# Ninth Annual Lecture of the Centre for Welsh Legal Affairs

### 28 November 2008

## The development of devolution and Legal Wales

- 1. Vice Chancellor, distinguished guests, ladies and gentlemen. I am grateful to you Vice Chancellor for your very generous introduction. It is a particular pleasure for me to be participating in so important an event in the University's calendar. I felt honoured to receive Ann Sherlock's letter in May of this year inviting me to deliver this prestigious annual lecture. My active association with Aberystwyth University goes back to the mid nineties when I was instructed to appear on its behalf before His Honour Judge Roderick Evans QC as he then was. I am not at liberty to tell you what the matter was about nor to name names but I can say that right and virtue were definitely on our side.
- 2. As the Vice chancellor has said, I was made an Honorary Fellow of the University in 1999. I wondered if that honour was because of the modesty of the fee I received for representing the University in the case I just mentioned but I suspect it was more to do with the fact that by 1999 I had been appointed Counsel General to the National Assembly for Wales.
- 3. In that post, I consolidated my relationship with the university. My close friend of many years, Lord Elystan Morgan, was then its President and the immensely talented Professor Derek Llwyd Morgan was the Vice Chancellor. It was here at the hall of residence on Penglais Hill that I launched what became known as Legal Wales. I invited each of the University of Wales' Law Schools to meet with me here at Aberystwyth so that I might explain to them what my own thoughts were about the potential impact of devolution upon the practice and the teaching of the law in Wales. I was concerned to create a corporate awareness of the important opportunity which devolution presented for reawakening Wales' distinct identity in matters of law including the teaching and the practice of the law and the administration of justice.

Professor Derek Llwyd Morgan chaired the meeting. Professor Iwan Davies of Swansea has since described it as a meeting of seminal importance.

- 4. In 2002, I was invited to be one of the University's Vice Presidents and I continue to hold that position. In that role, I have been drawn further and further into the life and business of the university.
- 5. It was Ann Sherlock who suggested the title to this year's lecture. She very diplomatically made it clear that the choice was of course entirely mine but I did not think that a title which brought together the development of devolution and Legal Wales could be improved on. I thought it a very appropriate subject to look at at this time.
- 6. What I propose to do is to outline very briefly where we have reached in the process of devolution and its effect on Legal Wales and then to look more closely at the future.
- 7. My thesis is really quite simple. I have three principal points. The first is that a third devolution settlement is almost inevitable. I qualify the inevitability of it in that way simply to acknowledge that the world might come to an end in the meantime. Subject to that very remote possibility, my view is that a third devolution settlement is bound to come about. The second point is that the third devolution settlement will devolve full legislative responsibility. What else might be the purpose of a third settlement if it is not to take Wales to full devolution? And my third point is that the next devolution settlement is almost certainly bound to have a very substantial impact on the administration of justice in Wales. Those three points come together in the title of this lecture 'The Development of Devolution and Legal Wales' and I congratulate Ann Sherlock on her suggestion.
- 8. Let me begin therefore by looking at where we have reached.

- 9. In May 1998, the constitution of the United Kingdom changed for ever, and it was changed in very fundamental respects by the process of devolution. The instrument of change in Wales was the Government of Wales Act 1998. There was a second devolution settlement in 2006. As a result of this process Wales' constitutional status has changed and despite its limited legislative competence its laws are becoming increasingly different from those of the remainder of the United Kingdom. Wales is a bilingual nation. It is a bilingual jurisdiction. Many of its laws are in bilingual form. Court proceedings, Jury and non-jury, are regularly conducted in Welsh or bilingually.
- 10. The constitution of the UK is to be found in a patchwork of Acts of Parliament, in the common law and the customs and conventions of our constitution and it can be changed without constraint or formality other than what is involved in making or in changing any of its other laws. With that degree of flexibility in our constitution, you would have expected changes to have been frequent but, on the contrary, they have been very infrequent. Such changes as have occurred have done so in distinct periods of reform of which the closing years of the 20<sup>th</sup> century will rank amongst the most significant.
- 11. The devolution settlements which created a Parliament for Scotland, and Assemblies for Northern Ireland and Wales, each of which, to different extent, having powers to exercise legislative and executive functions previously exercised by the Westminster Parliament, brought about fundamental change but they were not the only fundamental changes to the British Constitution which took place during the closing two years of the twentieth century. Other significant changes were the Human Rights Act 1998 by which the European Convention on Human Rights became incorporated into the domestic law of the UK; Freedom of Information Act 2000 which aims to be make government more open and less secretive; the reform of the House of Lords, which aims to reduce the number of hereditary peers as members of the second chamber and the reforms in our system of voting which have been

introduced for elections to some of our democratic institutions such as the Assemblies and the European parliament. There have been other Acts which have introduced far reaching changes, e.g. the Data Protection Act and the Race Relations (Amendment) Act 2000.

