

Policy Guide

That's Devolved!

2024-25

Introduction

Hint: Skip to Slide 10 for the top tips to on Devolution and Policy-writing

Liberal Democrats and Subsidiarity

- Subsidiarity: *the principle of allowing the individual members of a large organization to make decisions on issues that affect them, rather than leaving those decisions to be made by the whole group*
- As Liberal Democrats, we believe that wherever possible, subsidiarity should be promoted, which means that we delegate policy-making (and believe Government should, too) to State, Regional or Local levels.

Young Liberals and Subsidiarity

- Young Liberals mimic the Liberal Democrats in delegating policy-making to State, Regional and Local levels of the Young Liberals, with those groups able to confer their policy-making to the federal Young Liberals, if they so wish.

The Federal System of the Liberal Democrats: States

- The Liberal Democrats are structured as a Federal organisation: the Liberal Democrats in England, the Welsh Liberal Democrats and the Scottish Liberal Democrats make up our 'State Parties' and all feed into the Federal Liberal Democrats

The Federal System of the Liberal Democrats: Regions

- In England, further subsidiarity occurs in the form of our [11 Regional Parties](#), each of whom have specific responsibilities in their own regions.

The Federal System of the Liberal Democrats: Local

- Finally, across Britain, Local parties form the most devolved level of our party.

The Liberal Democrats and Northern Ireland.

- Whilst the [Liberal Democrats in Northern Ireland](#) exist as a local party, the Liberal Democrats, in practice, work with the [Alliance Party of Northern Ireland](#) to best represent Liberal Democratic voices in Northern Ireland.



Liberal Democrats and Devolution

The Federal Liberal Democrat Constitution: Devolution

The Federal Constitution

- The [Federal Constitution of the Liberal Democrats](#) is the primary governing document of the Liberal Democrats. Whilst State, Regional and Local Constitutions can outline rules for those areas (within legal limits, of course), the Federal Constitution reigns supreme.

Different Levels, Different Relationships

- Throughout the Federal Constitution and other Liberal Democrat Constitutions, the relationships between different, devolved levels of the Liberal Democrats are explained in detail.
- Constitutions can be wordy and complicated, but there is no better alternative to reading the Constitution, to understand these relationships.

Reading the Constitution

- Key Federal Constitution articles I would suggest for introductions would be 2, 3, 6 and 8.

ARTICLE 2: Provisions Relating To The Constitution

- 2.1 The Party shall be a federation constituted by the Scottish Liberal Democrats, the Welsh Liberal Democrats/Democratiaid Rhyddfrydol Cymru and the Liberal Democrats in England (the State Parties).
- Regional Parties in England may seek recognition as State Parties (any such recognition requiring a two-thirds majority of those present and voting at the Conference).
- The Federal Conference may, upon the recommendation of the Federal Board, resolve to establish and/or recognise a State Party in Northern Ireland.
- The Party shall also include individual members and Local Parties outside the United Kingdom and, pending the establishment or recognition of a State Party there, in Northern Ireland.



The Federal Liberal Democrat Constitution: Policy

Article 7

- Article 7 of the [Federal Constitution of the Liberal Democrats](#) outlines the rights and responsibilities of policy-making in the Liberal Democrats, including with regards to devolution. Ideally, clear-cutting policy areas would define exactly which policies fall under which level of the Party. However, sometimes the Federal Conference Committee and Lib Dem HQ Staff must make judgements on which policies fall under which level of the Liberal Democrats (with input from state/regional/local representatives, of course).

England, Wales and Scotland

- In their respective Constitutions, [Liberal Democrats in England](#), the [Scottish Liberal Democrats](#) and the [Welsh Liberal Democrats](#) outline their own systems of policy-making, and their policy relationship with the Federal Party.

ARTICLE 7: The Policy-Making Process

- 7.1 The Federal Party shall determine the policy of the Party in those areas which might reasonably be expected to fall within the remit of the federal institutions in the context of a federal United Kingdom.



