert Hazell of the Constitution Unit proposed a merged “Secretary of State for the Union”, who could:

take a more strategic and forward-looking view, and lead government thinking on the unresolved issues of devolution: including finance, representation at Westminster and the English Question. A combined Secretary of State could also help to ensure mutual learning between the devolved administrations and the UK government from the policy experiments released by devolution.⁵⁶

All such proposals have been rejected by the UK Government.

The 2002 Memorandum of Understanding gave the Secretaries of State for Scotland, Wales and Northern Ireland responsibility for:

promoting the devolution settlement, for ensuring effective working relations between the Government and the devolved administrations, and for helping to resolve any disputes which may arise.⁵⁷

After 2007, their role became predominantly one of intergovernmental mediation and facilitation between UK Government departments and the devolved administrations. Working closely with the Cabinet Office, the territorial departments also assumed responsibility for legislative proposals to further develop the devolution settlements, including the Scotland Acts 2012 and 2016 and the Wales Acts 2014 and 2017.

⁵⁵ Institute for Government, [Governing in an Ever Looser Union](#), p29.

⁵⁶ Robert Hazell, [Three into One Won't Go: The Future of the Territorial Secretaries of State](#). Constitution Unit, March 2001, p5.

⁵⁷ Scottish Government, [Devolution: Memorandum of Understanding and supplementary arrangements](#), January 2002.

The role of the Secretary of State for Northern Ireland was slightly different, in that it had a statutory responsibility for dealing with legislation emanating from the Northern Ireland Assembly. The Devolution Guidance Notes viewed the role as that of “an honest broker” in relations between the Northern Ireland Executive and UK Government.⁵⁸ This was made more challenging following the confidence-and-supply arrangement between the Conservatives and Democratic Unionist Party following the 2017 General Election.⁵⁹

Views varied as to the exact role and status of the territorial departments when it came to IGR. After 2010, the then Prime Minister David Cameron’s view was that the point of first contact for Northern Ireland and Scotland ought to be their respective Secretaries of State rather than him as Prime Minister.⁶⁰ By contrast, the SNP generally insisted upon dealing with the Prime Minister directly, while also campaigning to have the then Scotland Office abolished.⁶¹

3.3 The Sewel Convention

Legislative “consent” now forms an important part of the UK’s constitutional arrangements, a self-denying ordinance under which the UK Parliament will “not normally” legislate on devolved matters without the consent of the relevant devolved legislature.⁶²

Between 1999-2007, 79 Sewel (or Legislative Consent) Motions were passed in the Scottish Parliament, with Ministers in Edinburgh generally content to allow their colleagues in London to legislate on Scotland’s behalf.⁶³

After 2007, however, the Scottish Government indicated its opposition to aspects of the Sewel Convention, denying legislative consent for the first time over the UK’s Welfare Reform Bill in 2011. On that occasion, the UK Government amended sections of its proposed legislation, although in May 2018 there was no compromise: the Scottish Government refused consent for the European Union (Withdrawal) Bill, which was subsequently granted royal assent.

The Welsh Government also initially refused consent, having previously done so on seven occasions, the first being the Police Reform and Social

⁵⁸ Cabinet Office, [Devolution Guidance Note 5: The Role of the Secretary of State for Northern Ireland](#), 2007.

⁵⁹ ITV News website, [Government ‘prioritising DUP deal over devolution’ – SE](#), 26 April 2018.

⁶⁰ Derek Birrell, [Intergovernmental Relations and Political Parties in Northern Ireland](#), p280.

⁶¹ During 2017-18, the Scotland and Wales Offices were restyled as the Offices of the Secretaries of States of Scotland and Wales respectively, although its Northern Ireland equivalent remained the “Northern Ireland Office”.

⁶² See Commons Library Briefing Paper CBP8274, [Brexit: Devolution and legislative consent](#).

⁶³ Paul Cairney, [Intergovernmental Relations in Scotland: what was the SNP effect?](#), 18 October 2010.

