

Wales and Devolution

Research Paper 97/60

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One of the major proposals in the Queen's speech is the proposal to create a Welsh Assembly following approval in a referendum in Wales. Library Research Paper no 97/61 *Referendums (Scotland and Wales) Bill*, gives the details of the proposed referendum legislation. This Paper looks at the background to the current proposals for a Welsh Assembly and sets out Labour's plans as given for the 1997 General election, as well as the policies of the other major political parties. More general issues of devolution are covered in previous Library Papers: Background Paper 291 *The Government of Scotland: The debate after the 1992 election* 16.6.92, Research Papers 95/95 *The West Lothian Question* 6.9.95 95/131, *The Government of Scotland: recent proposals* 18.12.95.

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Summary

Political demands for Welsh devolution were first voiced in the late nineteenth century, but interest died away after the Second World War. In the 1960s however, renewed interest in devolution prompted the Kilbrandon Royal Commission on the constitution which reported in 1973. The new Labour Government announced in 1974 proposals for a directly elected assembly in Wales with executive but not legislative powers. In December 1976 the Government was forced to concede a referendum, which under later amendments required 40 per cent of the electorate to vote yes to give effect to the Assembly.

The *Wales Act 1978* implemented these proposals but was repealed following the results of the referendum in Wales on 1 March 1979, when only 20.3 per cent of the electorate voted yes. In the late 1980s devolution returned to the political agenda, as successive Conservative governments lacked an electoral mandate in Wales. Labour produced proposals for a Welsh Assembly again with executive powers set out in two documents: *Shaping the Vision*, (1995) and *Preparing for a New Wales* (1996). Subsequently in June 1996 the promise of a referendum on devolution for Wales before legislation on an Assembly, and in February 1997 a new policy document *Representing Wales* committed the party to a new electoral system for the Welsh Assembly - The Additional Member System (see Library Research Paper 97/26, *Voting Systems - the Alternatives*).

The Labour proposals for the Welsh Assembly have been criticised as insufficient. In particular, the Constitution Unit has raised concerns about the value and stability of executive devolution, rather than legislative devolution, and questions remain about the proposals for quangos and local government.

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I Background

The roots of Welsh devolution proposals go back to the late nineteenth century when the 1886 General Election prompted popular interest in Home Rule. Wales was primarily non-conformist in religion and liberal in politics and the crisis over Home Rule for Ireland clearly had resonance for Wales. Cymru Fydd (New Wales), founded in 1887, was committed to a programme of federal self-rule. However, the *Local Government Act 1888* broke the political ascendancy of the land-owning classes in Welsh local government, and the *Welsh Disestablishment Act 1914* disestablished and disendowed the Anglican church in Wales, removing two major grievances. Although there was a Speakers Conference in 1919/20¹ on devolution, it was divided and its proposals were not implemented. The Speaker (Lowther) proposed Grand Councils for Scotland, Wales and England comprising the MPs for these areas, but a Scottish MP, Murray MacDonald, wanted separate but limited legislatures for these areas. The Labour Party's interest in Home Rule was maintained until the early 1920s, after which social and economic themes took precedence, and demands for Home Rule for Wales and Scotland became muted. In 1925 the Welsh Nationalist party was founded (later known as Plaid Cymru) but its leader, Saunders Lewis, was more concerned with the preservation of Welsh language and culture than formal self rule. Although the Liberal Party maintained its commitment to Home Rule, it became increasingly marginalised politically.

After the war a Council of Wales and Monmouthshire was created in 1949, and the cross party "Parliament for Wales" campaign became active in the 1950s, collecting 250,000 signatures in support of an all Wales body with legislative and financial powers. Its main achievement was to add to the pressure for a Welsh Office and Secretary of State with a Cabinet seat, established in 1964, but foreshadowed in the 1959 Labour manifesto (see below pp11-13).

In 1966 proposals drawn up by the Welsh executive of the Labour Party were endorsed by the Welsh Labour Party in May of the year: the Plaid Cymru victory at the Carmarthen by-election in that year brought devolution up the political agenda, as did its near victories in Rhondda West in 1967 and Caerphilly in 1968. The Royal Commission on the Constitution was established by the Wilson Government in 1968 finally reported in 1973 under the chairmanship of Lord Kilbrandon (Lord Crowther, the original chairman had died). The members of the Commission were seriously divided, agreeing only that separatism and federalism were not acceptable. However, of the eleven Commissioners who signed the majority report, 6 recommended legislative devolution for Wales, 3 favoured a directly elected Welsh Advisory Council and two recommended executive devolution for Scotland and Wales. Two Commissioners who signed the minority report recommended the extension of the

¹ Letter from Mr Speaker to the Prime Minister Cmd 692

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principle of executive devolution from Scotland and Wales to 5 designated English regions. There was unanimity that the status quo was unacceptable.

The minority Labour Government of February 1974 published a Green Paper in June 1974,² and a White Paper in September of that year³ announcing directly elected assemblies for Scotland and Wales, with legislative powers for the Scottish Assembly and executive powers only for the Welsh Assembly. The Assemblies would be financed through block grant allocated by the Treasury and there was to be no reduction in the number of Scottish or Welsh MPs, and no abolition of the Offices of Secretary of State for Wales and Scotland. These broad themes were to be maintained as Labour devolution policy for Wales was eventually enacted in the *Wales Act 1978*, despite significant Parliamentary reverses.

The key dates for the Wales Act 1978 can be summarised as follows:⁴

24 November 1975. White Paper *Our Changing Democracy: Devolution to Scotland and Wales* (Cmnd 6348)

3 August 1976 White Paper. *Devolution to Scotland and Wales: Supplementary Statement* (Cmnd 6585)

13th December 1976. First day of Second Reading of the Scotland and Wales Bill.⁵ John Smith, Minister of State at the Privy Council Office, announced that an advisory referendum would precede the implementation of the Act on the final day of the Second Reading debate.⁶

² Devolution within the United Kingdom : some alternatives for discussion

³ Democracy and Devolution : proposals for Scotland and Wales Cmnd 5732 September 1974

⁴ The summary chronology for the Wales Bill is as follows:

1977

- 26 July: Statement by Mr Foot on proposals for 1977-78 session
4 Nov: *Wales Bill*, HC 1st reading [Bill 2, 1977-78]
15 Nov: HC 2nd reading, agreed 295-264, and money resolution, vol 939 cc357-512
16 Nov: Timetable motion, agreed 314-287, vol 939 cc655-726

1978

- Mar/Apr: Committee stage, CWH, 9 days [1,2,7,8 Mar, 4,5,18,19,25 Apr], vols 945-7-8
3 May: Report stage [Bill 109], vol 949 cc249-396
9 May: 3rd reading, Bill 122, agreed 292-264, vol 949 c995-1144
10 May: HL 1st reading [HL 158, 1977-78]
23 May: 2nd reading, agreed: no division, vol 392 cc828-47, 857-951
June: Committee stage, 6 days [6, 14, 15, 21,22,23 June], vol 393
5-6 July: Report stage [HL 203], vol 394 c.989-1080, c.1174-1253
13 July: 3rd reading [HL 228], vol 394 c.1700-1757
19-20 July: Lords amendments [Bill 173], HC vol 954 c.553 - 685, c.802-968
24 July: Lords consideration of Commons reasons/amendments [HL 250], HL vol 395 c.651-746
26 July: Commons consideration of Lords reasons/amendments [Bill 184], HC vol 954 c.1671-1740
27 July: Lords consideration of Commons reasons/amendments [HL 262], HL vol 395 c.969-984
31 July: Royal assent, cap 52

⁵ c.974-1150

⁶ HC Deb vol 922 16/12/76 c.1736-40. New clause 40 introduced at Committee State 10/2/77

22 February 1977. A Government timetable motion on the Bill was defeated by 312-283 votes.⁷ The Bill was withdrawn later in the year.

March 1977. Labour secured a Parliamentary pact with the Liberals.

26 July 1977. Michael Foot, the Lord President made a statement in the Commons announcing separate Bills for Scotland and Wales in the next session.⁸ A White Paper - Financing the Devolved Services (Cmnd 6890) was published the same afternoon.

15 November 1977. Second Reading of the Wales Bill.⁹

16 November 1977. Timetable motion passed¹⁰ by 314-287 votes.

2 March 1978. Commons Committee stage. Plaid Cymru amendment to give Welsh Assembly same legislative powers as Scottish Assembly - defeated by 104 votes to 10.¹¹

19 April. Commons Committee stage. Government moved amendment (which it opposed) to allow a vote on a referendum threshold of 40% of the electorate. Government was defeated by 280 votes to 208.

31 July 1978. Bill received Royal Assent¹²

22 November. The draft referendum order was debated and approved without a division.¹³

1 March 1979. The referendum was held. The Act did not receive the required 40% minimum support of the electorate, as only 20.3 per cent of the electorate voted yes on a 58.8 per cent turn out.¹⁴

22 March 1979. The draft order to repeal the Wales Act was laid before each House of Parliament.

26 June 1979. The order was debated and approved by 191 votes to 8 in the House of Commons¹⁵ (5 July in House of Lords, vote 401 c.509-523). The Order came into effect on 26 July 1979.¹⁶

⁷ HC Deb vol 926, c.1234-1366

⁸ HC Deb vol 936 c.313-329

⁹ Vol 939 c.357-512

¹⁰ vol 939 c.655-726

¹¹ vol 945 c.681-802

¹² *Wales Act 1978* cap. 52

¹³ *Wales Act 1978 (Referendum) Order 1978* (S1 1978/1915 HC Deb vol 1958 c.1338-94. It was approved by the Lords on 30 November (HL Deb vol 396 c.1416-33)

¹⁴ See Forthcoming Library Research Paper No 97/61, *The Referendums (Scotland and Wales) Bill*

¹⁵ Vol 969 c.300-358

¹⁶ *The Wales Act 1978 (Repeal) Order 1979* S1 no 933

It is important to look at the attitude of the Labour Party to Welsh devolution in the 1970s, since the political dominance of Labour in Wales meant that the history of the devolution debate was largely an internal Labour Party debate. Although the Welsh Labour Party had favoured devolution from the mid 1960s onwards, it faced internal dissent from MPs, particularly from the industrialised South East of Wales. The reform of local government in 1972 had given Wales a second tier of eight county authorities, which, for some reduced the rationale for a Welsh assembly, and the anti-devolutionists' strategy was to demand a referendum rather than to oppose devolution outright. This was conceded in December 1976 in order to secure a Second Reading for the Scotland and Wales Bill, and the referendum reappeared in the Wales Bill. The 40 per cent threshold added in response to developments in the Scotland Bill, only made the devolutionist's cause harder to achieve.¹⁷ Even after enactment of the Wales Bill the Welsh Labour party remained divided during the referendum campaign.

