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Overview of devolved powers in the UK

Ray McCaffrey

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1 Introduction

This briefing paper has been prepared following a request from the Ad Hoc Committee on the Assembly Members (Remuneration Board) Bill. The committee asked for an overview of those powers devolved to the Northern Ireland Assembly, Scottish Parliament and Senedd.

The research drew on the following sources for information:

- [Introduction to Devolution](#), published by the UK Civil Service;
- A [series of papers](#) published by the House of Commons Library on devolved powers and the constitutional status of Northern Ireland, Scotland and Wales;
- Devolution legislation, including the [Northern Ireland Act 1998](#) etc.;
- The websites of the relevant legislatures;
- Information from the Institute for Government.

2 Devolved powers

In Northern Ireland, there are three categories of law in relation to devolution – **reserved**, **excepted** and **transferred**. As previous research highlights:

This triple division of powers is unique to devolution in Northern Ireland and is derived from the former Parliament of Northern Ireland and aborted devolution schemes in the 1970s and 1980s.¹

In Scotland and Wales powers are generally referred to as reserved or devolved.

Table 1, reproduced from the UK Civil Service website, provides a high-level comparative summary of devolved powers.

¹ House of Commons Library, Introduction to devolution in the United Kingdom, May 2024: <https://researchbriefings.files.parliament.uk/documents/CBP-8599/CBP-8599.pdf>

Table 1: High level comparison of devolved powers (Source: UK Civil Service²)

Northern Ireland, Scotland and Wales	Also devolved in Northern Ireland	Also devolved in Scotland	Also devolved in Wales
Health and social services	Justice and policing	Justice and policing	Welsh language
Education, training and skills	Charity law	Charity law	Some income tax
Local government	Energy	Stamp duty land tax	Stamp duty land tax
Housing	Employment law	Licensing of onshore oil and gas extraction	Landfill tax
Economic development	Social security, child support, pensions	Some income tax (incl. ability to set rates and thresholds)	Road signs and speed limits
Agriculture, forestry and fisheries	NI Civil Service	Equal Opportunities in relation to public bodies in Scotland	Equal Opportunities in relation to public bodies in Wales

² UK Civil Service, *Introduction to Devolution*: <https://assets.publishing.service.gov.uk/media/5c37319aed915d731281fe13/IntroductionToDevolution.pdf>

Environment and planning	Equal opportunities	Tax on carriage of passengers by air	Licensing of onshore oil and gas extraction
Transport	Long haul rates of Air Passenger Duty	Abortion	Assembly and local government elections
Tourism, sport, culture and heritage		Landfill tax	
Fire and rescue services		Some social security elements	
Water and flood defence		Consumer advocacy and advice	
		Scottish Parliament and local government elections	

3 Reserved and excepted powers

The UK Parliament retains control over a number of policy areas while also having ultimate authority over devolved areas.

3.1.1 Scottish Parliament

In Scotland, there are general and specific reservations. The general reservations are:

- aspects of the constitution, including the Crown, the Union, the UK Parliament, the existence of the (criminal) High Court of Justiciary and the existence of the (civil) Court of Session;
- the registration and funding of political parties;
- international relations, including with territories outside the UK and the European Union, international development and the regulation of international trade;
- the Home Civil Service;
- defence of the realm;
- treason.³

In addition “specific reservations cover particular areas of social and economic policy reserved to Westminster.”⁴ These are listed under “Heads” A-L in Schedule 5 of the Scotland Act 1998. Two examples are set out below.

- **Head A** - Financial and Economic Matters (fiscal – except devolved taxes – economic and monetary policy, currency, financial services, financial markets, money laundering);
- **Head B** - Head B – Home Affairs (misuse of drugs, data protection and access to information, elections to the House of Commons, firearms – except air weapons – entertainment, immigration and nationality, scientific procedures on live animals, national security, official secrets

³ House of Commons Library, Introduction to devolution in the United Kingdom, May 2024

⁴ As above

and terrorism, betting, gaming and lotteries, emergency powers, extradition, lieutenancies and access to non-Scottish public bodies).⁵

3.1.2 Senedd

As in Scotland, reserved powers relating to the Senedd are categorised as general and specific. The general reserved powers are similar to those of Scotland with the exception of justice.

