

Wales Council for Voluntary Action

Supporting charities, volunteers and communities

11. Campaigning and influencing

11.2 Introduction to Welsh devolution and the Government of Wales Act 2006



Overview

This information sheet will outline the history of devolution in Wales and introduce the elements of the current devolution settlement – the Government of Wales Act 2006 and consider why this is important for the third sector in Wales.

History of devolution

Most people view Welsh devolution as a very recent phenomenon. However, administrative devolution began in the early twentieth century with the creation of separate Welsh departments within the existing Ministries for Education, Agriculture, Insurance and Health. A Minister for Welsh Affairs co-ordinated a wide range of functions that were transferred to Cardiff between 1951 and 1964. It was in 1964 that the Welsh Office was established and the first Secretary of State for Wales was appointed. . The first attempt at the creation of a Welsh Assembly was in 1979 when a referendum was held by the UK Government on St.David's Day. The people of Wales voted 4:1 against devolution at this time. During the 1980s the Welsh Office continued to grow and further functions were transferred up to the 1990s when a step-change occurred.

In 1997 the UK Government published a White Paper called 'A Voice for Wales' which proposed a National Assembly for Wales. This was supported by Welsh people in a referendum later that year and resulted in the passing of the Government of Wales Act 1998 and the establishment of the National Assembly for Wales in May 1999.

The Assembly was established as a single corporate body with some powers and responsibilities transferred from the Secretary of State for Wales. These limited powers allowed the Assembly to make general rules and regulations (known as subordinate legislation) under existing UK Acts of Parliament and decide on policy priorities in Wales, but it could not make its own laws (known as primary legislation) or raise its own taxes.

However, devolution has been an ongoing process in Wales and in 2002 the independent 'Richard Commission' established by the then First Minister, Rhodri Morgan, to review the scope of the Assembly's powers and other related constitutional issues. Its report in 2004 prompted the next phase of devolution in the form of the UK Labour Government's 'Better Governance for Wales' White Paper which became the 'Government of Wales Bill 2005'

and subsequently the 'Government of Wales Act 2006' which came into force in May 2007.

When the Government of Wales Act 2006 came into force in May 2007, the National Assembly was given the potential power to make primary legislation for the first time. These Welsh laws were known as Measures and could only be made if they fell within the 20 devolved fields AND permission was given from Westminster first on a case by case basis. However, contained within the Government of Wales Act 2006 is the provision for Wales to be granted further powers but only if Welsh citizens agree to this through a referendum. This referendum took place and was won on 3rd March 2011.

In the referendum, the people of Wales were asked whether they agree that the National Assembly for Wales should have law making powers in the 20 areas. They voted YES thus ending the system of requesting powers on a case by case basis from the UK Parliament and giving the National Assembly the power to make laws for Wales in the 20 policy areas.

The Government of Wales Act 2006

The current devolution settlement and the powers of the National Assembly for Wales are set out in the Government of Wales Act 2006. This Act came into force in 2007 and marked a significant shift for the National Assembly in terms of both its powers and its processes.

The Act officially split the National Assembly for Wales and the Welsh Government (referred to in the Act as the Welsh Assembly Government) creating a clear distinction between the legislature (the National Assembly, the body that makes laws) and the executive (the Welsh Government, the body that makes decisions and implements policies).

The Act also gave the National Assembly primary law-making powers for the first time. Initially (between 2007 – 2011) the Assembly had the potential to make legislation in the 20 devolved areas but only if Westminster gave them permission to do so, on a case by case basis. However, the Act also contained provision for a referendum on this issue. The referendum was held and won in March 2011 and the National Assembly now has the power to make Wales – specific primary legislation in the 20 devolved areas.

The devolved policy areas are:

- Agriculture, fisheries, forestry, and rural development
- Ancient monuments and historic buildings
- Culture
- Economic development
- Education and training
- Environment

- Fire and rescue services and promotion of fire safety
- Food
- Health and health services
- Highways and transport
- Housing
- Local government
- National Assembly for Wales
- Public administration
- Social welfare
- Sport and recreation
- Tourism
- Town and country planning
- Water and flood defences
- Welsh language

It is useful to stress that whilst this means Wales can make laws in many different areas, it does not mean it can make laws in all areas, and there are still many areas that have not been devolved. This means that the UK Parliament at Westminster is still the sole legislator in areas including defence, foreign affairs, fiscal, monetary and economic policy, broadcasting, social security, immigration, employment law, policing and criminal law.

The third sector and the Government of Wales Act 2006

The Act provides the third sector with significant opportunities to have its voice heard on issues that matter to it and the people it works with and represents.

In order to make sound policies and laws, the Assembly needs to hear from its citizens. The third sector is uniquely placed with its front-line experience and expertise to bring forward robust evidence to influence the laws that are made. The legislative processes have created a range of opportunities to influence, for example: liaising with the relevant Minister, Assembly Member, or Committee; contributing to pre-legislative consultation; inputting to the legislative scrutiny process; and using the public petitions process.

Further information

Wales Council for Voluntary Action

Tel: 0800 2888 329

www.wcva.org.uk

Welsh Government

www.wales.gov.uk

National Assembly for Wales

www.assemblywales.org


Government of Wales Act 2006 – full text

www.opsi.gov.uk/acts/acts2006/ukpga_20060032_en_1

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