Welsh Nationalists were handicapped by a lack of electoral support in large areas of Wales; in the October 1974 elections their percentage of the vote remained static at 10.8 per cent, with three seats won. The party did not pose the major threat to Labour in Wales, since the Liberal vote in the principality stood at 15.5 per cent, Bogdanor has noted that the main symbol of Welsh nationhood - language - tends to be divisive whilst the symbols of Scotland: judicial system, Kirk and educational system are integrative.¹⁸

The Constitution Unit Report *An Assembly for Wales* (1996) summarised the political background to the passage of the *Wales Act 1978* as follows:

The Political Background

38 The events surrounding the devolution debate in the 1970s might seem to have little relevance to the circumstances of the 1990s. The Labour Government 1974-79 was particularly weak and susceptible to events. Its slim and disappearing majority rendered it vulnerable to its own backbenchers and, eventually, enabled it to govern only thanks to the Lib/Lab pact. It was against this backdrop that the Government's devolution policy was developed by a Cabinet which was deeply divided on the issue, and not fully in control of Parliament or its own backbenchers. The Government could not afford to alienate the nationalists or the Liberals, and rushed out first a Green Paper and then a White Paper on devolution before the October 1974 election. The Scottish Parliament would have legislative powers while the Welsh Assembly was to have executive power only.

39 Despite the unusual political background, there are a number of lessons which can be learnt from the devolution debate of the 1970s:

- the dominance of Scotland.
- the intra-party divisions.

¹⁷ See Library Research Paper 97/61 *Referendums (Scotland and Wales) Bill*

¹⁸ V. Bogdanor, *Power and the People. A guide to Constitutional Reform* (forthcoming 1997)

- the unreality of the parliamentary debates.
- the poor quality of the public debate.
- the confused issues in the referendum campaign.

The Dominance of Scotland

40 Although the emergence of nationalism on the political agenda was initially brought about by Plaid Cymru's 1960s success in Welsh by-elections, it was the threat posed by the SNP in the 1970s which obliged Labour to confront the issue. As a result of the relative strength of the SNP and the relative weakness of Plaid Cymru in the two general elections in 1974, the devolution debate was dominated by Scotland: by the perceived threat posed by the SNP to the integrity of the UK; and by the proposal to devolve extensive political powers to an elected Scottish Parliament.

41 The Scottish dominance extended to the parliamentary arena. The initial devolution Bill encompassed both Scotland and Wales and was introduced as a very complex piece of legislation to Parliament in November 1976. This combined Bill proved to be politically dangerous for the Government. It enabled those Scottish and Welsh backbenchers who opposed devolution, for reasons largely unique to Scotland or to Wales, to band together to such good effect that the Government was forced to abandon the Bill when it failed to carry a guillotine motion in February 1977 (with 45 Labour MPs abstaining or voting against the Government).

42 Two separate Bills were then prepared, one for Scotland and one for Wales. Both were introduced in November 1977, progressed in tandem through the Commons, proceeded to the House of Lords in May 1978 and subsequently received the Royal Assent in July 1978. Both in the passage of the original Scotland and Wales Bill and the subsequent separate Bills, the debate on Scottish clauses preceded that on Welsh clauses. Thus the Government's policy on devolution, as transmitted by the media and as perceived by the general public, was largely that concerned with Scotland. The issues of the Welsh devolution debate were given very little coverage outside Wales (despite the differences, the two debates appeared repetitive so that the second was deemed not newsworthy). Furthermore, even within Wales, the dominance of the London press with total morning daily sales of 700,000 compared with less than 150,000 for the Welsh morning dailies meant that the Welsh debate failed to reach most Welsh electors.' Nor was this deficiency overcome by the broadcasting media. While both BBC Wales and HTV Wales scheduled a wide range of devolution and referendum programmes, the national news programmes reflected the dominance of Scottish devolution in the referendum debate. The different provisions for Welsh devolution, including its limited character compared to Scotland were not fully explained or appreciated.

The Unreality of the Parliamentary Debates

43 The parliamentary debates on the Wales Bill suffered from another weakness. They had an unreal quality. Every MP knew that the Labour Government's concession of a referendum meant that the final decision would rest with the Welsh electorate. Consequently, debates did not move beyond general discussions about the principles of devolution, rhetoric tended to replace argument and speeches were made to set down markers for the forthcoming referendum. These included amendments designed to show that the Bill :

- was the first step on the road to the secession of Wales from the United Kingdom.
- would increase bureaucracy and corruption.

- would lead to the domination of a Welsh speaking elite.

44 There was another element to the parliamentary passage of the Bill which had implications for the broader political debate. Constitutional reform, then as now, does not sit easily with the party political divide. During the passage of the Wales Bill very strange alliances were struck. Government backbenchers and Opposition backbenchers equally hostile to devolution supported each others' amendments and established informal channels to liaise on tactics and strategy. These contacts led to charges being raised in the referendum that some MPs were traitors to Wales or to the party or both. Feelings ran particularly high in the Welsh Labour Party, with bitter personal attacks on the so-called 'gang of six' Labour backbenchers who were opposed to devolution.

45 This meant that the Wales Act which should have been the central focus of the political debate became obscured. The general public and many of the political activists were largely ignorant of details of the Act and of the specific and limited powers which the proposed Welsh Assembly would exercise.

II Wales Act 1978

This proposed a novel form of devolution - executive functions devolved to a Welsh Assembly of 80 members. The Assembly would have operated through a committee system without a separate Executive or the power of dissolution. Vernon Bogdanor commented 'apart from the brief experience of the power sharing executive in Northern Ireland from January to May 1974 there is no precedent in British constitutional experience for powers so wide in scale and scope, including subordinate legislation, to be exercised by this form of administration'.¹⁹

The Constitution Unit summarised the Wales Act as follows:²⁰

A Critique of the Wales Act 1978

50 The Wales Act would have established a scheme of executive devolution only. Unlike its Scottish counterpart, the elected Assembly was given no powers to enact primary legislation. The Act transferred to the Assembly a series of statutory functions, precisely enumerated in the Act, which hitherto had been exercised by Government Ministers. These included delegated powers to make subsidiary legislation. The Assembly was given a general competence (short of legislation) in the prerogative fields of the arts, sport and culture; and the collective effect of transferring the statutory powers gave it wide authority to make executive decisions in some 17 subject areas. These included local government, education, health and social services, pollution, land use and development, transport, highways, road traffic, water and tourism.

¹⁹ *Devolution* (1978) p.166

²⁰ *An Assembly for Wales*

51 The Assembly was to operate on local government lines. The powers were vested in the Assembly (a corporate body) as a whole, but the effective decisions as to their exercise would commonly have been taken by one of its committees or, where authorised, by the committee leader (or 'Executive Member'). Committees had to be established to cover all the subject areas for which the Assembly was responsible; their membership had to reflect the balance of the parties in the Assembly. The committee leaders, who could be supplemented by other Assembly members up to two thirds of their number, comprised an Executive Committee. Its chairman/leader would have been to all intents the senior Executive figure in the Assembly.

52 Powers transferred to the Assembly could no longer be exercised by Ministers, except where the Act permitted. A limited number of powers were made concurrent e.g. compulsory purchase of certain lands for the public service and the making of subsidiary legislation necessary to fulfil the UK's international obligations. But in general, Whitehall's interests were protected by other means:

- many of the powers were made subject to specific exclusions which maintained (or 'reserved') the existing powers of action in the Minister.
- the UK Government was authorised to intervene in the exercise of powers if they impinged on reserved powers by directing either that the action should not be taken, or certain action should be taken. These override powers could be used if the Secretary of State thought it "desirable in the public interest" or, in the case of subsidiary legislation, if it was considered to be incompatible with the UK's Community or international obligations.
- specific powers of intervention were conferred upon the UK Government, in the case of planning and water.
- the UK Government was authorised to give directions about the making of certain categories of subsidiary legislation affecting the National Health Service.
- the UK Government could issue guidelines to the Assembly about the exercise of its powers relating to industrial and economic functions of certain statutory bodies, including the Welsh Development Agency, the Land Authority for Wales and the Development Board for Rural Wales.

Bogdanor noted 'that whereas legislative devolution involves only a decision whether or not to transfer responsibility for a particular field of policy, executive devolution involves the additional decision of how much responsibility for policy should be transferred, and this involves the question of how legislation is to be drafted. If Parliamentary draftsmen draw legislation loosely, they will leave considerable scope for the Assembly's executive role; but if legislation is drawn up tightly, the Assembly may enjoy little power'.²¹ With regard to existing legislation the Assembly's powers would have been of uneven scope and depth.

