



Japan Local Government Centre, London

Monthly Report for March 2011 – Referendum in Wales

On 3 March 2011 a referendum was held in Wales to decide whether the National Assembly for Wales should gain the power to legislate on a wider range of matters in one go. This was in contrast to the previous situation, in which it had to gain approval from the UK Parliament each time it wanted to expand the range of matters.

The question was, “Do you want the Assembly now to be able to make laws on all matters in the 20 subject areas it has powers for?” The referendum approved the change, by approximately 63% to 36%.

Previously the National Assembly for Wales (the Assembly) could legislate on a relatively restricted range of subjects. These were arranged under 20 headings, but only a few specific matters were included under each heading. This range could be expanded incrementally, either when enabling provisions were included in legislation in the UK Parliament, or if the Assembly requested an Order in Council for the purpose. However, under the Government of Wales Act 2006 a mechanism also existed to expand the range of specific matters significantly at the same time. This could be done only if approved in a referendum however.

The new powers available under this mechanism are contained in Part 4 of the 2006 Act, and are known as ‘Assembly Act provisions’. The Assembly passed a resolution calling for a referendum on moving to Assembly Act provisions on 9 February 2010.

The Assembly Act provisions will come into force on a date to be set by the Welsh Assembly Government and approved by the National Assembly for Wales. At that point, the current power to make measures for Wales will end, although existing measures will remain in force.

According to the Electoral Commission a total of 517,132 people, or 63.49%, voted ‘yes’ to the question; 297,380, or 36.51%, voted ‘no’. Monmouthshire was the only one of the 22 voting areas in which a majority voted ‘no’, and then only by a margin of 320 votes. The provisional national turnout was 35.2%.

The 20 headings under which the Assembly will now have primary lawmaking powers are as follows:

Agriculture, forestry, animals, plants, and rural development
Ancient monuments and historic buildings

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Culture
Economic development
Education and training
Environment
Fire and rescue services and 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 defence
Welsh language

The UK Parliament at Westminster retains reserve competence in all of the above matters, while the Secretary of State for Wales has extensive powers under section 114 of the Act to intervene where Assembly legislation might adversely affect non-devolved matters; water supply, resources or quality in England; the law operating in England; or the UK's international obligations. The UK Attorney General can refer any bill to the Supreme Court if there is doubt about whether it is within the Assembly's legislative competence, even if it has passed all stages in the Assembly. With the exception of the provisions relating to water, which are unique to Wales, all these provisions reflect those which apply in Scotland.

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