The Young Liberals Constitution: Policy

The Young Liberals Constitution

- Similarly to the Federal Liberal Democrats and corresponding State, Regional and Local Parties, the [Young Liberals Constitution](#) and other YL Constitutional Documents outline the relationships between varying levels of the Young Liberals, including in terms of policy-making.

England, Wales and Scotland

- The Constitutions of the [English Young Liberals](#), the [Scottish Young Liberals](#) and the [Welsh Young Liberals](#) all share details on which policy areas fall within the remit of the Federal Young Liberals.

Section 2: Structure

1. Young Liberals is the Affiliated Organisation (AO) of the Liberal Democrats for students and young people.
2. Provided that they adhere to the Objectives of the organisation, Young Liberals will recognise and support:
 - a. State Organisations for England, Scotland and Wales; and
 - b. Regional branches of those State Organisation and
 - c. Local branches of those State Organisations, subject to the Accreditation Regulations, comprised of:
 - i. Local branches representing a specific geographic area, with no other accreditations; and
 - ii. University Societies, acting primarily as bodies recognised by their respective Students Unions.
3. Young Liberals may affiliate to external organisations where this is in line with the Objectives, subject to the Affiliation, Endorsement and Nomination Regulations.



The Liberal Democrats and International

Our international relations

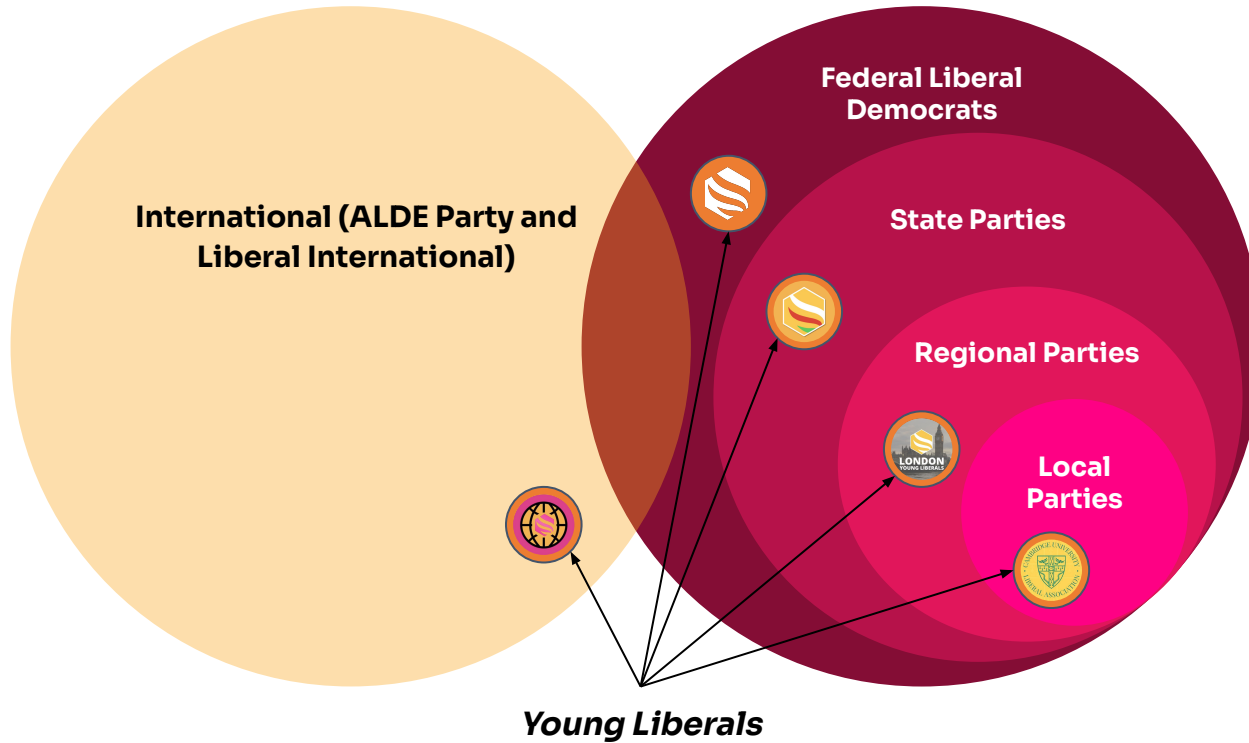
- Liberal Democrats work frequently and productively with like-minded parties ('sister parties') to collaborate on international campaigns, and pass international policy. In difference to State Parties, there is no formal enforcement mechanism for international policies in the Liberal Democrats, with the Federal Liberal Democrats not being legally or otherwise bound by international policies (and vice-versa).