The Constitution Unit report, *An Assembly for Wales*, concludes that the 1978 Act offered only limited assistance for future models of executive devolution:

The 1978 Act as a Scheme for Devolution

²¹ *Devolution* (1978) p.176-177

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- 59 The comments in the previous paragraphs rest upon the premise that the most appropriate scheme for devolution in Wales was executive devolution. But would it have worked satisfactorily? Would it have constituted a long-term constitutional solution?
- 60 A number of considerations suggest that the scheme of executive devolution might have proved restrictive and unsatisfactory. Although the Assembly was to be an elected and representative body, it was given a limited capacity to develop and implement effective *policies* in relation to the general subject matters on which it had specific powers.
- 61 This is evidenced in several ways. First, having no primary legislative power, it was expected to give effect to the legislative policy as enacted at Westminster. No mechanism was provided whereby the Assembly could ensure that its policy position would be taken into account in future primary legislation. The Assembly had no formal link with sponsoring departments in relation to legislative preparation; and no procedures were identified to facilitate the enactment by Parliament of amendments to existing Acts found by the Assembly to be restrictive.
- 62 Second, it was given no taxing power. At the best, it could have withheld a portion of the rate support grant (which would have been paid out of the block grant paid to the Assembly) to fund its own policies, thereby obliging local authorities to increase their rates in order to make good their shortfall. But generally, being dependent on a block grant, it could not be held electorally responsible for the way it sought to raise revenue in order to give effect to its policies. Further, since many of the activities funded out of the grant were likely to be carried out by local authorities under powers conferred directly upon them by primary legislation, the Assembly would have limited financial capacity to develop new policies for itself and to acquire the additional funding that it considered necessary. It would have been answerable only for spending on those matters upon which it enjoyed some financial leeway. To an extent, its spending priorities would have been dictated by the policies of central government embodied in primary legislation, which the Assembly had no power to influence.
- 63 Finally, the method of devolving detailed enumerated powers derived from statutes that had not been drafted with devolution in mind. Some Acts confer wider powers of discretion than others, even though they touch upon the same general subject matter. The Assembly's capacity to develop a coherent policy in a subject area would have been dependent upon whether particularised powers had been devolved and would have been restricted by the divergences in the form of the powers devolved. Similarly, the Assembly's power to make secondary legislation depended upon the nature of the powers devolved. Again, the division between primary legislative provision and the conferment of delegated powers does not follow a consistent practice, one statute to another. The ability of the Assembly to use its subsidiary lawmaking powers to develop coherent Welsh policies would have depended upon the extent to which particular Acts happened to delegate appropriate powers.
- 64 Although the Assembly was given a subordinate, executive role, it would have had claims, as an elected body, to special legitimacy in respect of the policy it developed. Given the limitations just described, it would have had strong inclination, and usually some grounds, to attribute the responsibility to Westminster and Whitehall, whenever the Assembly was criticised for the way it carried out its functions. So, it might have been expected, from early in its life, to press for extension of its powers to enable it to perform its functions more effectively, leading to potential conflict with central government if its requirements were not met.

65 Most importantly, every single piece of new Westminster legislation would have had to be considered, and drafted, with the needs of the devolved Assembly in mind, creating the potential for a continual re-run of the devolution argument. The want of clearly-stated principles on what should or should not be devolved would have complicated that task. Even in these respects, the Assembly had no formal role granted to it with respect to the formulation of the legislative policy for any new statute, or indeed, in respect of bills under consideration in Parliament.

66 In giving the Secretary of State override powers, the Act spelled out the criteria for their use in broad terms, creating yet another area of potential conflict. It is a little surprising that central government took override powers with no formal provision for consultative procedures, when politically those powers were likely to be used only in the most exceptional and contentious circumstances. By contrast, the intervention powers, which might have been expected to be invoked, or their use threatened, more readily than the override powers, did allow the Assembly's position to be formally taken into account, by the Assembly making formal representations.

67 The Act placed the office of Secretary of State in an anomalous position. Indeed, it is not apparent that a separate office for Wales could have been justified after the transition was completed. Might the remaining Welsh Office powers not have been reclaimed by the Whitehall departments, since many of the reserved matters had been made such because of their national dimension? Was the Secretary of State's principal role to act as a go-between or to protect the interests of central government? How could the Secretary of State have realistically spoken on Welsh issues in Cabinet and Parliament without the post having any formal link with the Assembly? How effective would the office-holder have been if from a different party from that in power in the Assembly?

68 The scheme of subsidiary law-making might have had a number of undesirable consequences:

- by vesting the function of subsidiary lawmaking in the Assembly, the implementation of a legislative scheme ceased to be the responsibility of the department that sponsored the primary legislation. This contradicts one of the major reasons for this form of law-making: to permit the authority that formulated the scheme to develop and adapt it to prevailing circumstances. The Assembly would have had to work within the limits set by a department without any formal capacity to influence the making of the original scheme, or to participate in the review and amendment of the scheme at a future date. This was not the case with respect to decentralised powers when exercised by the Welsh Office, which maintained a working link with the sponsoring department.
- no body of principles has been consistently applied in determining when and to what extent subsidiary law-making powers should be provided in a legislative scheme. The practice is very uneven between different Acts, even those concerned with the same general subject area. Decisions in the past about delegation, of course, did not take account of the needs under devolution. Would Parliament have recognised the need to produce consistent practice?
- the effects on the future form of delegated law-making powers are conjectural. But it is probable that wider and less constrained powers would have been considered necessary under new legislation if the Assembly were to enjoy a reasonably effective policy-making capacity. Would that have led to different, and broader, powers for the Assembly in comparison with those given to departments? Or is it more likely that the

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same broad powers would have been conferred on departments too, leading to even greater discretionary powers in central government than at present?

- much subsidiary legislation today is concerned with giving effect to European Community law, much more so than in 1978. The various override powers in the Act imply that Whitehall was reluctant at that time to see variations in implementation. This would have become an area of considerable tension between the Assembly and the central government. Unless Whitehall would have been prepared to allow the Assembly to adopt alternative solutions, consistent with the European directives, the override powers here could have come into prominence.

69 The Act made no provision for consultative procedures on matters of this kind. It confirmed the status of the Assembly as a *delegate* and a fully *subordinate* executive authority. It is arguable that many of the shortcomings of the Act in providing a stable constitutional arrangement stem from that perception. Legally and constitutionally it was accurate to treat the Assembly as a fully subordinate body, but it ignored the legitimacy and authority which would flow to the Assembly from its democratic mandate.

The Welsh Veto: The Wales Act 1978 and the referendum, ed David Foulkes, J Barry Jones, RA Wilford (1983), gives a detailed analysis of the powers of the Assembly. A number of salient features are listed below:

- 2-3 Assembly Members for each Parliamentary constituency for the first election of the Assembly; thereafter the Boundary Commission for Wales would have divided Wales into Assembly constituencies with one member for each constituency. Assembly constituencies would have been contained within the boundaries of the parliamentary constituencies. Elections would have been first-past-the-post.
- Four years term for the Assembly, with no provision for earlier dissolution even if political control of the Assembly changed mid-term.
- MPs were disqualified from membership, but residence in Wales was not a necessary requirement.
- The Assembly was required under S.17 to appoint "subject committees" to deal with all the Assembly's areas of government. The Assembly had to name one of the members as chairman and another as its leader. A party balance rule applied so that the committee reflected overall membership of the Assembly.
- One committee appointed under S.17 was to be the Executive Committee to consist of all the leaders of the other committees. The person named by the Assembly as the chairman of the Executive Committee was given the central role of providing political leadership to the Assembly. The party balance rule would not have applied.
- The Act permitted extensive delegation to individual members of the Assembly since the committees should arrange for powers to be delegated to a subcommittee to a leader.

- There would have been no separate Welsh civil service; all the staff of the Assembly would have been civil servants.
- The Assembly would have exercised certain functions given to **Ministers**; functions exercised by bodies or persons other than Ministers, such as local authorities, nationalised industries etc. were not transferred. The functions transferred were those precisely identified in Schedule 2 of the Act by reference to the Acts by which they were given to Ministers.
- There was no provision for transfers under future legislation; only functions under statutes in existence by the time the *Wales Act* was passed were to be transferred. Later Acts would have had to make special provision for the Assembly.
- The Assembly was given the duty of reviewing the structure of local government in Wales and reporting its conclusions to the Secretary of State. The government had hoped that a compulsory review of the unpopular system introduced in 1972 would build support for the Assembly.
- The Secretary of State was given certain powers of intervention in Assembly decisions, if action proposed by the Assembly would or might affect a reserved matter, or give directions in NHS matters etc.
- The Act (S.60) permitted the functions of certain nominated bodies to be transferred to the assembly, where a minister had statutory powers to appoint members of a statutory body and those powers had been transferred to the Assembly by ministerial order (not by the Assembly itself). This included Area Health Authorities, Development Board for Rural Wales, Historic Buildings Council for Wales, Welsh Development Agency, Land Authority for Wales.
- The Assembly would have been financed by block grant from the UK Treasury (S.44). The Government's reasons for adopting the expenditure basis were explained in the 1977 White Paper *Devolution: Financing the Devolved Services*.²² The Act itself was silent on the calculation of the block grant as the Government preferred a formula based system devised through administrative decision. Once the block grant has been agreed the Assembly would allocate the amount amongst the devolved services in accordance with its own priorities.
- a Welsh Comptroller and Auditor General was provided for, but given no powers to surcharge and disqualify members, thus moving away from the local government model. No provision was made for a separate Welsh Ombudsman. Section 68 empowered the Parliamentary Commissioner for Administration to investigate maladministration by the Assembly.

²² Cmnd 6890

- The Assembly would have paid Rate Support Grant to local authorities and have engaged in negotiation with the authorities. Theoretically the Assembly could use some of the RSG element of the block grant for some other lawful purpose leaving local authorities to meet the deficit by increasing their rates.

