The Government and Politics of Wales
Questions for discussion and case studies

Chapter 9 – Summary: Future Directions
Pages 202–6, Author Russell Deacon

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 9 Questions for discussion

The questions cover the WJEC AS Government and Politics Specification Element 1.2.2 How Parliament works in the UK, covering all elements of the subsections. It also covers 1.1.3 The British Constitution in a global context, specifically the subsection on The UK, Brexit and a changing world.
1. **What are the major changes that are likely to impact on Welsh government and politics in the next five years?**

*Answer points:* Tutors should note that major changes are developing all of the time and may be additional to those contained in the book. This factor aside, at the time of writing the book major changes are likely to be:

1. Brexit, in particular the gathering of former EU powers at Westminster and the ministerial use of the so-called ‘Henry VIII powers’. These allow ministers to make decisions without going through parliamentary scrutiny in either Westminster or Cardiff Bay. The Welsh Assembly is also likely to have a much greater legislative burden to take into account legislation currently undertaken in EU. It may also make much more use of Sewell motions at Westminster.

2. New law-making and tax-raising powers, such as over transport and land taxation. The Welsh government is determining how it can make Wales distinctive both legislatively and economically by providing a different range of laws and taxes.

2. **In what ways has Wales finally evolved a model of modern parliamentary democracy?**

*Answer points:* This activity may work well if students approach it as one in which they undertake the role of an investigative reporter examining how Wales has evolved politically over the last two decades. In this role students may wish to look at Scotland as a model that Wales wants to aspire to with its much fuller range of law-making and tax-raising powers. They can compare and contrast the Scottish Parliament’s powers with those of Wales. Students should also reflect on what a parliamentary democracy is. This can include factors such as the separation of powers, the formal divide between the legislature and the executive, the following of similar structures to Westminster, Presiding Officer (speaker), First Minister (Prime Minister) official opposition and party whips. These all indicate that Wales seeks to follow a parliamentary system similar to Westminster and those elsewhere.

The debate can then be held as to whether this is desired or Wales actually is a model of parliamentary democracy through the powers it already has. Problems with Welsh democracy such as its being a dominant party state, being slower to evolve powers than other devolved bodies, reliance on England for new laws, small size and lack of wide-scale expertise can also be explored. It should also be noted that although currently there are plans to turn the name ‘Assembly’ into ‘Parliament’ in Wales, this has not yet occurred.

**Case study: the deferred powers model**

*This case study covers the WJEC AS Government and Politics Specification Element 1.3.2 How the National Assembly of Wales Works – The Power of the National Assembly.*
Read the case study in Box 9.1 on the deferred powers model and the surrounding text. You will also need to undertake some of your own research. Then answer the questions below:

1. **What is the difference between the reserved and conferred power models?**

   Tutors should ensure that answers note the following differences:

   - *Reserved powers* are where the UK government makes it clear which powers are reserved for it at Westminster, which only it can make laws on; for example, to create and maintain a navy. Anything not reserved would be devolved to the Welsh Assembly to legislate on or determine new policy on.

   - *Conferred powers* are areas where the UK Parliament has specified subject areas in which it has granted the Welsh Assembly law-making powers. Under Schedule 7 of the Government of Wales Act 2006, there are twenty of these areas, ranging from local housing and tourism to water and flood defences. The Welsh Assembly cannot make laws outside these conferred powers.

   Therefore, reserved powers state what the Assembly cannot do, and it can do anything else; conferred powers state that the Assembly can only have powers within what has been stated, and nothing else.

2. **How can the Westminster government block a new Welsh law?**

   Tutors should ensure that the answer indicates that if the UK government’s Attorney-General believes that the Welsh Assembly is exceeding its competence under Schedule 7 of the Government of Wales Act 2006, it can refer the matter to the UK’s Supreme Court under Sections 112 or 114 of the Government of Wales Act 2006. The Welsh Secretary may ask for a Bill to be examined by the Attorney-General. The Welsh government may also refer the Bill to the Supreme Court itself to test it. If the Supreme Court decides that the Welsh government or Assembly has acted outside of its powers, *ultra vires*, the Bill cannot then become an Act. In 2015, for instance, this happened with the Recovery of Medical Costs for Asbestos Diseases (Wales) Bill. Here judges at the Supreme Court ruled that the Bill was outside of what is known as the legislative competence of the Assembly.

3. **Through your own research see how powers for Wales may increase in the post-Brexit period.**

   Students will find a wealth of debate about the transfer of powers under Brexit, the so-called ‘great power grab’. Here the Westminster government has sought to retain EU powers in Whitehall ministries rather than transfer them to Westminster or Cardiff Bay (Henry VIII powers). Students will find information on the Welsh side of the argument through the speeches and statements of the current and former Counsel Generals in the Welsh government. Those of the UK government can be found though accessing the Department for Exiting the European Union.
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. What difficulties have you encountered today in understanding this topic? How have you dealt with them?
2. Work in groups. Create a role-play showing what life would be like if voters did not know about the topics covered today and how they might react at an election.

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