Teacher’s guide – in conjunction with the text book

Timing: Students should read the relevant chapter before undertaking the exercise questions and case studies, and discuss their answers. There are answer note suggestions behind all questions. The questions can be undertaken in class or at home with questions/answers and activities being undertaken in the classroom. The material is teaching material and NOT specifically material for answering examination questions.

Tutor guide: Tutors should familiarise themselves with the text, questions and answers before undertaking the activities in the classroom. For any unfamiliar terms an extensive glossary of key terms is provided on pages 206–22 of the book. The questions and case studies do not cover all of the material in the chapters. If tutors wish to cover this, they will need to set additional stimulus questions. Tutors and students may also wish to add material not provided in either the suggested answers or the text to the answers. Welsh politics is constantly changing, so answers provided now may well alter as these changes take place.

The questions for discussion and the case studies are found at the end of each chapter. The suggested answers and some ideas for teaching these are provided on the following pages. Tutors should seek to draw these answers from the students and also discuss their merits.

Suggested answers

Chapter 6 Questions for discussion

These questions cover some elements of the WJEC AS Government and Politics Specification. They are section 1.3 How devolution works in the UK, specifically 1.3.2 How the National Assembly of Wales works, the sections on the legislative process, and 1.3.3 The impact and development of devolution on the UK, notably the comparisons with other devolved UK institutions in Northern Ireland and Scotland. They also cover 1.1.2 The Judiciary in the UK, specifically ‘Debates about a legal jurisdiction for Wales’. 
1. What are the central reasons behind the legislative process in Wales evolving so much more slowly than that in Scotland?

**Answer points:** Tutors must note that the answers for this question can be found in Box 6.3 on pages 123–4. The central three reasons are that:

- **First,** devolution has not always been that popular in Wales. In the 1997 devolution referendum, the ‘Yes’ side won by only a few thousand votes. Therefore, devolutionary advances have been more cautious and have only progressed at the pace at which the politicians believed that the public would continue to support change.
- **Second,** the two main political parties in Wales, Labour and the Conservative, are substantially more pro-unionist and less devolutionist with respect to their membership, both elected and party membership, than those in Scotland. Therefore, devolution has had to go at a pace acceptable to their members, which has been a slower incremental process than elsewhere in the United Kingdom.
- **Third,** Wales represents the least ‘troublesome’, politically, of the three devolved nations. Its politics, with a mainly Labour–Conservative dominance at Westminster, mirror more closely those of England than Scotland or Northern Ireland. In addition, the political troubles in Northern Ireland have meant that special attention has had to be directed there in order to prevent the outbreak of another civil war. In Scotland, the rise of both the SNP and Scottish nationalism has meant that a lot of Westminster attention has been focused on avoiding Scottish independence. Wales, in contrast, remains much more reliably in the political mainstream. Therefore, there often appears to be no need to hurry on Welsh devolution with its electorate so committed to the union.

2. Is there a need for a separate Welsh jurisdiction?

**Answer points:** Tutors should note that this question could also be answered in the form of a debate, with each side researching their own answers.

**The three central reasons why a Welsh jurisdiction is required are that:**

1. nowhere else in the world do two primary law-making bodies inhabit the same jurisdiction as they do in the case of Wales and England (Westminster and Cardiff Bay), therefore it is not natural or logical;
2. the amount of separate Welsh legislation has been growing considerably since 2007, and therefore it will become increasingly difficult to follow a single ‘England and Wales’ jurisdiction; and
3. as devolution in Wales evolves, it is possible that not only policing but elements of the criminal law may also be devolved to Wales, making a separate jurisdiction even more important to achieve, as Wales becomes responsible for both civil and criminal law.
Those arguing against a Welsh jurisdiction note that:

1. a common jurisprudence system and procedure already allows the courts to operate differently in England and Wales, therefore to alter the status quo would only make the law more complex to interpret;
2. creating a separate Welsh jurisdiction would also require the development of a separate legal profession and legal qualifications system, reduce the economies of scale currently available for being able to practise in both England and Wales and may also lead to a shortage of qualified lawyers; and
3. many questions remain unanswered, such as for case law, would decisions made in English courts still be binding in Wales and vice versa?