III Administrative Devolution

The Welsh Department of the Board of Education was set up in 1907, followed by a Welsh Insurance Commission in 1911 and a Welsh Board of Health and Welsh Department in the Ministry of Agriculture in 1919. There was little change in the interwar years, but in 1940 the Welsh Board of Health took over responsibilities for housing, water services, local sanctions and other local government services. By 1945 there were 15 government departments with offices in Wales. In 1949 the Council for Wales and Monmouthshire was appointed with the task of ensuring that the Government were 'adequately informed of the impact of government activities on the general life of the people of Wales'. It published a series of memoranda on Welsh problems and continued in being until 1966

Welsh Office

This was set up in October 1964. At the outset the executive functions of the Secretary of State were those administered by the Welsh Office of the Ministry of Housing and Local Government, mainly town and country planning, housing, water, sewerage and other local government matters, together with economic planning and responsibilities for roads formerly exercised by the Minister of Transport. In addition, the Secretary of State was authorised to exercise 'oversight' within Wales of the execution of national policy by the Ministry of Agriculture Fisheries and Food, the Department of Education and Science, the Ministry of Health, the Ministry of Transport, the Board of Trade and the Ministry of Labour'.²³ By 1973 the Welsh Office had taken over direct responsibility for the health service, forestry and agriculture (jointly with the Ministry of Agriculture) ancient monuments, tourism, childcare and primary and secondary education in Wales and for financing the National Museum and the National Library of Wales.²⁴

Further developments occurred in the later 1970s, when the Welsh Office took over responsibility for the Urban Programme, non university institutions of advanced and further education, the Manpower Service Commission, and public libraries. The main changes have been in the development of industrial and development functions in the 1980s. In 1991

²³ HC Deb. vol 702 19/11/64 c.624

²⁴ Cmnd 5460 para.135

responsibility for Training and Enterprise Councils (TECs) in Wales passed from the Department of Employment to the Welsh Office and the responsibility for the Welsh Arts Council passed to the Welsh Office in 1993. The chief areas where responsibility has not been devolved are economic policy and taxation, defence, foreign policy, Home Office functions, such as police, prisons, etc, the Lord Chancellor's responsibilities for civil law and the courts and social security.

The Welsh Office now employs 2,500 staff, a ten fold increase since 1964. However, this represents about one tenth of the total number of civil servants in Wales. It has relatively few executive functions, relying on local authorities, the health service and a number of executive NDPBs to deliver services within the policy and resources framework it provides. It underwent a Senior Management Review in 1995, which recommended a slimmed down structure.

The division of functions between Whitehall, the Welsh Office and Local Government is set out in a table taken from the Constitution Unit's *An Assembly for Wales* (1996). The Unit Report warned that it is crude and illustrative only; dotted lines indicate the overlap:

Table 3 Division of Functions between Whitehall, the Welsh Office and local Government			
Whitehall	Whitehall and Welsh Office	Welsh Office	Local Government
Defence	Europe	Natural resources	Economic development
National security	Agriculture	Economic development	Roads
Foreign affairs	Industry and training	Roads and transport	Buses
Economic policy	Employment	Local government	Housing
Monetary policy	Environmental protection	Housing	Education
Taxation		Education	Social services
Transport		Social services	Planning
Air and rail		Planning	Waste collection and disposal
Criminal law		Health	Civil emergencies
Police		Welsh language	Museums and libraries
Prisons		Arts and culture	
Probation			
Fire			
Civil law			
Courts			
Social security			
Broadcasting			

An Assembly for Wales summarised the financial arrangements for the Welsh Office as follows:

79 The financial support for the Welsh Office is provided by block provision from the Treasury. This used to be negotiated like any other departmental budget; but since 1978 changes have been based upon the 'Barnett formula', which has divided any increases - or decreases - in territorial spending in the proportions 5:10:85 to Wales, Scotland and England. In 1992 formula was revised to reflect Scotland's declining share Of Population, and since then has divided block funding in the proportions 5. 12 (Wales), 9.06 (Scotland) and 85 (England). An £85 increase in comparable expenditure in England automatically feeds through into £5 extra for the Welsh block - and the converse for decreases in expenditure.

80 Within the Welsh block the Secretary of State decides on the distribution of resources to roads, health, housing and his other areas of responsibility. There may be variations between the different heads of expenditure between England and Wales, although these tend to be confined to the margins. The Secretary of State is also responsible for local government finance in Wales, including the operation of the council tax and non-domestic rates. Decisions on the level and distribution of central government support to local government are also the responsibility of the Secretary of State. The Secretary of State has never needed to use his rate capping powers.

Bogdanor notes²⁵ that draft legislation for Wales normally emanates from the London departments and it is difficult for the Welsh Office to make significant modifications. 'The Welsh Office bears more resemblance perhaps to an English regional office that it does to the Scottish Office which is responsible for the bulk of the Scottish domestic law making'.²⁶

IV 1979 onwards

Neil Kinnock became leader of the Labour Party in 1983, and had been a noted anti-devolutionist in the 1970s. Nevertheless, devolution slowly re-emerged as a policy option in the 1980s. Criticism of Conservative rule since 1979 has been a significant factor in bringing Welsh devolution back onto the political agenda. Alys Thomas²⁷ summarises the main factors as follows:

Devolution a Second Time Around

Criticism of Conservative rule since 1979 has been a significant factor in bringing the question of Welsh devolution back as a topic of serious political discussion. After the third consecutive Conservative general election victory in 1987, many Welsh politicians felt the need to reassess the question of an elected Welsh body. A fourth successive victory in 1992, with Labour failing

once again to make an electoral impact in the south east of England, led one Welsh MP to comment: 'Wales has its nationalist party and so does Scotland. We can now see clearly that England does as well' (*Western Mail*, 8 June 1992).

The democratic deficit has not been the only factor which has contributed to the revival of the devolution issue in Wales. A further effect of the Thatcher administration has been the economic transformation of the industrial heartlands of south

²⁵ *Power and the People: A guide to constitutional Reform*, V Bogdanor (forthcoming 1997)

²⁶ *Ibid.* p.35

²⁷ *Public Money and Management*, October/December 1996, 'Wales and Devolution: a constitutional footnote?'

Wales, as the coal and steel industries underwent rationalization and closure. This had a particularly strong impact on the Labour Party in that the strand of Welsh identity focused on the pit or steelworks and rooted in Labour politics suffered a crisis of confidence. After a century of asserting its modernity against a traditional Welsh speaking, rural identity, it found itself labelled as equally anachronistic in the brave new Thatcherite world. Some Labour politicians identified the 1984-85 miners' strike as a significant moment in reconnecting industrial south Wales with the rest of the country and bringing about a rediscovery of the notion of community.

An emerging 'regional dimension' in the European Union (EU) became of increasing importance in the 1980s partly due to the growth of regional policy and, from 1988, the inclusion of regions as officially recognized partners in securing funding under the European Regional Development Fund (ERDF) objectives. On a more ideological level, there was much discussion of the concept of a 'Europe of the Regions', which contained an implicit assumption that regions and small nations would begin to develop a direct dialogue with the EU and the nation state would decline in importance. Plaid Cymru seized on this idea in the mid-1980s, as the slogan 'Wales in Europe' allowed Plaid to side-step the awkward question of the viability of an independent Welsh nation state.

However, the idea proved popular with the other Opposition parties. Labour embraced the concept of subsidiarity, observing that 'the biggest threat to this principle is posed not by the Brussels Eurocrats but by the centralizers of Whitehall and Cathays Park' (Labour Party Wales, 1993). The European dimension, therefore, represented a major difference from the 1970s as the creation of a Welsh Assembly could be set against the growing assertiveness of regions in other EU countries.

The term 'democratic deficit' refers to the large numbers of NDPBs or quangos in Wales. Library Research Paper no 96/72, *The Quango Debate* examines this issue in general terms. Quangos in Wales generate concerns about patronage and accountability, against a background of diminishing autonomy for local government. *The Democratic Deficit: a guide to quangoland* (1993), by Kevin Morgan and Ellis Roberts, argued that the number of quangos had doubled since 1979, and that a Parliament for Wales would do much to reduce the deficit by scrutinising the activities of such patronage bodies. J Barry Jones has argued²⁸ that 'in no other part of the UK is such a high proportion of public expenditure authorised by non elected bodies'. In 1993/94 NDPBs operating in Wales totalled over 200, and controlled a budget of £2bn, one third of all Welsh Office spending and almost as much as the total for Welsh local authorities according to John Osmond in *Welsh Europeans* (1995). *Shaping the Vision*²⁹ noted that following local government reorganisation there would be 1400 quango appointees and 1273 local councillors. An interlocked network of influence could be inferred from overlapping membership of NDPBs. Parliamentary oversight through a Select Committee on

²⁸ *A Parliament for Wales* (1994), ed. John Osmond, p.42

²⁹ See p.20

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Welsh Affairs and later through an enhancement of the Welsh Grand Committee³⁰ has suffered from a scarcity of Welsh Conservative MPs, and has meant the use of Conservatives representing English constituencies who have faced criticism for their lack of local accountability as in the passage of the *Local Government (Wales) Bill* in 1993/94.³¹

The paucity of Conservative MPs and councillors in Wales sharpened the sense of political disenfranchisement, and meant that the Welsh Office was under the control of a Government of a political party poorly represented in Wales - in 1992 Conservatives held 6 out of the 38 seats in Wales (but gained 28.6% of the vote).

In 1989 the Wales Labour Party committed itself to 'an elected body for Wales to deal with Welsh Office functions and with functions carried out on an all-Wales basis by nominated bodies'.³² The Campaign for a Welsh Assembly which had been dormant since the 1979 referendum was relaunched in November 1988 with support from Labour, Liberal Democrats and Plaid Cymru representatives. In 1990 in the Labour policy document, *Looking to the Future*, the party committed itself to an elected all-Wales assembly in Cardiff and elected regional assemblies in England to exercise 'many powers now concentrated in Whitehall'.

The 1992 Labour manifesto confirmed the policy of a Welsh assembly of 76 members (2 for each constituency) with executive, but not legislative powers. However, there was no parallel in Wales to the Scottish Constitutional Convention founded in 1989; the Wales Labour Party refused overtures from the Campaign for a Welsh Assembly and in 1992 the Welsh Labour Executive established its own policy commission to consult on the proposed powers of an Assembly. It published an interim report in 1993³³ and the final report was approved in May 1995 by the Welsh Party Conference - *Shaping the vision*. In May 1996, *Preparing for a New Wales* which supplemented *Shaping the vision*, was approved by the Conference. In the meantime the Campaign for a Welsh Assembly relaunched itself as the Campaign for a Welsh Parliament at Llandrindod Wells in March 1994, to campaign for a legislative Parliament with some financial powers.