Responsibility Bill in 2011. The Northern Ireland Assembly withheld consent for the Enterprise Bill in 2015.⁶⁴

3.4 English Votes for English Laws

Following the outcome of the Scottish independence referendum on 18 September 2014, the then Prime Minister David Cameron called for “a balanced settlement – fair to people in Scotland and importantly to everyone in England, Wales and Northern Ireland as well”. He added:

We have heard the voice of Scotland – and now the millions of voices of England must also be heard. The question of English votes for English laws – the so-called West Lothian question – requires a decisive answer.⁶⁵

The [McKay Commission](#) on the “consequence of devolution for the House of Commons” had already reported in March 2013, and from October 2015 many of its recommendations were given effect in changes to House of Commons Standing Orders so that Members of Parliament from England, or from England and Wales, could give their consent to legislation that affected only England, or England and Wales, and which was within devolved legislative competence.⁶⁶

On 13 July 2021, the House of Commons [rescinded these Standing Orders](#), so English Votes for English Laws (EVEL) procedures no longer applied. The Standing Orders had already been temporarily suspended due to the coronavirus pandemic. In a [written statement](#) on 12 July 2021, Michael Gove, the Cabinet Office minister, said that:

The introduction of the procedure in 2015 added additional stages to the legislative process in Parliament and in doing so introduced complexity to our arrangements and has not served our Parliament well.

3.5 Devolution summits

Summit meetings involving the UK Government, devolved administrations and, in the context of Northern Ireland, the Irish Government, have become a fixture of the devolution era and intergovernmental relations.

St Andrews Agreement, 2006

Multi-party negotiations held in St Andrews in Fife, Scotland, from 11 October to 13 October 2006, between the two governments and all the major parties in

⁶⁴ Institute for Government, [Brexit and the Sewel \(legislative consent\) Motion](#), 17 May 2018.

⁶⁵ UK Government press release, [Scottish Independence Referendum: statement by the Prime Minister](#), 19 September 2014.

⁶⁶ Commons Library Briefing Paper CBP7339, [English votes for English laws](#).

Northern Ireland resulted in the [St Andrews Agreement](#), which cleared the way for the restoration of political institutions in Northern Ireland the following year.

Hillsborough Castle Agreement, 2010

The failure of the Democratic Unionist Party (DUP) and Sinn Féin to agree on conditions for devolution of policing and justice led to prolonged negotiations between the UK Prime Minister and Irish Taoiseach, which produced the [Hillsborough Castle Agreement](#) on a financial settlement for policing, parades and the conduct of executive business.

The Edinburgh Agreement, 2012

Following the 2011 Scottish Parliament election, the then Scotland Office facilitated discussions between the UK and Scottish Governments over the terms for a referendum on Scottish independence. This concluded with the [Edinburgh Agreement](#) the following year.

Stormont House Agreement, 2014

The Northern Ireland Office took the lead in talks regarding the devolution of corporation tax to Northern Ireland, flexibility in welfare reform implementation, the creation of an opposition in its Assembly and the establishment of several bodies to consider “legacy” issues. This culminated with the [Stormont House Agreement](#).

St David’s Day Agreement, 2015

Following publication of the [Silk Commission](#) proposals, representatives of the main political parties in the then National Assembly for Wales met the Secretary of State for Wales to discuss the future of the Welsh devolution settlement, leading to the [St David’s Day Agreement](#).

4

British Overseas Territories and Crown Dependencies

Less high profile are several forums which exist to facilitate intergovernmental relations between the UK and its 14 British Overseas Territories (BOT), as well as three British Crown Dependencies (BCD).

Joint Ministerial Council

From 1999, UK Ministers and the elected leaders of the BOTs met annually in a “consultative council”, although after 2012 this was upgraded to a Joint Ministerial Council (not to be confused with the former Joint Ministerial Committee described in **Section 6.4**) with a “clear mandate” to review and implement commitments in the UK Government white paper, [The Overseas Territories: Security, Success and Sustainability](#).

The JMC meets annually and is usually hosted by a Minister from the Foreign and Commonwealth Office. The UK Government also provides a “small secretariat” to support the work of the Council, while regularly reporting on progress to the UK Parliament.⁶⁷

British Overseas Territories Attorneys-General Conference

In addition to the JMC, there is an annual meeting of Attorneys-General from the BOTs, usually chaired by the UK Solicitor or Attorney General.⁶⁸

Council of Environment Ministers of UK Overseas Territories and Crown Dependencies

In conjunction with their counterparts in Guernsey, Jersey and the Isle of Man, environment ministers from the BOTs have regular meetings. The first gathering took place in Gibraltar in 2015, with a second in Alderney in 2017, and a third on the Isle of Man in 2018.⁶⁹

⁶⁷ Foreign and Commonwealth Office, [The Overseas Territories: Security, Success and Sustainability](#), June 2012, p16.

⁶⁸ UK Government press release, [Conference of overseas territories Attorneys General](#), 26 September 2016.