- 12. Devolution was therefore but a part of a much wider process of change in the relationships between Westminster and each of the other home countries; between the state and the citizen and between citizen and citizen. These changes flow from a greater sense of understanding, of respect, recognition and tolerance of the differences which mark us out as different nations within the United Kingdom and as different individuals with different interests and aspirations and out of recognition of the importance of the individual. In introducing these and other changes, the Labour Government of 1997 shook the structures of our constitution. Professors Jowell and Oliver have described the changes as hammer blows to our established constitutional principles (The Changing Constitution 4th ed page 16). In his address to the 2007 Legal Wales Symposium, "Devolution in Wales: The Challenges Ahead", Professor Sir David Williams said that the Welsh devolution settlements had brought about an astonishing burst of constitutionalism.
- 13. Not only has the extent of these changes to our constitution been remarkable; the rapidity of them has been astonishing. The British constitution is in a near fluid state at this time. Professors Jowell and Oliver wrote the first edition of 'The changing constitution' in 1985. In the following 22 years there were a further five editions, almost one every four years. This, they say, provides an insight into the evolutionary constitutional developments in the UK over the 22 years that straddle the 20<sup>th</sup> and 21<sup>st</sup> centuries. Constitutional principles which had become established for a century "have come under pressure as constitutional arrangements in the UK respond to changing political, economic, social and international circumstances and to changing conceptions of the values and institutions which should support a modern constitutional democracy" and in a later passage they say "that even an established democracy needs constantly to be reviewed and renewed".

#### The reasons which drove devolution

- 14. It is important to remind ourselves of the reasons which drove the devolution settlements of 1998 because those same reasons continue to exert pressure for yet another devolution settlement for Wales. There were many of them. Some lie deep in the history of the United Kingdom and in the constitutional relationship between England and each of the other three home countries. Cultural and institutional differences between England on the one hand and the other home countries on the other were another reason. Linguistic differences between Wales and England were a factor. The geographical distances between London on the one hand and the other three home countries on the other and the consequent feeling of remoteness from the decision-making process were other strong reasons. The simplest and perhaps one of the most cogent reasons which drove devolution was our desire to play a greater part in running our own affairs. But perhaps the strongest reason of all lies in the quality of democracy itself. It is this last reason which is presently exerting the strongest pressure for further change in Wales. The unitary system which had been in place for a number of centuries was perceived as no longer capable of performing effectively or meeting the demands of democracy of the latter half of the 20<sup>th</sup> century not to mention those of the 21<sup>st</sup> century7. Those were the forces which drove devolution and they continue today to exert pressure for yet further changes here in Wales.
- 15. In what direction are these forces pulling us today? Reinforced as they now are by the perceived shortcomings of the 1998 and 2006 devolution settlements, I believe the direction to be that of yet a third devolution settlement one which will devolve to the Assembly full legislative competence what Ron Davies calls 'real devolution'. That then is the prediction.
- 16. I shall return in a moment to the question of what else might 'full devolution' entail as well as legislative responsibility and also to the question what might be the

impact of legislative responsibility on legal Wales but first I would like to look at the soundness of that prediction

### Is the prediction of a third settlement sound or not?

17. The Government of Wales Acts of 1998 and 2006 Acts created settlements which are far too complex and they discriminate unacceptably and unnecessarily against Wales. Dealing with the first of those points, - the complexity of the settlements - the 1998 Act created a cumbersome and complex model of government by failing to separate the legislative side of the Assembly from the Government side of it and by creating a system of empowering the Government and its Ministers and their civil servants through a system of delegations. That system meant it was for the Assembly Members to decide whether governmental powers would be delegated to ministers and civil servants and upon what conditions, if any, the delegation should be made. It was a cumbersome system and one which placed a very real fetter on the ability of the Assembly Government and its Ministers to govern and civil servants to administer. The 2006 Act in what can be described as the "AMs By-Pass" removed that particular complexity but at the same time reduced the influence of AMs. The Welsh Assembly Government now derives its authority directly from Westminster. These were substantial improvements over the previous settlement but the process by which the Assembly makes secondary legislation remains as complex as ever and the process for making Assembly Measures (primary legislation), a power given to the Assembly by the 2006 Act, is unprecedented and very complex.