The reorganisation of Welsh local government following the *Local Government (Wales) Act 1994*³⁴ gave Wales a single tier of 22 local authorities, and John Osmond has argued that this has made an all-Wales body more acceptable³⁵ by removing the vested interests of the Welsh county councillors who tended to oppose devolution in the 1970s. John Osmond³⁶ has also

³⁰ See below pp.

³¹ *Welsh Europeans* (1995) John Osmond

³² *The future of local Government in Wales*

³³ *The Welsh Assembly. The way forward: Interim Report of the Policy Commission*

³⁴ See Library Research Paper no 94/45, *Local Government (Wales) Bill* for background

³⁵ *Welsh Europeans* (1995) John Osmond, p.19

³⁶ p.21-22

pointed to the generational change amongst Labour MPs in the 1992-1997 Parliament; 13 of the 27 Labour MPs had entered Parliament since 1979, whereas the 6 MPs associated with opposition to the referendum were no longer MPs, apart from Donald Anderson who had changed his views by 1992.³⁷

The Labour Proposals in *Shaping the Vision and Preparing for a New Wales*

These are summarised as follows:

- legislation to establish an Assembly within one year of coming into office.
- The Assembly would take responsibility for the existing budget of the Welsh Office and functions, i.e agriculture industry, economic development, employment and training, education, the Welsh language, arts and recreation, transport, local government, housing, environmental services and health. *Preparing for a New Wales* suggested a new agency to handle economic development with an executive board to be appointed by the Assembly. Although broadcasting would remain with the Department for National Heritage, it would be required to consult with the Assembly on Welsh broadcasting issues.
- Quangos under the authority of the Welsh Office should be responsible to the Assembly which would review their functions with the opinion of making transfers to local government. The nine all Wales major executive bodies created by legislation (Countryside Council for Wales, Curriculum and Assessment Authority for Wales, Development Board for Rural Wales, Further Education Funding Council for Wales, Housing for Wales, Land Authority for Wales, Wales Tourist Board and Welsh Development Agency) would need major reform, but others such as the National Museum for Wales, and Arts Council for Wales would continue to be responsible for their existing activities. The Assembly would take over relevant powers of appointment now vested in the Secretary of State and would establish public appointment procedures in conformity with the proposals contained in the Nolan Committee's First Report on Standards in Public Life.³⁸ The Assembly would have a policy framework and monitoring role, allowing reformed executive bodies to work without day-to-day interference. Some defined powers over quangos would need to be devolved to the assembly in relation to the restructuring of quangos, and should be specified in the Assembly Act.
- The Assembly would not have the power to pass primary legislation (unlike Scotland), but it would have the power to debate and pass secondary legislation within the terms of primary legislation passed by the Westminster Parliament, where the Act identifies matters of particular relevance to Wales. A subordinate Legislation Scrutiny Committee would ensure that proposals were within the competence of the Assembly. However, some

³⁷ *Western Mail*, 27/1/92, 'Donald Anderson: Why I changed my mind on devolution'

³⁸ Cm 2850 May 1995. See Library Research Paper no. 96/72, *The Quango Debate*

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limited primary legislation would be needed to enable the Assembly to restructure quangos and to deal with Welsh language and local government reorganisation.

- Statutory duty for the Secretary of State to consult with the Assembly on its legislative programme for the coming year.
- The Assembly would be financed by a block grant based on a guaranteed equalisation formula, with no revenue raising powers.
- a Welsh Comptroller and Auditor General would be appointed with responsibility for monitoring the expenditure of the Assembly. An Accounts Committee would be chaired by an Opposition member at Westminster.
- After considering the merits of two electoral systems, first-past-the-post (FPTP) and an additional member system (AMS) the Executive's preferred option was FPTP.
- Chairs of the subject committee formed to oversee the various Welsh Office functions would form an executive council, chaired by the leader of the majority party in the Assembly. The number and remit of the subject committees would be determined by the Assembly, and membership would reflect overall party balance within the Assembly.
- The Assembly would be elected for a fixed term of four years.
- The Secretary of State for Wales would continue to hold a Cabinet position and would play a key role in negotiations concerning the budget of the Assembly and would consult the Assembly regularly about the Government's legislative programme.
- There should be direct representation of Wales through the Secretary of State at the EU Council of Ministers when matters relevant to Wales were being discussed and the Assembly would elect 2 representatives to the Committee of the Regions, alongside 1 representative from Welsh local government. Direct links between the European Committee would formulate policy and coordinate European representations.
- The Assembly would take over responsibility from the Welsh Office for the central financing of Welsh local government, and the coordination and regulation of its activities. The Assembly would also provide strategic direction at an all Wales level for the new unitary authorities. A Regional Committee of the Assembly members from each region would be appointed, with advisory powers. The Assembly Act would include a section to lay a duty on the Assembly to maintain an independent system of local government in Wales.
- There was no need for a referendum before a Welsh Assembly was established, as a general election mandate would be sufficient.

In summary therefore, the proposals for a Welsh Assembly bear evident similarity to the *Wales Act 1978*. The proposals were criticised for the lack of legislative and taxation powers by Plaid Cymru and the Liberal Democrats, and the retention of a Secretary of State has been criticised as tending to lead to conflict with the Assembly.

Two major developments have occurred since May 1996: the FPTP method of electing members of the Assembly was replaced by a commitment to a PR system, and a commitment to a pre-legislative referendum was made; both changes of policy apparently emanating from Tony Blair as party leader without input from the Wales Labour party, although the Welsh Executive formally approved the plans some days later.³⁹

On 5 June 1996, Ron Davis the Shadow Welsh Secretary, had told a *Western Mail*/Radio Four debate that Labour had no intention to hold a referendum⁴⁰, whilst admitting his personal preference against FPTP. Yet on 27 June 1996, he announced that a pre-legislative referendum would be held as 'a straight forward majority of the votes cast'⁴¹ and on 28 June, Tony Blair announced that he had asked the Wales Labour Party executive to look again at its preferred electoral system for the Welsh Assembly.⁴² These developments received a broad welcome, but there was anxiety among some Labour MPs about the electoral consequences of a PR system. The re-convened policy commission subsequently proposed an AMS system of 40 FPTP members with 20 additional members made up of 4 members from each of the five European Parliament constituencies in Wales on the basis of votes cast for each party.⁴³ This was endorsed by the Welsh Executive in January 1997 and ratified by a Wales Labour Party conference on 28 February 1997 in a new policy document, *Representing Wales*, as follows:

Recommendations

The Commission has concluded that the Additional Member System would provide the best means of ensuring an element of proportionality in the elections to the Assembly.

We propose that 1 member of the Assembly be elected from each of the current 40 Westminster constituencies in Wales, together with an extra 20 additional members, 4 elected from each of the 5 existing European constituency areas. The additional members of each European constituency area will be allocated so that the total

representation from each area - including members returned for individual constituencies - will correspond as closely as possible with the share of the vote cast for each party in the area.

In order to overcome concern that has been expressed about the accountability of those elected through the additional member procedure, we would recommend that candidates for additional member places should be formally nominated and their names published by the returning officer in advance of the election.

³⁹ *Guardian* 28/6/96, 'Labour puts brave face on devolution vote U-turn'

⁴⁰ *Western Mail*, 6/6/96, 'No re-run of '79 poll, says Labour'

⁴¹ Ron Davis MP, Press Notice 27/6/96, 'Labour to hold a referendum on Welsh Assembly' - see Research Paper no 97/10 *Referendum: recent proposals* for further details

⁴² *Western Mail*, 29/6/96, 'Old Labour may oppose Assembly'

⁴³ Library Research Paper 97/26, *Voting systems - the Alternatives*, provides background on AMS

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We also recommend that there should be a minimum threshold requirement (for example, a 5% share of the vote) for parties to gain additional member places, in order to prevent unrepresentative or extremist parties gaining representation without significant electoral support.

The Commission fully supports the Party's commitment to achieve fair representation of women in the new Assembly.

Following the recent employment tribunal judgement on all-women shortlists, the National Executive Committee has established a Working Party to investigate its implications for the party's selection procedures at all levels. We welcome the announcement that two members of the Commission, Marlene Thomas, the Chair of the Wales Labour Party, and Anita Gale, the General Secretary, have been appointed to serve on the Working Party. We anticipate close co-operation between the Working Party and the Welsh Executive in drawing up and implementing selection procedures for candidates for the Assembly with the objective of achieving a fair gender balance.

Welsh Grand Committee

On 30 November 1995, the then Secretary of State for Wales William Hague, made a statement about changes to the Standing Orders governing the Welsh Grand Committee. He promised to introduce Question Time proceedings to the Committee, to allow members of the Committee to initiate short debates and to provide for more meetings of the Committees in Wales. In addition, Ministers would be able to take part in debates whether or not they were Ministers for Wales, including the Prime Minister. No substantive changes were proposed to the treatment of Bills in the Welsh Grand Committee.⁴⁴ The revisions to Standing Orders were debated and agreed on 11 March 1996.⁴⁵ Following representations in that debate and a report from the Procedure Select Committee⁴⁶ Tony Newton, then Leader of the House, introduced a motion to allow the use of Welsh in Parliamentary proceedings held in Wales on 5 June 1996.⁴⁷ However, disputes between Government and Opposition on the business

⁴⁴ HC Deb vol 267 c.1353-1355

⁴⁵ HC Deb vol 273 c.703-756

⁴⁶ HC 387-1995/96

⁴⁷ HC Deb vol 278 c.668-690

for the Committee meant that the Welsh Grand Committee met very infrequently in 1996.⁴⁸ The Standing Orders for the Welsh Grand Committee are set out in S.O nos 102-108.⁴⁹

V The General Election 1997

The Labour Party manifesto included the pledge of a pre-legislative referendum and legislation to establish a Welsh Assembly within the first year of a Labour Government.⁵⁰

The Conservatives seem opposed to the very idea of democracy. They support hereditary peers, unaccountable quangos and secretive government. They have debased democracy through their MPs who have taken cash for asking questions in the House of Commons. They are opposed to the development of decentralised government. The party which once opposed universal suffrage and votes for women now says our constitution is so perfect that it cannot be improved.