⁶⁹ States of Alderney press release, [Third United Kingdom Overseas Territories \(UKOT\) & Crown Dependencies \(CD\) Environment Ministerial Council Meeting, Isle of Man, February 2018](#), 12 February 2018.

Chief Ministers' Quarterly

Quarterly meetings also take place between the UK Government's Minister for Exiting the EU and the Chief Ministers of Guernsey, Jersey and the Isle of Man. This forms part of a programme of engagement concerning the UK's departure from the European Union.⁷⁰

Judicial Committee of the Privy Council

The [Judicial Committee of the Privy Council](#) is the highest court of appeal for the UK's BOTs, BCDs and military sovereign base areas (in Cyprus), as well as many members of the British Commonwealth.

⁷⁰ UK Government press release, [Minister gives Brexit update to the Channel Islands and Isle of Man](#), 5 March 2018.

5 Brexit and Common Frameworks

The UK's departure from the European Union (EU) on 31 January 2020 had a significant impact on intergovernmental relations in the UK.

5.1 Common Frameworks

Since 2017, the UK Government, Scottish Government, Welsh Government and the Northern Ireland Executive have been working together to develop agreements which cover a range of policy areas where powers have returned from the EU and intersect with devolved competence.

The development of these “Common Frameworks” is guided by principles agreed a meeting of the Joint Ministerial Committee (EU Negotiations) (see **Section 6.4**) held in October 2017 between the UK, Scottish and Welsh Governments, and later endorsed by the Northern Ireland Executive. Common Frameworks are being established where they are necessary to:

- enable the functioning of the UK internal market, while acknowledging policy divergence;
- ensure compliance with international obligations;
- ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;
- enable the management of common resources;
- administer and provide access to justice in cases with a cross-border element;
- safeguard the security of the UK.

Common Frameworks also “respect” the devolution settlements and the democratic accountability of the devolved legislatures, and therefore:

- are based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent;
- maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory, as is afforded by current EU rules;

- lead to a significant increase in decision-making powers for the devolved administrations.

Finally, the Frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland and that Northern Ireland will be the only part of the UK which shares a land frontier with the EU. They will also adhere to the Belfast/Good Friday Agreement.⁷¹

Under Schedule 3 to the [European Union \(Withdrawal\) Act 2018](#), the UK Government has a statutory requirement to report to the UK Parliament every three months on progress made on developing Common Frameworks. As of October 2023, the UK and devolved governments agreed the majority of frameworks, albeit almost entirely in provisional form, with four remaining unpublished frameworks.⁷²

Common Frameworks IGR structures

The UK government-devolved governments Frameworks Project Board involves senior officials at the Cabinet Office and their counterparts in the devolved governments. The Project Board monitors progress and facilitates agreement on the direction of the UK Common Frameworks programme.

At an operational level, there are weekly Frameworks Project Team meetings between officials in the UK and devolved governments to support the detailed development of Frameworks by policy officials.

A UK government-devolved government Cross-Cutting Issues sub-group also meets on a fortnightly basis and reports to the Frameworks Project Team and Project Board. This group discusses individual cross-cutting issues and actions necessary for the intersection of cross-cutting issues with individual Frameworks.

Finally, officials from the UK government and the devolved governments hold regular meetings to address the specific impact of the [Internal Market Act 2020](#) on Common Frameworks.⁷³

⁷¹ [Joint Ministerial Committee \(EU Negotiations\) Communiqué](#), 16 October 2017.

⁷² Common Frameworks Scrutiny Committee, [Common Frameworks Committee to no longer meet](#), 26 October 2023.

⁷³ Cabinet Office, [The European Union \(Withdrawal\) Act and Common Frameworks: 26 September to 25 December 2021](#), 10 March 2022.

6 Historical intergovernmental relations

While the present intergovernmental machinery post-dates the devolution statutes of 1998, IGR has its origins in governance of the British Empire and, more recently, in relations between Westminster and the old “Stormont” Parliament in Belfast.

6.1 British Imperial Conferences

The first “Colonial Conference” took place in 1887, when 123 representatives from the UK and British Empire gathered in London to mark Queen Victoria’s golden jubilee. There were four further meetings (including one in Ottawa) until and including 1907, during which the gatherings were renamed the “Imperial Conference”.

Like its predecessors, these generally took place in London (except that in 1932, which was again held in Ottawa), lasted for several weeks and involved discussions of colonial issues, although over time the conferences became a key forum for Dominion governments to increase their autonomy.