LYMEC (ALDE) and IFLRY (Liberal International)

- Young Liberals work with two key organisations on our international work, mimicking the organisations that the Liberal Democrats (our 'mother' party). These organisations are:
 - [European Liberal Youth \(LYMEC\)](#), the youth wing of the [ALDE Party](#)
 - [International Federation of Liberal Youth \(IFLRY\)](#), the youth wing of [Liberal International](#)



Policy Organogram



Devolution in Policy-writing

How to Reference Devolution in Policies

'Applicability'

- Applicability is the word we use to highlight which pieces of the policy apply to why state. For instance, a policy about the life sciences and health sectors might apply both to the Federal Lib Dems (life sciences are managed by the UK Government) and State Parties (health is devolved). You can normally find the applicability of a motion at the bottom of the motion

Content of Policy Motions

- If a policy motion only applies to only a certain level of the Party/Government, it is important to remember this. For instance, in a motion for a Scottish Conference on education (devolved) it might be less appropriate to reference England or Wales education policies. Of course, these can still be used to support points, but shouldn't necessarily be the base of your argument

Applicability: Federal.

Applicability: England and Wales.

Applicability: England only; except 1. (lines 49-51), which is Federal.



Liberal Democrats in England

Policy-Making in England

- As with all State Parties, England reserves the right to make policy that affects England (eg Health or Education). Whilst the Lib Dems in England have the right to make their own policy, this has historically – and as of 2024, continues to be – been conferred to the Federal Party (Federal Conference).

Regions and Local Parties

- In England, Regional Parties (eg London, North East, Yorkshire and the Humber of Devon and Cornwall) and Local Parties (eg Greenwich Borough Liberal Democrats or Bristol Liberal Democrats), both have the authority to make policies that relate exclusively to that locality.

English Policy Chair

- Policy in England is led by the English Party's Federal Policy Committee Representative, and a Committee made up of Regional Policy Chairs.

- 1.5 Subject to Article 1.6 the Liberal Democrats in England shall determine the policy of the Party on matters affecting England which fall outside the remit of the Federal Party under the Federal Constitution and are not of merely local or regional concern.
- 1.6 The English Council may, by amendment to these Articles, establish a structure for the determination of policy. Until such a structure is established the Liberal Democrats in England shall confer their powers under Article 1.5 on the Federal Party.

English
Liberal Democrats

The logo for the English Liberal Democrats, featuring a stylized yellow bird or flame-like shape to the right of the text.

Scottish Liberal Democrats

Policy-Making in England

- As with all State Parties, Scotland reserves the right to make policy that affects Scotland (eg Health or Education). In their constitution, Scottish Liberal Democrats continue to reserve and actively use the right to make their own policy, and highlight their right to comment on Federal Party policies.

Regions and Local Parties

- In Scotland, regions act as more of a local party coordinating system, in particular for elections, rather than independent administrative bodies (as they are in England). This means that the mechanisms for policy to be made in Scotland tend to be the Scottish Liberal Democrats (devolved matters) and local parties (local matters).

Scottish Policy Convenor

- Policy in Scotland is led by the Scottish Party's Policy Convenor and the Scottish Policy Committee.

E6. The Conference shall have the power to determine the policy of the Party in the manner prescribed in Section G of this Constitution. The Party shall be entitled to make policy on all matters relevant to Scotland except those which might reasonably be expected to fall within the remit of the federal institutions in the context of a federal United Kingdom.

E7. The Conference may also debate and express opinions upon matters on which the Federal Party has the right to make policy, but the opinions expressed shall not constitute the policy of the Party.