3. **To what extent could the process of creating a legislative Act in Wales be described as a perfect process?**

**Answer points:** Tutors should be aware that the full answers to this question are on pages 130–2. There are eight central **strengths of system** including its flexibility, closeness to Welsh interests, rapidity of the process, public support, thoroughness of processes and relative simplicity.

The six **main weaknesses** include: a dominance of government legislation, that some aspects of the law-making process are seen as lengthy and difficult to follow, legislation can be tied down by tiny detail, the process lacks the expertise and wider scrutiny mechanisms of Westminster, and Westminster and Whitehall can still interfere substantially in Welsh legislation.

**Case study: exploring the journey of a Welsh Bill to a Welsh Act**

*This case study covers the WJEC AS Government and Politics Specification Element 1.3.2 How the National Assembly of Wales Works – The Legislative Process.*

Read the case study in Box 6.7 on the Qualifications Wales Act 2015 and answer the following questions:

1. **Draw a flow diagram of the main stages of a Welsh Bill and next to each stage provide an indication of the time each can take.**

Students should draw a flow diagram that follows each of the five stages for the Qualifications Wales Act 2015. These consist of:

- **Stage 1:** consideration of the general principles of the Bill by an Assembly committee, after which these must be agreed by a majority of the whole Assembly.
- **Stage 2:** the Bill committee considers the Bill and any amendments tabled in detail.
- **Stage 3:** the Welsh Assembly then considers the Bill and any amendments
tabled on that Bill.

- **Stage 4**: a vote by the whole Assembly to pass or reject the final version of the Bill.
- **Stage 5**: the Bill is given Royal Assent and comes into law as an Act of the Welsh Assembly.

Next to each students need to plot the time it took the Act to progress to this stage.

2. **What are Amendments and how do they become law?**

The tutor should note that with respect to legislation, amendments are changes to the original wording of the Bill. They are proposed by the government or opposition during stages 2 and 3 of the Bill. If a majority in Assembly agree, they alter the wording of the Act; if they do not, they fail and are no longer considered.

3. **Who decides if a Welsh Bill becomes an Act?**

The short answer is the Crown but there are a number of stages before this that are central to the process. The tutor should note that the most important aspect of whether a Bill becomes an Act is whether it is given sufficient time in the Assembly to complete all its required stages. If the Bill progresses into the Assembly, the most important stages are stages 4 and 5. Here a variety of political actors determine if the Bill becomes an Act. These actors include the proposer of the Bill, normally a government minister or Assembly Member; the Presiding Officer, who ensures it passes the legislative processes in the Assembly; a vote by the Assembly itself (a majority for it); then UK government's Attorney-General and Secretary of State for Wales consider whether the Bill is constitutional. If they all agree, then it goes to the Monarch for Royal Assent and becomes law.

4. **What happens if there is a tied vote on either an Amendment or the passing of the Bill itself?**

Students should indicate that if there is a tied vote, the Presiding/Deputy Presiding Officer votes against any proposition (vote) on the ground that it has not gained a majority (so a tied amendment is voted down). The sole exception is when the Assembly would be able to consider/discuss the proposition further and therefore potentially come to a majority. In that case, they would vote in favour of a Bill that is tied after the debate on principle that the general principles of that Bill have been discussed.

**Summary – Reflective learning questions**

These should be used either at the end or between the questions for discussion and the case studies to reflect on what has been learned. The students should be given sufficient time to discuss their answers.
1. Write a set of five questions based on today’s lesson and then use them to interview your partner.
2. What connections can you make between today’s learning and what we have studied previously?

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