The 1926 Imperial Conference agreed the Balfour Declaration, which acknowledged that the Dominions would thereafter rank equal to the UK as members of the “British Commonwealth of Nations”. An Inter-Imperial Relations Committee was also established, chaired by Arthur J. Balfour, although this ultimately rejected the idea of a codified Imperial constitution.

The next conference in 1930 agreed that the Colonial Laws Validity Act 1865 should be amended, leading to the Statute of Westminster 1931 which, upon ratification, deemed that no UK Act of Parliament should extend to a Dominion unless it had requested and consented to it doing so.⁷⁴

From 1944, Imperial Conferences were replaced with Commonwealth Prime Ministers’ Conferences, 17 of which occurred until 1969, after which they were renamed Commonwealth Heads of Government Meetings, held every two years until present.⁷⁵

⁷⁴ See Arthur B. Keith, *The Government of the British Empire*, London: Macmillan, 1936.

⁷⁵ Stuart Mole, [‘Seminars for statesmen’: the evolution of the Commonwealth summit](#), *The Round Table*, 93:376, pp534-35.

6.2

Great Britain and Northern Ireland

As a self-governing Dominion following the 1921 [Anglo-Irish Treaty](#), the Irish Free State attended Imperial Conferences, although separate intergovernmental machinery also developed between the UK and Northern Ireland.

Government of Ireland Act 1920

Under the [Government of Ireland 1920](#) Northern Ireland remained an integral part of the UK, but with its own bicameral parliament (“Stormont”), government (headed by a “prime minister”), civil service, governor and privy council, making it almost akin to a Dominion.

The 1920 Act established two main intergovernmental forums:

- The **Joint Exchequer Board**, which determined revenue attributable to Northern Ireland as well as an “Imperial contribution” for “retained” responsibilities such as defence. It comprised officials from London and Belfast and was chaired by a Scot (usually a retired judge), whom it was believed would be “sort of neutral between the Governments in Westminster and in Belfast”.⁷⁶
- The **Council of Ireland**, envisaged as an all-Ireland law-making authority with 41 members drawn from Northern and Southern Ireland, to promote “mutual intercourse and uniformity in relation to matters affecting the whole of Ireland”.
- Although the Joint Exchequer Board met 55 times until April 1968,⁷⁷ the Council of Ireland was overtaken by events and abolished in 1925, having never convened.

Westminster-Stormont relations, 1921-72

In written evidence to the Lords Constitution Committee, Professor Derek Birrell observed that:

Historically the term inter-governmental relations (IGR) was little used in Northern Ireland and in the period 1921-1972 intergovernmental contact with the UK Government was minimal, and mainly related to financial arrangements. During Direct Rule from Westminster between 1972 and 1999 intergovernmental relations was a redundant issue.⁷⁸

⁷⁶ James Mitchell, *Devolution in the UK*, Manchester: Manchester University Press, p77.

⁷⁷ [HL Deb 14 May 1969 vol 302 cc120-21](#)

⁷⁸ Derek Birrell, [Lords Select Committee on the Constitution, Inter-governmental relations in the UK: Oral and written evidence](#), 5 February 2015, p3.

In the first phase identified by Professor Birrell, 1921-72, IGR between Westminster and Stormont was a mix of the formal and informal. As a 1972 Northern Ireland Office publication observed:

In general the view prevailed that, having established responsible if subordinate institutions in Northern Ireland with certain powers, the United Kingdom Parliament and Government should not lightly supersede or override those powers. Thus there developed a convention that the United Kingdom Parliament would legislate within the field of Northern Ireland's 'transferred' powers only by invitation.

This “convention”, however, “did not, and could not, override the clear and unambiguous wording of the Statute”,⁷⁹ which – as would be the case with subsequent devolution statutes in 1998 – retained Westminster parliamentary sovereignty in all areas.