Labour will bring a fresh start for Wales. We will, with the consent of the people of Wales, legislate for a Welsh assembly. Wales has its own distinct national culture, its own institutions and the Welsh Office administers a budget of £7 billion covering key areas of Welsh life.

We will act to decentralise power throughout Britain. Subsidiarity is as sound a principle in Britain and Wales as it is in Europe. Our proposal is for devolution, not federation. By devolving power, Parliament will be deciding that some parts of the UK should be governed in a distinct manner. A sovereign Westminster Parliament will devolve power to Wales and Scotland. The Union will be strengthened and the threat of separatism removed.

As soon as possible after the election we will enact legislation to allow the people of Wales to vote in a referendum on our proposals, which will be set out in a white paper. This referendum will take place not later than the autumn of 1997. A simple majority of those voting in Wales will be the requirement. Popular endorsement will strengthen the legitimacy of our proposals and

speed their passage through both Houses of Parliament.

The Welsh assembly will provide democratic control of the existing Welsh Office functions. It will have secondary legislative powers and will be specifically empowered to reform and democratise the quango state. It will be elected by an additional member system.

⁴⁸ *Western Mail* 18/11/96, 'Hague lifts ban to allow MPs to debate the Budget'

⁴⁹ Standing Orders of the House of Commons: Public Business HC 400 1996/97

⁵⁰ *New Labour: Because Wales deserves better*, April 1997

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The Liberal Democrat manifesto for Wales: *Make the Difference* (April 1997), contained a commitment to legislate for an elected Welsh Parliament, the Senedd, with legislative and executive responsibilities in Welsh affairs within the first year of government. The Senedd would have power to raise or lower the rate of income tax by a maximum of 3p in the pound. It would be elected by STV (Single Transferable Vote), and would take over the powers currently exercised by the Welsh Office and make quangos accountable to it. Further details are given in *A Senedd for Wales: Beyond a Talking Shop* (1996).

The Report of the Joint Consultative Committee on Constitutional Reform set up by the Labour and Liberal Democrat parties to explore the possibility of cooperation on constitutional reform was published on 5 March 1997 and commented as follows on proposals for a Welsh Assembly:

Wales

41. Both parties support the establishment of a directly elected Assembly providing democratic control over the actions currently devolved to the Welsh Office, being empowered to reform the quango state and providing a democratic forum for the development of policy.
42. Devolution would result in effective powers being transferred from central government to Wales. Those powers should be exercised by a way which provides maximum openness and accountability. The legislation shall place on the Assembly a responsibility to maintain a strong and effective system of local government.
43. There is deep public concern in Wales at the growing influence of quangos and other unelected bodies. The Assembly shall ensure maximum effectiveness and accountability in the operation of those quangos which remain.
44. The Wales Labour Party has decided that the Assembly should be elected by an Additional Member system. This development has been welcomed by the Liberal Democrats.
45. Following the election legislation to hold the referendum would be introduced as soon as possible and a White Paper produced detailing the devolution proposals. Both Parties agree that a short time should be allowed to lapse after the Scottish referendum in order to ensure the debate in Wales, with its distinctive form of devolution, is not overshadowed by the process in Scotland.
46. Both parties would campaign for a positive outcome to the referendum and would support legislation within the first session of Parliament after the general election to establish the Assembly.

Plaid Cymru's manifesto, *Plaid Cymru's programme for the new millennium* (April 1997), referred to its plans for a Welsh Parliament set out in *A Democratic Wales in a United Europe* (1995). This involves a two stage process - firstly the creation of a bi-cameral law-making parliament with tax varying powers and a direct voice in Europe, and secondly,

following a referendum, Wales would become a full member state of the European Union in a five year transitional period.

The following pages outline the two-phase process to self-government which Plaid Cymru proposes as the constitutional way ahead. Basically the party proposes:

1. **An immediate first step of setting up a law-making Parliament of 100 members elected by a PR system with gender balance, which would take over responsibility for the current functions of the Welsh Office, and the national quangos, and during the first phase also taking over a number of non-Welsh Office functions, such as Home Office, Treasury, and industrial responsibilities.**
2. **The second phase, to be considered no earlier than five years after the setting up of the first-phase Parliament, when the Welsh Parliament would take over those functions then remaining at Westminster, and which have not in the meantime been transferred to Brussels. This second step would be ratified by a referendum for the adoption of the constitution of the fully self-governing Wales.**

For the duration of the first phase interim Parliament, Wales would still send the present number of MPs to Westminster, though we accept that their voting rights may be restricted. We would still have a Secretary of State in the Cabinet to co-ordinate between the Welsh Parliament and the UK Government. Once the second step had been achieved Wales would, of course, no longer send MPs to Westminster nor would it have a Secretary of State. There would then be a full seat for Wales in the European Council of Ministers - in effect, the European equivalent of the Secretary of State, but a post with real power appointed by Wales, not London. Wales would also have its own Commissioner in Brussels. Eventually, we would want to see the diminishing and eclipse of the Council of Ministers, with its replacement coming by way of a second chamber of the European Parliament - a Chamber of the regions and nations.

Plaid Cymru is the only party offering Wales a system of full self-government within the European Union. The taint of "separatism" is no longer meaningful: we are replacing the smaller union (that of the UK) with the larger union (that of Europe). This time, however, we are ensuring that Wales has a proper voice at the centre of that union and that only decisions that cannot be taken in Wales are taken on the European level.

In a later policy document, *A Real Choice for Wales*, September 1996, Plaid Cymru expressed its preference for a multi option referendum with a full self government option, and refused to commit itself to working for a Yes Vote in a referendum on Labour's plans.⁵¹

The Conservative Party manifesto for Wales⁵² opposed a Welsh Assembly:

Only a Conservative government will stand up for the Union and oppose a Welsh Assembly. We will not put the jobs and livelihoods of the people of Wales at risk by setting up a new tier of government that would inevitably demand more

powers over tax, spending and legislation. A Welsh Assembly would create uncertainty over the future of Wales in the Union. These dangerous developments would drive away future inward

⁵¹ See Library Research Paper no 97/10 *Referendum: recent proposals* p.23-25 for further details of the Plaid Cymru position

⁵² *Opportunity and Prosperity for Wales*, April 1997 p.53

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investment and reverse the jobs boom that is taking place in the Welsh economy.

A Welsh Assembly would begin the process of unravelling the Union and could lead to the break up of the United Kingdom. Once lost, our high spending on public services, our place at the Cabinet table and the number and voting rights of our Members of Parliament could never be regained. The voice of Wales at the heart of government and Parliament are in danger. Losing them would marginalise Wales in Britain and in Europe.

Conservatives support reform where it is needed.

We have strengthened the Union by expanding the role of the Welsh Grand Committee, allowing it to meet more regularly in the towns and cities of Wales, and giving Welsh Members of Parliament the right to question Ministers on their responsibilities for Wales at its meetings. And we have made provision for the Welsh language to be used in the Committee's proceedings. This is the sort of constitutional change Conservatives support: reform that strengthens our governing institutions rather than undermining them.

We will begin meetings of the Welsh Grand Committee in its new format.

Following the Queen's Speech on 14 May 1997, the Labour Government issued a summary of proposals for a Wales Bill:⁵³

Wales Bill

Subject to the result of a referendum a Bill would be introduced to establish a Welsh Assembly. The Assembly would ensure both that Wales is governed more democratically, and that the interests of Wales are more effectively represented on the national and international states. In particular:

- the Assembly would inherit the powers of the the Rt Hon Ron Davies MP Secretary of State for Wales, democratising the current functions of the Welsh Office and ensuring that the needs of the people of Wales are met by a body they elect directly
- the Assembly would increase the transparency and accountability of the network of Non Departmental Public Bodies (NDPBs) in Wales. It would closely monitor the performance of the NDPBs and would also be responsible for ensuring that appointments to them were fully open and in accordance with the Nolan Committee's recommendations;
- the Assembly would itself be elected on the Additional Member System (AMS), ensuring all parties in Wales were more fairly represented.

In the debate on the constitution on Friday 15 May William Hague, Shadow Secretary of State, said that Labour's proposals 'would amount to a fundamental and far-reaching error. They would damage the interests of Scotland and Wales, lead to widespread disillusionment and bitterness, create a constitutional situation unstable and unsustainable in the future, and severely weaken and undermine the unity of the United Kingdom'.⁵⁴ He also queried the contrast between plans for a Parliament in Scotland and a Welsh Assembly:⁵⁵

⁵³ Queen's Speech Government Background Note

⁵⁴ HC Deb vol 294 c.283

⁵⁵ c.286-287

The Secretary of State for Wales said in June that a Welsh Assembly would not have tax-raising powers initially. Is that still his view? If so, is it his view that there should be another referendum later on tax-raising powers? Will he give an undertaking that any proposals to extend tax-raising powers to a Welsh Assembly would be subject to another referendum? Why does he not want to ask the people of Wales now, at the same time as people in Scotland, whether they want tax-raising powers for an Assembly?

Why would the Scottish Parliament have powers to legislate in every major area of Scottish domestic policy, including local government, the national health service, education, housing and transport, but the Welsh Assembly would not have the power to legislate on any of those matters? Why would the Welsh Assembly have fewer powers than the Scottish Parliament, which the Prime Minister likened to a parish council?

What is the logic, the principle or the deep constitutional thinking that leads the Government to treat Scotland and Wales in such radically different ways? If the Government believe that their model for devolution in Scotland will work, why do they not propose the same for Wales? If they do not believe that their proposals will work, why do they not abandon them altogether?