Scottish 
Liberal Democrats



Welsh Liberal Democrats

Policy-Making in Wales

- As with all State Parties, Wales reserves the right to make policy that affects Wales (eg Health or Education). In their constitution, Welsh Liberal Democrats continue to reserve and actively use the right to make their own policy, and pay particular attention on ensuring Federal policies can be applied in Wales.

Regions and Local Parties

- Similarly to Scotland, Regions act more as local party coordinating systems, in particular for elections. Whilst they will act to feed regional issues into State-wide campaigning, they do not have regional-level policy responsibilities, leaving principal policy development to the Welsh State and to local parties.

Policy Development Committee

- Policy in Wales is led by the Executive Officer for Policy Development and the Policy Development Committee.

10. To develop and formulate the policies of the Party on Welsh issues, to place the policies of the Federal Party in a Welsh context and to influence **policy** development within the Federal Party as is necessary and relevant to Wales and promote such policies; and



Spotting What's Devolved

What Counts as Devolved?

What Policies are Devolved in Government?

- One key metric used for defining whether a policy is devolved or not is whether it is currently devolved by Government. Slides 12-16 show some of the policies that are devolved or reserved.

Changing Laws, Changing Metrics

- As a result of changing laws, measuring devolution can be measured in different ways, and can change over time. For instance, current (2024) proposals to change regional authorities in England may mean that more powers are vested in regional governments (not devolution, but still a delegation of power that would affect who could make policy on specific policy areas)

What Policies are Devolved in Liberal Democrats?

- Liberal Democrats will prioritise following what Government devolves currently, to States, but, believing in federalisation (which goes further than devolution), there is limited flexibility when talking about very specific policy areas.
- As always the Federal Conference Committee (Federal Party) or the Policy Committee (Young Liberals) would make the applicability of motions clear!

State Representatives

- In most relevant Committees, including the Young Liberals Policy Committee or the Federal Policy Committee, there will be state representatives or staff, who can help with confirming what is devolved or not.



What Counts as Devolved?

Devolved responsibilities

The 3 devolution settlements vary, and further information is available in the [detailed guidance on the settlements](#).

The following things are not devolved, and HM government remains responsible for them:

- the constitution
- international relations and defence
- national security
- nationality and immigration
- nuclear energy
- broadcasting
- the UK tax system
- employment and social security (except Northern Ireland)

The devolution settlements are complex and are all different. That said, broadly speaking, the following things are devolved in Scotland, Wales and Northern Ireland:

- health and social care
- education and training
- local government and housing
- agriculture, forestry and fisheries
- the environment and planning
- tourism, sport and heritage
- economic development and internal transport



What Counts as Devolved?

Policy Area	Scotland	Wales	Northern Ireland
Health and social care	D	D	D
Education and training	D	D	D
Local Government	D	D	D
Agriculture, forestry and fisheries	D	D	D
Transport	D	D	D
Some taxation	D	D	D
Justice and Policing	D	R	D
Some social security elements	D	R	D
Sports and the arts	D	D	D
Defence			
Foreign Affairs			
Immigration		R	
Trade Policy			
Constitution			
Broadcasting (NI may legislate with SoS consent)			

This table is a broad summary of which powers are reserved (R) and devolved (D). The terms are a little different in Northern Ireland: 'transferred', 'reserved' and 'excepted' rather than 'reserved' and 'devolved'. You can find out more about the Northern Ireland settlement as well as the Scotland and Wales settlements at [gov.uk/topic/government/devolution](https://www.gov.uk/topic/government/devolution).



What Counts as Devolved?

What is devolved?

The current Scottish and Welsh devolution settlements do not specify which matters are devolved to the respective legislatures, rather they specify those matters that are reserved to the UK Parliament. These legislatures have primary legislative powers over all other policy areas. The Northern Ireland Assembly can in principle also legislate in respect of 'reserved' category matters subject to various consents, but has not yet done so to any significant degree.