Although there were early tensions between the two governments, for example over Stormont’s changes to the local government franchise in Northern Ireland, relations were generally good. When a Labour government was elected in 1945, there was renewed friction, mainly resulting from UK ministers being “on occasion unwilling to abide by established conventions in inter-governmental relations”.⁸⁰

Formally, the Home Office was responsible for relations with both Northern Ireland and the Crown Dependencies. Sir Frank Newsam, a former permanent secretary, wrote in 1954 that:

Personal contacts which have been established between Home Office officials and their Northern Ireland colleagues have led to mutual understanding and goodwill in the handling of thorny problems, despite occasional differences of opinion. The Northern Ireland Government have attached to the Home Office a responsible member of their Civil Service, so that close liaison may be maintained both with the Home Office and with other Departments of the United Kingdom Government. The Home Office has found this arrangement most helpful.⁸¹

Formally, London’s relations with Stormont were supposed to be channelled through the Governor of Northern Ireland, although this was more “dignified” than “effective” in constitutional terms.⁸²

The Home Office continued to be responsible for devolution until the advent of “direct rule” and the formation of the Northern Ireland Office in 1972, relations between the two governments having completely broken down over the deteriorating security situation.⁸³

⁷⁹ Northern Ireland Office, [The Future of Northern Ireland: A Paper for Discussion](#), October 1972, p4.

⁸⁰ Brian Barton, [Relations between Westminster and Stormont during the Attlee premiership](#), *Irish Political Studies* 7:1, 1992, pp2-3.

⁸¹ Frank Newsam, *The Home Office*, Oxford: Allen & Unwin, 1954, p170.

⁸² James Mitchell, *Devolution in the UK*, p75.

⁸³ UK Parliament website, [Direct rule](#).

Sunningdale Agreement

While still in existence, Stormont had fostered links with ministerial counterparts in Dublin, particularly during the 1960s, and following direct rule in 1972, the Irish government became more formally involved in Northern Irish affairs.

In 1973, once a deal had been reached on the formation of a power-sharing Northern Ireland executive, agreement was sought to re-establish a **Council of Ireland** to stimulate co-operation between Belfast and Dublin. The talks (at Sunningdale, in Berkshire) agreed that the Council would have two parts:

- A **Council of Ministers**, to be composed of seven members from the power-sharing executive and seven members from the Irish government, and with “executive and harmonising functions and a consultative role”.
- A **Consultative Assembly** made up of 30 members from Dail Eireann and 30 members from the new Northern Ireland Assembly, although this was to have “advisory and review functions” only.

Even a reduction of the Council’s executive functions to “tourism, conservation, and aspects of animal health” did not reassure Unionists opposed to the Agreement, and it collapsed in May 1974 following a Loyalist general strike.⁸⁴

6.3

Anglo-Irish Agreement

The [Anglo-Irish Agreement](#) of 1985 further enhanced Ireland’s role in attempts to resolve “the Troubles” in Northern Ireland. The treaty established the Anglo-Irish Intergovernmental Conference, comprising officials from the UK and Irish governments with a secretariat staffed by civil servants from each.

This was to be concerned with political, legal and security matters in Northern Ireland, as well as “the promotion of cross-border co-operation”. Its role was consultative rather than executive, while the Conference would only have power to make proposals “insofar as those matters are not the responsibility of a devolved administration in Northern Ireland”.⁸⁵

In January 1986, 15 Unionist MPs initiated by-elections to the House of Commons to register their opposition to the Agreement.⁸⁶

⁸⁴ UK Parliament website, [Sunningdale agreement](#).

⁸⁵ Cmnd 9690, [Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland](#), London: HMSO.

⁸⁶ BBC website, [1985-87: The Anglo-Irish Agreement](#).

6.4

IGR arrangements, 1999-2022

Intergovernmental relations between 1999 and 2022 were set out in a Memorandum of Understanding (MOU) first published in October 1999 and most recently updated in October 2013.⁸⁷ The MOU established a core quadrilateral forum called the Joint Ministerial Committee (JMC), comprising ministers from the UK and devolved governments.

The main JMC forum was known as JMC (Plenary), which usually consisted of the four administrations' heads of government and the three territorial Secretaries of State.⁸⁸ After 2002, the JMC (Plenary) lapsed, something perceived at the time as a sign that intergovernmental relations were working well.⁸⁹ At the impetus of Alex Salmond, who became First Minister of Scotland in May 2007, the JMC (Plenary) was reconvened in June 2008.⁹⁰ From that point, meetings of JMC (Plenary) were routinely hosted by the UK Government in London. It last met at Downing Street on 19 December 2018.⁹¹

There were also two standing sub-committees, JMC (Europe) and JMC (Domestic).⁹² Between 1999-2003, additional ad hoc committees were set up to deliver on specific objectives: JMC (Poverty), JMC (Knowledge Economy) and JMC (Health). More recently, another committee, JMC (European Negotiations), was established to handle intergovernmental relations in the context of the UK's withdrawal from the UK and its impact on the devolution settlements. In addition to these sub-committees, there were also meetings of the Finance Ministers' Quadrilateral (FMQ) and the Agriculture Quadrilateral.