The truth is that the proposals are not based on any logic or principle. They are based on ill-thought-out proposals that the Labour party were left with in the 1970s, and which it has not had the wisdom to change. They are not based on a clear assessment of how the redrawn constitution would work in practice, but on the internal politics of the Labour party and the varying degree to which it believes nationalism needs to be appeased.

He also queried the need for a Secretary of State for Wales after the establishment of a Welsh Assembly, and the proposed financial arrangements, as well as the need to avoid bias in public appointments.⁵⁶

In response Ron Davies, Secretary of State for Wales, argued that the Government's proposals for a Scottish Parliament and a Welsh Assembly were 'in tune with a growing feeling that Government has become too distant from people's everyday lives'.⁵⁷ He went on:⁵⁸

⁵⁶ c.288

⁵⁷ c.350

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I want the Assembly to be representative of all shades of opinion and it will operate in as open and inclusive a manner as possible. It will serve all the people of Wales and its membership must reflect that. The extent of our commitment to consensual politics is reflected in the additional member system by which people will be elected to the Assembly.

Mr. Livsey *rose-*

Mr. Davies: As the hon. Gentleman knows, I have to finish by a specific time.

I want the Assembly to be a vehicle for establishing a new sense of partnership in Wales. We want to involve those who are within the existing machinery of government as well as people from outside who have a contribution to make. We need to break down the barriers between public and private, management and unions and between north and south. We need to set ourselves a new agenda in which our common goal is to make Wales a better place in which to live. Our Assembly and the Scottish Parliament will be at the heart of this programme of renewal

VI The Labour Party proposals - a critique

The Constitution Unit report, *An Assembly for Wales* (June 1996), gave a critique of current plans and suggested that an executive model of devolution could give rise to difficulties in a number of areas.⁵⁹

The law making Role

121 The central question here is whether the Assembly should have powers to pass primary legislation, or executive powers only. Should it have powers to make laws suitable for Welsh needs and circumstances; or should it have power merely to adapt laws made in Westminster to the needs of Wales? At present all legislation governing Wales is made by the Westminster Parliament. The Welsh Office then has discretion to adapt those laws to Welsh circumstances by means of delegated legislation, departmental circulars and administrative action.

Delegated Legislation

122 In recent years the degree of discretion to develop a separate policy in Wales has significantly increased. Modern statutes typically give wide powers to Ministers: the Education Reform Act 1988, for example, contained dozens of such powers. These powers have seldom been exercised differently in Wales from in England; but Welsh Office Ministers have shown a growing confidence to develop separate policies for Wales. Welsh policy on mental disability is quite distinctive and widely envied in England. Another recent example is the bringing together in a single document, *PPG Wales*, of new planning guidelines after years when Wales simply followed England.

123 The volume of Welsh statutory instruments and administrative circulars suggests the potential to develop a significant degree of administrative discretion; but the subject matter of many of these documents suggests otherwise. In 1994 the Welsh Office issued 64 statutory instruments (SIs) and 82 circulars. Scores of SIs are Orders establishing individual NHS Trusts, prescribing Welsh forms and the like. They do not appear to offer much scope for policy variation. More promising are the administrative circulars, which offer guidance on educational and social policy: the majority come from the Schools Administration Division, Curriculum Division, and the Community Care Division. Yet even here many of the circulars are identical with the equivalent English circulars.

124 But it is mistaken to make a judgement on the scope for policy variation based on current Welsh Office practice. The question is not what the Welsh Office does now but what a Welsh Government could do with powers available under Westminster legislation following devolution. The Welsh Office does not do things differently, partly for lack of resources to devise different policies, partly for lack of desire in the context of a unitary Government. A separately elected Welsh Executive need not feel so inhibited.

⁵⁹ p.48-51

Executive or Legislative Power

125 And yet, and yet ... a Welsh Government which wanted to develop distinctive policies for Wales might find limited room for manoeuvre if it had to pin its hopes on legislation passed at Westminster. A number of factors outlined in chapter 2 suggest that such reliance might prove unsatisfactory:

- the Welsh Assembly would be dependent upon the degree of discretion conferred by the Westminster Parliament. A well intentioned Westminster Parliament might confer broad delegated powers; a different Parliament (perhaps controlled by a different party) might leave no room for local discretion or choice. It might not even be a question of intent; in the existing statute book the degree of Ministerial discretion varies greatly from statute to statute.
- there would be no capacity to amend existing statutes except through the Westminster Parliament, which might have other priorities.
- schemes for future legislation would be prepared in Whitehall by officials who were no longer responsible for their administration in Wales, losing the clarity and unity of purpose which should bind together legislation and its implementation.
- although Westminster has a mechanism for considering specifically Welsh legislation, in the Welsh Grand Committee (for second reading) and a Welsh Standing Committee (for the committee stage), this can be by-passed. And when it is utilised the Government can pack the Welsh Standing Committee with non-Welsh MPs in order to ensure a majority to get its legislation through.

126 In reality what matters is who initiates the legislation. Under our parliamentary system of Government legislation is as much a function of the Executive as of Parliament. In their work on constitutional and administrative law, de Smith and Brazier acknowledge that, although law making is theoretically a function of Parliament, "legislation is primarily a function of Government ... a very large majority of Government Bills, introduced into Parliament by Ministers, are passed into law substantially in their original form". So long as legislative power remains with Westminster the initiative remains with the British Cabinet Government, which controls the legislative programme and the content of individual items within the programme.

127 Given the tremendous pressure each year on the legislative programme, it is unlikely that the UK Government is going readily to insert additional items to accommodate the needs of a devolved administration in Wales. This is a further argument for the Welsh Assembly having primary legislative power: to get round the Westminster logjam. With executive devolution, Welsh bills would have to take their chance in the long queue of measures put forward by Whitehall departments each year, only one quarter of which finds space in Westminster's legislative programme. With legislative devolution, Welsh bills could find their own priority, in a legislative programme prepared by the Welsh Executive and presented to the Welsh Assembly.

128 How much legislative power could be devolved is considered in the next chapter. The point being made here is that the choice between executive and legislative devolution depends upon the degree of autonomy to be conferred upon the devolved government in Wales. If the principal purpose behind devolution is the more effective implementation of policies determined by central government, then executive devolution will suffice. But if the Assembly is to develop (or preserve) separate policies for Wales in local government, education or the NHS it will need legislative powers. Otherwise it will be dependent on the legislation passed at Westminster and prepared by Whitehall, where the Government will have a different agenda and other priorities.

- 129 An Assembly with executive powers only risks incurring the worst of both worlds. It would create high hopes in Wales of independent action which the Assembly might not be able to fulfil; but be a permanent supplicant in Whitehall, leading to continuing tension between London and Cardiff. The Secretary of State for Wales and the Leader of the Assembly would both claim to know what was best for Wales and would end up being political rivals rather than political partners, even when drawn from the same party. When drawn from opposition parties the institutional tension could be debilitating and destructive.
- 130 An executive Assembly might be liable also to have a more difficult relationship with local government in Wales. In looking for ways of extending its power, it might be tempted to draw functions up from local government - to centralise education and social services, highways and planning - all in the name of providing co-ordination and strategic support, and to intervene more in local government decision making.
- 131 So far we have presented mainly technical reasons why executive devolution would be difficult to operate. But it is impossible to ignore the political dimension, and the drive which will come from Scotland. Just as the creation of a Scottish Parliament will generate greater interest in an Assembly for Wales, so the powers of the Scottish Parliament may be held up as a paradigm for Wales.
- 132 For all these reasons - political and well as technical - executive devolution seems unlikely to be a satisfactory or durable solution. But because of the ambivalence in Wales about an Assembly, executive devolution may be a necessary first step to get the devolution process started. The next chapter therefore considers how the legislation might be drafted to confer executive devolution; and subsequent chapters contain references to executive devolution wherever relevant. But the remainder of the report focuses mainly on an Assembly with legislative power as a more satisfactory long, term solution. Much of the argument and analysis in each chapter applies to both models; but wherever the conclusions differ, depending on whether an executive or legislative model is chosen, that is made clear in the text.

The Constitution Unit Report noted that the two models of executive devolution were the *Wales Act 1978* and the *Government of Ireland Act 1920* for Northern Ireland. The 1978 approach was criticised as too rigid, but there were difficulties over the Stormont model of defining the powers retained, as in the case of Northern Ireland there was legislative devolution as well as executive devolution. The Unit noted that there were few precedents for very limited legislative devolution, as envisaged in the Labour Party's proposals, apart from the plans for phased devolution in the *Northern Ireland Constitution Act 1973*.⁶⁰ A perceived disadvantage of phased devolution was that the *An Assembly for Wales*. Orders in Council would define the powers transferred at each stage, so following the conceptual structure of the *Scotland Act 1978* rather than defining the powers retained as in the *Government of Ireland Act 1920*. The Unit considered the proposals for a devolution of specific powers as follows:⁶¹

⁶⁰ See Library Research Paper no 96/52, *Northern Ireland*, current political developments for more details

⁶¹ p.56

Research Paper 97/60

Devolution of Specific Legislative Powers

- 152 The Labour Party's policy document *Shaping the Vision*, though coming out against general powers of primary legislation, recognised:

"a need for some specified powers to be devolved to enable the Assembly to discharge functions which have otherwise been devolved to it in relation to the restructuring of quangos, the Welsh language and local government re-organisation".

The Assembly would need legislative power to restructure quangos or local government or to alter Welsh language provision. This could be transferred in the form of power to make primary or delegated legislation.

- 153 In principle, the Assembly could be given the legislative powers necessary to make Acts of its own on these topics including the power to amend and repeal existing Acts of Parliament. But they could sit awkwardly with an executive body. For example, appropriate Assembly procedures for enacting the legislation would be needed which, after their initial use, might rarely be required. The bill would have to make provision for matters which were unlikely to arise: reserve powers in favour of Parliament, special safeguards in respect of EU or other international obligations, override powers, provision to resolve conflicts of legislative competence.

