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A-Level · UK Government and Politics

POL.UKG10 The Structures and Powers of the Devolved Governments of the UK

EDEXCEL 9PL0 · Calculators not allowed · about 75 minutes

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 Define 'devolution' as used in UK politics, naming the three devolved legislatures covered in this topic.

(Total for Question 1 is 1 mark)

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

(Total for Question 2 is 1 mark)

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

(Total for Question 3 is 2 marks)

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4 Name the piece of legislation that moved Wales from a conferred-powers model to a reserved-powers model and give its year.

(Total for Question 4 is 2 marks)

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

(Total for Question 5 is 3 marks)

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6 State two fiscal powers held by the Scottish Parliament as of 2024, naming the relevant legislation where appropriate.

(Total for Question 6 is 4 marks)

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7 Explain the role of the Barnett formula in funding the devolved administrations and one criticism of it.

(Total for Question 7 is 4 marks)

8 State 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.

(Total for Question 8 is 5 marks)

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

(Total for Question 9 is 6 marks)

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10 Source A and Source B below relate to the financial and asymmetrical nature of devolution. Using the sources, analyse the arguments about whether fiscal asymmetry increases political tensions between the devolved governments and Westminster.

Source A: "The Barnett formula produces stable block grants linked to changes in England, but because it does not allocate funds on a strict needs basis, devolved governments sometimes argue that their funding falls short of what comparable spending in England would imply. This perceived gap fuels political demands for greater fiscal autonomy, particularly in Scotland where tax-varying powers have been more extensive."

Source B: "Greater fiscal powers for Scotland and Wales help to align policy choices with local preferences and can reduce tensions by giving devolved governments responsibility for raising revenue. However, asymmetric powers also create complexity and differences in public services that can be politicised, especially during high-profile UK-wide spending decisions."

Context: focus on Barnett formula, tax-varying powers and asymmetry between Scotland, Wales and Northern Ireland.

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

(Total for Question 10 is 12 marks)

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11 State two consequences of asymmetry between the three devolved settlements for intergovernmental coordination, naming the devolved bodies.

(Total for Question 11 is 4 marks)

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

(Total for Question 12 is 30 marks)

Mark scheme · POL.UKG10 The Structures and Powers of the Devolved Governments of the UK

Question 1

- **B1** a concise definition: the statutory transfer of certain legislative and executive powers from the UK Parliament to regional bodies
- **Answer: Devolution is the statutory transfer of certain legislative and executive powers from the UK Parliament to regional bodies, namely the Scottish Parliament, the Senedd Cymru (Welsh Parliament) and the Northern Ireland Assembly.**

Question 2

- **B1** naming Northern Ireland Act 1998 with the correct year
- **Answer: The Northern Ireland Act 1998.**

Question 3

- **B1** one correct reserved power, e.g. foreign policy or defence
- **B1** a second correct reserved power, e.g. immigration or macroeconomic monetary policy
- **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 4

- **B1** identifies Wales Act 2017 cao
- **B1** gives year 2017 cao
- **Answer: The Wales Act 2017, passed in 2017.**

Question 5

- **B1** 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
- **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 6

- **B1** one correct fiscal power, e.g. Scottish rate of income tax-setting powers (with reference to Scotland Act 2016)
- **B1** development that this includes varying rates of income tax for Scottish taxpayers
- **B1** a second correct fiscal power, e.g. control over certain assigned taxes such as landfill tax or air passenger duty elements
- **B1** development or naming Scotland Act 2016 as the act giving further fiscal powers
- **Answer: Examples: powers to set rates and bands of income tax for Scottish taxpayers under the Scotland Act 2016; control over certain assigned taxes such as Scottish landfill tax and elements of air passenger duty, with these powers expanded in the Scotland Act 2016.**

Question 7

- **B1** identifies the Barnett formula as the mechanism that adjusts annual block grant funding to Scotland, Wales and Northern Ireland following changes in England
- **B1** explains the basic operation: consequentials based on comparable England spending multiplied by population proportions
- **B1** gives one criticism, e.g. it is said to be arbitrary or not needs-based
- **B1** brief development of the criticism, e.g. it does not reflect differing needs or costs of delivering services in each nation
- **Answer: The Barnett formula adjusts annual block grant funding to Scotland, Wales and Northern Ireland by applying consequentials from comparable England spending to population-based proportions for each devolved nation. A common criticism is that it is arbitrary and not based on assessed needs, so it can produce funding outcomes that do not reflect the differing needs or costs of delivering public services across the nations.**

Question 8

- **B1** one difference, e.g. Scotland has broader tax-varying powers over income tax whereas Wales had more limited powers expanded only after 2017
- **B1** development of that difference
- **B1** a second difference, e.g. Scotland has primary legislative competence in more areas (full law-making) compared with Wales historically moving from conferred to reserved powers
- **B1** development of that difference
- **B1** optional brief example, e.g. Scotland's distinct powers over certain environmental taxes
- **Answer: Examples of differences: Scotland has broader tax-varying powers, notably over income tax rates and bands under the Scotland Act 2016, whereas Wales moved from a conferred to a reserved-powers model under the Wales Act 2017 and has more limited income tax-varying powers introduced later. Scotland has earlier and fuller primary legislative competence across a wider set of policy areas compared with Wales, which only more recently acquired clearer reserved-powers arrangements.**

Question 9

- **B1** 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
- **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.**

Question 10

- **Level 0** (0): No relevant material from the sources or knowledge of devolved fiscal arrangements.
- **Level 1** (1-3): Limited use of the sources with minimal analysis. May paraphrase one source and provide weak or general comments about fiscal asymmetry without specific examples.
- **Level 2** (4-6): 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.
- **Level 3** (7-9): 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.
- **Level 4** (10-12): 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.
- **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 11

- **B1** one consequence, e.g. difficulty in designing UK-wide policies because Scotland, Wales and Northern Ireland have different competencies
- **B1** development, naming the Scottish Parliament, Senedd Cymru and the Northern Ireland Assembly
- **B1** second consequence, e.g. increased administrative complexity or need for bespoke funding arrangements
- **B1** development of the second consequence, e.g. more bilateral negotiations between Westminster and an individual devolved body
- **Answer: Consequences include: policy divergence making UK-wide policy design harder because the Scottish Parliament, Senedd Cymru and the Northern Ireland Assembly have differing competencies; and increased administrative complexity or the need for bespoke funding arrangements, leading to more bilateral negotiations between Westminster and each devolved body.**

Question 12

- **Level 0** (0): No relevant content.
- **Level 1** (1-7): Basic, general knowledge of devolution with limited analysis. Evaluation is superficial or absent and examples, if present, are undeveloped.
- **Level 2** (8-15): 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.
- **Level 3** (16-23): 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.
- **Level 4** (24-30): 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.
- **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.