Until 2007, the Joint Ministerial Committee did not operate in its conflict resolution capacity. Disputes over tuition fees, free personal care for the elderly and Hepatitis C compensation (between Scotland and the UK) and Objective One EU funding (between Wales and the UK) were resolved via informal bilateral meetings.⁹³ In 2010, the JMC [Dispute Resolution Protocol](#) set out an agreed process for avoiding and resolving disputes.

⁸⁷ Cabinet Office, [Devolution: Memorandum of Understanding and Supplementary Agreements](#), October 2013.

⁸⁸ The deputy First Minister of Northern Ireland, given his or her "equal" status with the First Minister, also attends, or a senior official from the Northern Ireland Civil Service if the Assembly and Executive are not fully functioning.

⁸⁹ Commons Justice Committee, [Devolution: A Decade On](#), 12 May 2009, p36.

⁹⁰ Commons Justice Committee, [Devolution: A Decade On](#), p37.

⁹¹ No 10 Downing Street, [Joint Ministerial Committee \(Plenary\)](#), 19 December 2018.

⁹² In February 2018, the Institute for Government compiled a [timeline of JMC plenary and committee meetings](#).

⁹³ Alan Trench, *Devolution and power in the United Kingdom*, p164.

7

IGR in other countries

Germany

German intergovernmental relations are highly formalised via the [Bundesrat](#), a legislative body with representation for its 16 Länder (federal states).

Canada

Both Canada's federal and provincial governments have departments for intergovernmental affairs. The [Council of the Federation](#) also meets twice a year, bringing together the country's 13 provincial and territorial premiers to "promote interprovincial-territorial cooperation".⁹⁴

Belgium

Belgium officially became a federal state in 1993 and has three institutional communities: federal, regional and linguistic. A system of intergovernmental relations also exists to manage interdependencies between policy spheres and in response to European integration.⁹⁵

Spain

A "quasi-federal" state, Spain has several inter-ministerial conferences to manage relations in certain policy areas. Not all of them meet frequently, but the Council of Fiscal and Financial Policy and the Conference on Issues Related to the European Communities are among the most prominent.⁹⁶

Australia

The [National Federation Reform Committee](#) (NFRC) brings together the federal Prime Minister, state and territory First Ministers, Treasurers and the President of the Australian Local Government Association. Established in 2020, it provides "an opportunity for leaders and treasurers across the Commonwealth and states and territories to focus on priority national federation issues".⁹⁷

⁹⁴ Canada's Premiers website, [About Canada's Premiers](#).

⁹⁵ Joanne Poirier, [Formal Mechanisms of Intergovernmental Relations in Belgium](#), *Regional & Federal Studies* 12:3, September 2002, pp24-54.

⁹⁶ Nicola McEwen, [Worth the wait? Reforming Intergovernmental Relations](#), p105.

⁹⁷ NFRC website, [National Federation Reform Committee](#).

8

Information and further reading

Websites

Review of intergovernmental relations:

[Review of intergovernmental relations \(HTML\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/review-of-intergovernmental-relations)

Cabinet Office: <https://www.gov.uk/government/organisations/cabinet-office>

United Kingdom Supreme Court: <https://www.supremecourt.uk/>

British-Irish Council: <https://www.britishirishcouncil.org/>

North-South Ministerial Council:

<https://www.northsouthministerialcouncil.org/>

Reports and publications

Lords Constitution Committee, [Inter-governmental relations in the United Kingdom](#), 27 March 2015.

Commons Public Administration and Constitutional Affairs Committee, [The Future of the Union, part two: Inter-institutional relations in the UK](#), 29 November 2016.

Nicola McEwen, Michael Kenny Jack Sheldon and Coree Brown Swan, [Reforming Intergovernmental Relations in the United Kingdom](#), Centre on Constitutional Change, November 2018.

Alan Trench (ed), *Devolution and power in the United Kingdom*, Manchester: Manchester University Press, 2007.

Institute for Government, [Devolution after Brexit](#), April 2018.

Six volumes produced by the [Constitution Unit](#) between 2000-08 also include chapters by Robert Hazell and Alan Trench covering intergovernmental relations in considerable depth.⁹⁸

⁹⁸ These are *The State and the Nations* (2000), *The State of the Nations* (2001, 2003, 2004 and 2008), and *The Dynamics of Devolution* (2005), all Exeter: Imprint Academic.

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