The specific reservations are divided into “Heads” “but are more extensive than those in Scotland.”⁶ Two examples are given below:

- **Head A** – Financial and Economic Matters (fiscal – except devolved taxes – economic and monetary policy, currency, financial services and markets, dormant accounts);
- **Head B** – Home Affairs (elections, nationality and immigration, national security and official secrets, interception of communications, communications data and surveillance, crime, public order and policing, anti-social behaviour, modern slavery, prostitution, emergency powers, extradition, rehabilitation of offenders, criminal records, dangerous items, misuse of drugs or psychoactive substances, private security, entertainment and late night refreshment, alcohol, betting, gaming and lotteries, hunting, scientific and educational procedures on live animals, lieutenancies, charities and fund-raising).⁷

3.1.3 Northern Ireland Assembly

The Northern Ireland Assembly can legislate on transferred matters. It cannot legislate on reserved matters except with the consent of the Secretary of State

⁵ House of Commons Library, Introduction to devolution in the United Kingdom, May 2024 and see Schedule 5 of the Scotland Act 1998 for the full list.

⁶ As above

⁷ House of Commons Library, Introduction to devolution in the United Kingdom, May 2024 and see Schedule 7A for full list.

for Northern Ireland. It cannot legislate on excepted matters unless such a matter is transferred under primary legislation.

Reserved matters include:

- Firearms and explosives
- Financial services and pensions regulation
- Broadcasting
- Import and export controls
- Navigation and civil aviation
- International trade and financial markets
- Telecommunications and postage
- The foreshore and seabed
- Disqualification from Assembly membership
- Consumer safety
- Intellectual property⁸

Excepted matters include:

- The constitution
- Royal succession
- International relations
- Defence and armed forces
- Nationality, immigration and asylum
- Elections
- National security
- Nuclear energy
- UK-wide taxation
- Currency
- Conferring of honours
- International treaties

⁸ Northern Ireland Assembly website, *What are the powers of the Northern Ireland Assembly?*
<https://www.niassembly.gov.uk/about-the-assembly/what-are-the-powers-of-the-northern-ireland-assembly/>

4 UK government departments' spending

The Institute for Government (IfG) has highlighted that although there are:

...a common core set of devolved policy and spending responsibilities across the devolution settlements, such as education, and health and social care... there are contrasting responsibilities across other policy areas, such as justice and transport. This complex landscape can complicate policy making, leading to disagreement as well as confusion over what decisions can be made and at what level.⁹

The IfG has published a table setting out UK Government Departmental spending on areas of responsibility that are devolved. It is reproduced as figure 1.

⁹ Institute for Government, *The precarious state of the state: Devolution*, June 2024: <https://www.instituteforgovernment.org.uk/publication/general-election-2024-precarious-state/devolution>

Department	Wales	Scotland	N. Ireland
Education	100%	100%	100%
Levelling Up, Housing and Communities	100%	100%	100%
Health and Social Care	100%	100%	100%
Environment, Food and Rural Affairs	97%	97%	97%
Culture, Media and Sport	83%	83%	83%
Transport	37%	92%	95%
Business and Trade	10%	11%	13%
Science, Innovation and Technology	7%	7%	7%
HM Revenue and Customs	4%	4%	3%
Energy Security and Net Zero	3%	3%	3%
Home Office	2%	83%	83%
Justice	1%	100%	100%
Law Officers' Departments	0%	98%	90%
Work and Pensions	0%	20%	98%
Cabinet Office	0%	0%	0%
Foreign, Commonwealth and Development Office	0%	0%	0%
HM Treasury	0%	0%	0%
Ministry of Defence	0%	0%	0%

Figure 1: Percentage of UK governments departments' spending responsibility that is devolved (Source: Institute for Government)

5 Conclusion

The nature of the devolution settlements has evolved over time and “distinction between devolved and reserved powers can sometimes be complex”. A defining feature of devolution is its asymmetry, meaning that there are differences in the range of powers devolved to the Northern Ireland, Scotland and Wales.

As the Institute for Government states:

Devolution has evolved since 1999 following appetite for deeper powers. Scotland has gained increased tax and social security powers, Northern Ireland powers over policing and justice, and Wales full legislative powers in 2011 as well as a wider devolved range of policy areas. There is a desire within some devolved governments for further powers to be devolved.¹⁰

¹⁰ As at footnote 9