Devolved
Known as 'transferred' powers in Northern Ireland

Northern Ireland, Scotland and Wales	Also devolved in Northern Ireland	Also devolved in Scotland	Also devolved in Wales
Health and social services	Justice and policing	Justice and policing	Welsh language
Education, training and skills	Charity law	Charity law	Some income tax
Local government	Energy	Drink-drive limit	Stamp duty
Housing	Employment law	Stamp duty	Landfill tax
Economic development	Social security, child support, pensions	Licensing of onshore oil and gas extraction	Road signs and speed limits
Agriculture, forestry and fisheries	NI Civil Service	Some income tax (incl. ability to set rates and thresholds)	Equal Opportunities in relation to public bodies in Wales
Environment and planning	Equal opportunities	Management of Crown Estate assets in Scotland	Licensing of onshore oil and gas extraction
Transport	Time	Equal Opportunities in relation to public bodies in Scotland	Assembly and local government elections
Tourism, sport, culture and heritage	Long haul Air Passenger Duty	Tax on carriage of passengers by air (Air Passenger Duty due 2018)	
Fire and rescue services		Regulate air weapons	
Water and flood defence		Abortion	
		Landfill tax	
		Some social security elements	
		Consumer advocacy and advice	
		Scottish Parliament and local government elections	
		Policing of railways in Scotland	
		Road signs and speed limits	



What Counts as Devolved?

What is reserved?

This is a high level summary of which powers are devolved and reserved in each part of the UK. Remember that the devolution settlements are unique and can sometimes be complex. For example, elements of one policy area can be reserved while others are devolved or a policy area may be reserved, but aspects of how it is delivered are devolved.



Civil Service

Reserved

Known as 'excepted' powers in Northern Ireland

Northern Ireland, Scotland and Wales	Also reserved in Northern Ireland	Also reserved in Scotland	Also reserved in Wales
The constitution	Nuclear energy	Employment law	Employment law
Foreign affairs	Firearms and explosives	Cross-border rail	Cross-border rail
Defence and national security		Energy	Energy
Nationality, immigration and asylum		Social security*	Social security
Macroeconomic and fiscal matters		Genetics, surrogacy, medicines, embryology	Abortion, genetics, surrogacy, medicines, embryology
Financial services and pensions regulation		Equal opportunities*	Equal opportunities*
International trade and financial markets		The Civil Service	The Civil Service
International development		Postal services	Postal services
Elections to UK and European Parliaments			Justice and policing
National Minimum Wage			Charity law
Competition			
Intellectual property			
Honours			
Regulation of air services and international shipping			
Broadcasting			
Telecommunications and wireless services		*except elements devolved by Scotland Act 2016	*except elements devolved by Wales Act 2017
Foreshore and seabed			



What Counts as Devolved?

Percentage of UK government departments' spending responsibility that is devolved

IfG

Department	Wales	Scotland	N. Ireland
Education	100%	100%	100%
Levelling Up, Housing and Communities	100%	100%	100%
Health and Social Care	100%	100%	100%
Environment, Food and Rural Affairs	97%	97%	97%
Culture, Media and Sport	83%	83%	83%
Transport	37%	92%	95%
Business and Trade	10%	11%	13%
Science, Innovation and Technology	7%	7%	7%
HM Revenue and Customs	4%	4%	3%
Energy Security and Net Zero	3%	3%	3%
Home Office	2%	83%	83%
Justice	1%	100%	100%
Law Officers' Departments	0%	98%	90%
Work and Pensions	0%	20%	98%
Cabinet Office	0%	0%	0%
Foreign, Commonwealth and Development Office	0%	0%	0%
HM Treasury	0%	0%	0%
Ministry of Defence	0%	0%	0%

Source: Institute for Government analysis of HM Treasury, Statement of funding policy, November 2023. Notes: 100% means that this policy area is delivered completely by the devolved government, 0% that the policy area is not devolved.

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REMEMBER

Look at the 'applicability' of motions

- At the end of motions, a section on 'applicability' will highlight which levels of the Liberal Democrats/Young Liberals, the motion applies to.

Ask for help!

- Devolution covers 100s of policy areas, and lawyers continue to debate exactly what policy areas are covered by which Governments. At separate times, in different ways, Consecutive Governments have also shown ambition to reform devolution: devolution agreements could change without you knowing! If in doubt, always try and reach out to others who might know more!

Get in touch! The leadership and executive officers are here to help!

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