- 154 An executive Assembly would have powers, and well worked procedures and safeguards to make delegated legislation on a wide range of specific issues. Extension of its powers to enable it to make delegated legislation on these broad topics would be feasible; but it would need to be in sufficiently wide or detailed terms and to authorise amendment of existing Acts of Parliament. Framework legislation (which leaves the delegate, rather than Parliament, to decide on the policy) and 'Henry VIII clauses' (which allow the delegate rather than Parliament to decide to amend or repeal Acts) are not usually well regarded. But the arguments against are weaker when the delegate is an elected body.

- 155 Neither solution is particularly attractive. The solution most consistent with the rest of a scheme for executive devolution would be to confer delegated powers to legislate in the specific fields by rather broadly drafted provisions in the Wales Bill. There would need to be safeguards to ensure the broadly drafted provisions were not exceeded or abused, of the kind policed by the Joint Committee on Statutory Instruments when it scrutinises secondary legislation. There could also be a requirement that the delegated legislation be subject to confirmation by the UK Parliament.

- 156 Adoption of either solution is an implicit concession that if it is to take major policy initiatives the Assembly will need general legislative powers. It underlines the argument that, without such powers, the Assembly would be restricted in its ability to develop distinctive policies of its own, and would be dependent on the UK Parliament to legislate on its behalf.

The Unit also considered whether the local government model of the *Wales Act 1978* was the most suitable for executive devolution, noting that it had been criticised for a cumbersome committee structure, slow decision-making, diffusion of responsibility and relegation of real policy making powers to a party consensus. On the other hand, a Cabinet model would be vulnerable to criticisms of concentrations of power, excessive secrecy, executive domination

and exclusion of backbenchers. The Unit, however, favoured the Cabinet model with safeguards to give backbenchers a more satisfying role (Chapter 6). It reviewed the relations between the Assembly and Central Government (Chapter 7), concluding as follows:

Conclusion

- 255 The Secretary of State will have a vital role in establishing the Assembly and in ensuring a smooth transition of functions from the Welsh Office to the devolved administration. Thereafter the main spokesman for Welsh interests will be the leader of the Welsh Assembly. For the UK Government there will continue to be an important role in managing relations with Wales, but this does not justify a separate Cabinet post. The task of upholding the devolution settlement is likely to fall to a Cabinet Minister with general responsibility for intergovernmental relations with the nations of the UK - Scotland, Wales and Northern Ireland.
- 256 The West Lothian Question is likely to arise just as sharply in any devolution debate in the 1990s as it did in the 1970s. The Government cannot ignore it, particularly since Wales is already over-represented at Westminster. One response would be to offer a review of Scottish and Welsh representation once the devolved Assemblies are established; another would be to consider the matter as part of wider changes to the electoral system for the House of Commons.
- 257 The new Welsh administration should initially be part of the Home Civil Service, but could later establish a separate Welsh Civil Service. Whichever model is chosen it is important to retain open competition; the civil service code of conduct; and a strong programme of inter-change between local government, Whitehall and Europe. Formal machinery is also necessary to underpin these informal exchanges and contacts, and to establish from the start a pattern of cooperation and sharing of information.

The creation of the Assembly was seen as an opportunity by the Unit to review the quango structure and to categorise the bodies into different types; it noted that only high profile quangos had given rise to concern about patronage, accountability and probity and considered that the Nolan recommendations should remove most of these concerns.⁶² In summary, it seems likely that the authority over quangos claimed by the Assembly might in practice consist of little more than oversight.

In the 1970s local government formed one of the principal areas of opposition to devolution in Wales. The Constitution Unit report noted that local government would be one of the functions transferred to the Assembly; the new administration had the potential to be every bit as dominant as the Welsh Office has been in its relationships with local councils. Potential friction could however be lessened by agreement about the boundaries between the Assembly and local government, and *stability* about local government functions, combined with a partnership approach to the system of local government finance. The creation of a

⁶² See Library Research Paper no 96/72, *The Quango Debate*

single tier of local government would, however, assist the strategic role of an Assembly, since at the time of local government reorganisation, concern was expressed that the new authorities were too small for strategic duties. Critics of devolution might, however, argue that the merits of a single tier of local government had been insufficiently appreciated: new all purpose authorities might resent the possibility of losing functions to an Assembly.

A New Democratic Settlement, a discussion paper for Unison Wales and the Local Government Information Unit⁶³ suggested that a protocol for central/local relations would be necessary to set the limits for relations between Assembly and local government; this protocol could build on the principles of the European Charter of Local Self-Government. It concluded that the outlook for local government under the current Welsh Office proposals was, however, significantly more positive than was perceived to be the case in the 1970s legislation. It warned that the effectiveness of the Assembly to filter Westminster legislation so that it met the particular requirements of Welsh needs, would be a key indicator of the success of the new partnership, noting Ron Davies' comments (in 'The Tools for the Job', *Welsh Agenda*, Winter 1996/97), that any future legislation for Wales initiated by Labour governments at Westminster would allow for the maximum discretion at the Welsh level, and that the right of formal consultation by the Assembly would be a major form of influencing legislation. The Welsh Local Government Association have welcomed Labour's plans for Assembly as an opportunity to bring quangos under democratic control. The WLGA also wished to review the present system of local government finance.⁶⁴

Finally, the Constitution Unit noted the importance of stable funding arrangements to the whole devolution settlement. In this, the cost of the Welsh Assembly was insignificant. Wales had a substantial structural budget deficit, indicating that Wales could not be self-financing, and block funding would continue to be necessary under some variant of the Barnett formula. The Constitution Unit was concerned that this formula would not survive intact the greater scrutiny which devolution would bring. "An independent UK-wide needs assessment would be a necessary underpinning for a more stable and durable settlement for the future" (para. 378). The report envisaged that at some point, following its establishment, the Assembly needed revenue raising power to achieve fiscal accountability to the Welsh people.

Opposition to the whole concept of devolution, whether executive or legislative has been much more muted in Wales than in the 1970s. However, anxieties remain about the scope and purpose of the Assembly model planned by the Labour government. Critics of devolution have argued that an Assembly remains irrelevant to the real needs of Wales, and that its proposed powers over quangos and local Government, if they are to be effective, are likely to cause friction within the political society of Wales. A revitalised Welsh Office under the

⁶³ March 1997, Mari James, Centre for Advanced Studies University of Wales College Cardiff

⁶⁴ 'Welsh Local Government Welcomes Assembly', 2/5/97, Press Release taken from LGCnet'

direction of a Labour Government might have achieved most of the administrative goals of a Welsh Assembly. However, supporters of devolution would argue that administrative efficiency is not the only factor, and that a directly elected assembly would be symbolic of a new form of democratic settlement for Wales.

Appendices

General elections in Wales, 1959 to 1997

	Con	Lab	LDem(a)	Plaid Cymru (b)	Other	Total	Turnout
Votes cast							
1959	486,335	841,450	78,951	77,571	6,950	1,491,257	82.6%
1964	425,022	837,022	106,114	69,507	9,377	1,447,042	80.1%
1966	396,795	863,692	89,108	61,071	12,769	1,423,435	79.0%
1970	419,884	781,941	103,747	175,016	35,966	1,516,554	77.4%
1974 (F)	412,535	745,547	255,423	171,374	8,964	1,593,843	80.0%
1974 (O)	367,230	761,447	239,057	166,321	3,785	1,537,840	76.6%
1979	526,254	795,493	173,525	132,544	8,772	1,636,588	79.4%
1983	499,310	603,858	373,358	125,309	7,151	1,608,986	76.1%
1987	501,316	765,209	304,230	123,599	3,742	1,698,096	78.9%
1992	499,677	865,663	217,457	156,747	9,233	1,748,777	79.7%
1997 (c)	317,147	885,345	200,020	161,030	54,932	1,618,474	73.5%
Shares of vote							
1959	32.6%	56.4%	5.3%	5.2%	0.5%	100.0%	
1964	29.4%	57.8%	7.3%	4.8%	0.6%	100.0%	
1966	27.9%	60.7%	6.3%	4.3%	0.9%	100.0%	
1970	27.7%	51.6%	6.8%	11.5%	2.4%	100.0%	
1974 (F)	25.9%	46.8%	16.0%	10.8%	0.6%	100.0%	
1974 (O)	23.9%	49.5%	15.5%	10.8%	0.2%	100.0%	
1979	32.2%	48.6%	10.6%	8.1%	0.5%	100.0%	
1983	31.0%	37.5%	23.2%	7.8%	0.4%	100.0%	
1987	29.5%	45.1%	17.9%	7.3%	0.2%	100.0%	
1992	28.6%	49.5%	12.4%	9.0%	0.5%	100.0%	
1997 (c)	19.6%	54.7%	12.4%	9.9%	3.4%	100.0%	

General elections in Wales, 1959 to 1997

	Con	Lab	LDem(a)	Plaid Cymru (b)	Other	Total	Turnout
Seats won							
1959	7	27	2	-	-	36	
1964	6	28	2	-	-	36	
1966	3	32	1	-	-	36	
1970	7	27	1	-	1	36	
1974 (F)	8	24	2	2	-	36	
1974 (O)	8	23	2	3	-	36	
1979	11	22	1	2	-	36	
1983	14	20	2	2	-	38	
1987	8	24	3	3	-	38	
1992	6	27	1	4	-	38	
1997	-	34	2	4	-	40	

(a) Liberal to 1979; Liberal-SDP Alliance 1983 and 1987.

(b) Includes three joint Plaid Cymru/Green candidates in 1992.

(c) Provisional.

Sources:

FWS Craig British Electoral Facts 1832-1987 Tables 1.32 to 1.40

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General election results, 9 April 1992 (PIO Factsheet No 61) Table 2

General election results, 1 May 1997 (Research Paper 97/49) Tables 3, 6, 10

Recent Research Papers on related subjects include:

97/61	Referendums (Scotland and Wales) Bill	forthcoming
97/10	Referendum: Recent Proposals	24.01.97
96/82	The Constitution: Principles and Development	18.07.96
96/72	The Quango Debate	14.06.96
96/50	By-elections since the 1992 general election	15.04.96