



The Current Welsh Devolution Settlement

The independent Commission on Devolution in Wales, set up by the UK Government, is examining how the Welsh Devolution settlement might be improved. This note describes the current Welsh Devolution settlement.

The system of devolution in Wales is based on the 'conferred powers' model, which means the UK Parliament has given powers to the National Assembly for Wales to make laws in specific subject areas. The 20 subject areas are listed under Schedule 7 to the Government of Wales Act 2006.

Schedule 7

The areas where the National Assembly for Wales currently has whole or partial powers to legislate upon are:

- 1. Agriculture, Fisheries, Forestry and Rural Development** (exceptions include hunting with dogs, regulation of sea fishing outside the Welsh zone, animal experimentation)
- 2. Ancient monuments and Historic buildings**
- 3. Culture** (exceptions include broadcasting)
- 4. Economic development** (exceptions include fiscal, economic and monetary policy and regulation of international trade, financial services and insurance, and competition policy)
- 5. Education and training** (exceptions include teachers' pay and conditions and research councils)
- 6. Environment**
- 7. Fire and rescue services and promotion of fire safety**
- 8. Food**
- 9. Health and health services** (exceptions include abortion and regulation of health professionals)
- 10. Highways and transport** (exceptions include road traffic offences, driver licensing and instruction, aviation policy, shipping services, Network Rail and rail regulation)
- 11. Housing**
- 12. Local government** (exceptions include local government franchise, electoral registration and administration, registration of births, deaths, marriages and civil partnerships)
- 13. National Assembly for Wales** (particularly its own administration)
- 14. Public administration**
- 15. Social Welfare** (exceptions include child support and social security)
- 16. Sport and recreation** (exceptions include betting, gaming and lotteries)
- 17. Tourism**
- 18. Town and country planning**
- 19. Water and flood defences** (exceptions include appointments of water or sewage infrastructure companies for any area most of which is in England and licensing of water suppliers)
- 20. Welsh language** (with the exception of use of the Welsh language in the courts)

Through these 20 devolved areas the National Assembly for Wales and Welsh Government have responsibility for the majority of domestic policies. Since the 2011 referendum the National Assembly for Wales has also had the ability to make laws in devolved areas with the same effect as those made by the UK Parliament. However, there are specific exceptions (as shown above) within the devolved areas where the UK Parliament retains the power to legislate, as well as some general exceptions – for example the Human Rights Act.

There are a number of areas where the National Assembly for Wales cannot legislate at all. Some of these are set out in legislation as general restrictions and exceptions, but the National Assembly cannot legislate in any area that is not listed as being devolved under Schedule 7 of the Government of Wales Act. There is no comprehensive list of these areas in law. However some of the main areas that are non-devolved are: foreign affairs, defence, macro-economic policy, the tax and welfare system, energy policy, broadcasting and policing and justice.

Within the United Kingdom, the UK Parliament is sovereign and could, in theory, pass laws in any areas for which it has transferred responsibility to the National Assembly, or even abolish the National Assembly. However, in practice, whenever the UK Parliament has legislated in an area that relates to or affects a devolved responsibility, the UK Parliament has sought the consent of the National Assembly.

In addition to making laws in devolved areas, the National Assembly scrutinises the Welsh Government and holds it to account for its decisions – in particular how it spends its finances. This is similar to how the UK Parliament scrutinises and holds the UK Government to account.

Further Information	
National Assembly for Wales http://www.assemblywales.org/	UK Parliament http://www.parliament.uk/
Welsh Government http://wales.gov.uk/	Wales Office https://www.gov.uk/government/organisations/wales-office