2.10 The Structures and Powers of the Devolved Governments of the UK

EDEXCEL 9PL0 · about 60 minutes · Write-in edition

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. Short answer questions may be brief. For levels-marked and source-based questions, write a developed response using accurate institutional knowledge, examples and clear reasoning. The final essay requires a well-structured evaluation with a conclusion.

1 State one Act that established the Northern Ireland Assembly and give its year, in the context of UK devolution.

(Total for Question 1 is 1 mark)

2 State two powers that are normally reserved to the UK Parliament rather than devolved governments, naming the context of devolved powers.

(Total for Question 2 is 2 marks)

3 Explain briefly what the reserved-powers model means for the Scottish Parliament under the Scotland Acts.

(Total for Question 3 is 3 marks)

4 Explain two ways in which the devolution settlements of Scotland and Wales differ under the reserved-powers model as of the Wales Act 2017 and Scotland Act 2016. Include a brief supporting example for one of the differences.

(Total for Question 4 is 5 marks)

5 Using the sources, analyse the arguments about whether fiscal asymmetry increases political tensions between the devolved governments and Westminster.

(Total for Question 5 is 12 marks)

6 Evaluate the extent to which devolution has produced an unstable, asymmetric settlement within the United Kingdom.

(Total for Question 6 is 30 marks)

7 Explain the Sewel Convention and its practical limit in intergovernmental relations as accepted in UK politics.

(Total for Question 7 is 6 marks)

Mark scheme · 2.10 The Structures and Powers of the Devolved Governments of the UK

Question 1

naming Northern Ireland Act 1998 with the correct year **B1**

Answer: The Northern Ireland Act 1998.

Question 2

one correct reserved power, e.g. foreign policy or defence **B1**

a second correct reserved power, e.g. immigration or macroeconomic monetary policy **B1**

Answer: Any two of: foreign policy; national defence; immigration; macroeconomic policy including monetary policy set by the Bank of England; constitutional matters affecting the whole UK.

Question 3

identifies that under the reserved-powers model, the Scottish Parliament can legislate on all matters that are not explicitly reserved to Westminster **B1**

gives a correct example of a devolved area, e.g. education or health **B1**

notes that reserved matters are listed and remain the competence of the UK Parliament **B1**

Answer: Under the reserved-powers model the Scottish Parliament can legislate on all matters that are not explicitly reserved to the UK Parliament; devolved areas include education and health, while reserved matters are listed in statute and remain Westminster competence.

Question 4

identifies one valid difference, e.g. Scotland has wider income-tax powers than Wales, oe **B1**

explains that difference, e.g. Scotland can set rates and bands for non-savings, non-dividend income tax, while Wales can vary rates but not the UK-set bands, oe **B1**

identifies a second valid difference, e.g. justice and policing are devolved in Scotland but reserved in Wales, oe **B1**

explains that difference, e.g. Scotland can legislate and make policy in those areas through its separate legal system, while Wales remains within the England-and-Wales jurisdiction, oe **B1**

adds a relevant supporting example for either difference, e.g. Scotland can create a different income-tax band structure, while Wales cannot alter the bands; accept other accurate illustrations of the chosen contrasts **B1**

Answer: Scotland has wider income-tax powers: it can set rates and bands for non-savings, non-dividend income, while Wales can vary rates but not the UK-set bands. For example, Scotland can create a different band structure. Justice and policing are devolved in Scotland, enabling policy and legislation within its separate legal system, while these areas remain reserved for Wales within the England-and-Wales jurisdiction. Other accurate, explained differences with a supporting example are accepted.

Question 5

Level 0 No relevant material from the sources or knowledge of devolved fiscal arrangements. **0**

Level 1 Limited use of the sources with minimal analysis. May paraphrase one source and provide weak or general comments about fiscal asymmetry without specific examples. **1-3**

Level 2 Uses both sources with some developed analysis. Identifies plausible links between Barnett formula limitations, tax powers and political tensions, but explanation is partial or lacks depth. **4-6**

Level 3 Effective use of both sources and additional knowledge to construct a clear analysis. Explains how Barnett and tax powers can both reduce and increase tensions, with specific reference to differences between Scotland, Wales and Northern Ireland. **7-9**

Level 4 Perceptive, well-supported analysis that integrates the sources with detailed institutional knowledge and evaluation. Shows nuanced understanding of how fiscal asymmetry both fuels political demands and can be managed, reaching a reasoned judgement supported by evidence. **10-12**

Indicative content:

- Source A argument that Barnett's lack of needs-based allocation causes perceived shortfalls and fuels demands for greater fiscal autonomy, especially in Scotland where tax powers are stronger.
- Source B argument that devolved fiscal powers can align responsibility with local choices and so reduce tensions by making governments accountable for revenue-raising decisions.
- Analysis explaining how Barnett's consequentials can create a perception of unfairness because consequentials are linked to English spending patterns and population proportions rather than local needs.
- Analysis of how tax-varying powers, such as Scotland's income tax powers under the Scotland Act 2016, give room for policy divergence and therefore can both increase political debate and provide a mechanism for resolving tensions by devolving revenue responsibility.
- Application to Wales: Wales moved to reserved powers in 2017 and gained modest tax powers, which may limit its ability to respond compared with Scotland, producing asymmetry and potential for political grievance.
- Application to Northern Ireland: its distinct funding arrangements and reliance on block grants, alongside unique political arrangements, make fiscal asymmetry politically sensitive in different ways.
- Evaluation of the claim that fiscal asymmetry increases tensions: points that asymmetry creates visible differences in services that can be politicised, but also that agreed intergovernmental mechanisms and political bargaining can manage tensions.
- Consideration of the counterpoint that greater fiscal responsibility encourages prudence and accountability in devolved governments and may reduce constitutional pressure by giving local electorates clearer choices.
- A reasoned judgement weighing the evidence that fiscal asymmetry is a plausible source of political tension, particularly where perceived unfairness exists, but that it is not the sole cause and can be mitigated by clearer funding arrangements or negotiated fiscal frameworks.

Question 6

Level 0 No relevant content.	**0**
Level 1 Basic, general knowledge of devolution with limited analysis. Evaluation is superficial or absent and examples, if present, are undeveloped.	**1-7**
Level 2 Clear and accurate knowledge of devolved institutions and examples. Some analysis of asymmetry and instability is present, with an emerging evaluative judgement, but treatment may be one-sided or lack depth across AO1, AO2 and AO3.	**8-15**
Level 3 Detailed knowledge and analysis of the structures, financial powers and asymmetry of the devolved settlements. Evaluation is balanced, addressing causes and consequences and using examples to support a reasoned judgement.	**16-23**
Level 4 Sophisticated, wide-ranging knowledge used to construct a sustained evaluation that integrates institutional detail, analysis of asymmetry and stability, and clear, balanced judgement. Demonstrates strong AO1, AO2 and AO3 performance with well-chosen examples and a final reasoned conclusion.	**24-30**

Indicative content:

- AO1 knowledge: the statutory basis of devolution: Scotland Act 1998 and 2016, Wales Act 2006 and 2017, Northern Ireland Act 1998; reserved-powers model for Scotland and Wales; Barnett formula; Scottish tax-varying powers and the modest Welsh tax powers; Sewel Convention and its statutory recognition but political nature.
- AO2 analysis: asymmetry illustrated by Scotland's broader fiscal and legislative powers compared with Wales and Northern Ireland, leading to divergent policy choices and different public service provision; practical implications for UK-wide policy coordination and fiscal equalisation.
- AO2 analysis: how Barnett consequentials can create perceptions of unfairness and fuel demands for greater autonomy, and how differing degrees of fiscal responsibility affect political accountability in the devolved governments.
- AO3 evaluation: arguments that asymmetry creates instability: territorial political conflict, increased demands for independence or further devolution (notably in Scotland), and difficulties during UK-wide crises when powers and funding responsibilities diverge.
- AO3 evaluation: counterarguments that devolution provides flexibility, allowing tailored policy responses and reducing pressure on Westminster by enabling local governance; fiscal powers can increase legitimacy by linking taxation and spending locally.
- AO3 evaluation: institutional mechanisms that mitigate instability, including intergovernmental forums, legislative consent processes, and negotiated funding arrangements, though their effectiveness varies and political tensions can override procedural mechanisms.
- Consideration of Northern Ireland's distinct context: power-sharing requirements and the potential for political collapse in the Assembly create a different kind of instability that is not solely explained by asymmetry of powers.
- Weighing of evidence: acknowledge that asymmetry is real and can produce tensions and perceived unfairness, but that instability is not an inevitable outcome; careful design of finance, clearer rules and stronger intergovernmental cooperation can reduce instability while preserving the benefits of tailored governance.
- A balanced conclusion might argue that devolution has created an asymmetric settlement which increases the potential for political tension and instability in some circumstances, particularly where funding disputes or nationalist pressures exist, but that asymmetry also reflects democratic responsiveness and can be managed institutionally, so the settlement is not necessarily permanently unstable.

Question 7

identifies the Sewel Convention as the political convention that Westminster will not legislate on devolved matters without the consent of the devolved legislature	**B1**
states that it is named after Lord Sewel and first used in 1998 devolution discussions	**B1**
identifies that the convention was placed in statute in the Scotland Act 2016 and Wales Act 2017 but remains politically rather than legally enforceable	**B1**
explains a practical limit, e.g. UK Parliament retains legal sovereignty and could legislate despite no consent	**B1**
develops the limit: courts have treated it as a political convention, not a judicially enforceable right	**B1**
gives an example or consequence, e.g. UK government seeking legislative consent motions and the political fallout when consent is withheld	**B1**

Answer: The Sewel Convention holds that the UK Parliament will not normally legislate on devolved matters without the consent of the relevant devolved legislature. It was named after Lord Sewel, featured in devolution arrangements from 1998, and was placed in statute in the Scotland Act 2016 and Wales Act 2017, but it remains a political convention rather than a legally enforceable rule because the UK Parliament retains ultimate sovereignty and the courts treat the convention as non-justiciable.