18. In his address to the 2007 Legal Wales Symposium (op cit), Professor Sir David Williams said

"The Government of Wales Act 2006 has many important and workable provisions but its avoidance of a clear-cut move towards what Kilbrandon described as "legislative devolution" is a recipe for continuing irritation and frustration"

That irritation is already manifesting itself and I believe it is likely not only to continue until the 2006 settlement is replaced by a less complex settlement which

devolves full legislative competence but also that the irritation with Westminster and with the Welsh Affairs Committee in particular will intensify. Let me explain why I am of that view.

- 19. The NAW (Legislative Competence) (Social Welfare & Other Fields) Order 2008 has very recently been through Parliament. This Order, which relates to safeguarding and promoting the well-being of children and young people in Wales, will confer legislative competence on the National Assembly for Wales under Section 95 of the Government of Wales Act 2006. The Order in Council process created by the 2006 Act provides an enhanced mechanism to enable the Assembly to achieve its legislative priorities. The order is subject to affirmative resolution in both Houses and to the approval of the National Assembly. This is a measure which is sought by the Welsh Assembly Government. The case for it has been through the Assembly's democratic process. It is the will of the people of Wales that the Order be made.
- 20. This is what the Welsh Affairs Committee had to say when it came to examine the Order

"The purpose of this Committee's inquiry was to examine the scope and appropriateness of the proposed Order under the Government of Wales Act 2006. We considered whether the proposed Order is in the spirit and scope of the devolution settlement; the extent to which there is a demand for legislation which might follow the adoption of the proposed Order; and whether the use of the Legislative Competence order in Council procedure is more appropriate in this instance than, for example, the use of framework powers in a Westminster Bill."

21. With great respect to the members of the Committee, that approach to the question of the competence of the National Assembly to be granted these powers or indeed any powers was entirely misconceived. The three questions which they asked themselves were of doubtful validity legally, constitutionally and politically and I can quite understand the irritation expressed in Cardiff.

22. I could not possibly improve on what Lord Prys Davies said in the course of the debate on the order in the Grand Committee on the 12<sup>th</sup> of this month:

"I want to concentrate on one paragraph in the Fifth Report of sessions of the Welsh Affairs Select Committee. I concentrate on that paragraph because this Order will set precedents and hurdles for the future. My concern is that paragraph 10 of the report sets out the principles which guide the committee in its examination of the Order. The first question is whether the Order is within the spirit and scope of the devolution settlement. Secondly, whether there is a demand for the legislation that will follow the Order, and thirdly, whether the LCO (Legislative Competence Order) is more appropriate than the use of framework powers in a Westminster Bill....I am troubled by the criteria, on the spirit and scope of the devolution settlement. I have been re-reading the Second Reading debate on the Government of Wales Bill in 2006."

23. Lord Prys Davies went on to point out that the phrase about the spirit and scope of the settlement was nowhere defined – he could have added that it was nowhere used – and he reminded their Lordships that the phrase actually used in the debate of 2006 was this "the provisions represent a development of the current settlement" (official Report, Commons 9/06; col32). He made the point which had been made earlier in the debate by Lord Elystan Morgan – that for the past 15 years Welsh devolution has been seen as a process – a dynamic process – and he added these very important words:

"I hope we are not abandoning the vision of a process or development".

24. As for the third criteria, whether there is a demand for the legislation and whether the LCO is the most appropriate procedure, he pointed out that there was no reference whatever to those criteria in the debates on the 2006 Bill. After describing these third criteria as "novel and brand new" he made the point – and in my view it is the weightiest point of all - that those two matters are for the judgment and initiative of

the Assembly. I cited the reaction to the WAC's approach to the competence of the National Assembly as an example of irritation, but it might also serve as a significant instance of conflict between Westminster and Cardiff – of which I am sure there is more to come.

- 25. Another very recent but more general example of irritation was that expressed last week by Tomorrow's Wales in its representation to the All Wales Convention through the Archbishop Dr Barry Morgan a person not known for his revolutionary thoughts. Its criticism of the present settlement was that it was deficient in principle and in practice. And the third example, again very recent, is the irritation expressed from within the Assembly at WAC's recommendation to deny WAG's request for powers to limit the right of council tenants to purchase council properties.
- 26. Moving from irritation and conflict I come then to examine the strength of the case for a devolution settlement which devolves full legislative competence to Wales? What is its strength? It was considered and recommended by the Royal Commission on the Constitution in 1973. It was considered and recommended by the Richard Commission in 2002. Those two Commissions were publicly appointed bodies and representative of all the main political parties of the time. Their conclusions and recommendations were evidence based. That there are over 30 years between the one report and the other and that they came to similar conclusions and made similar recommendations shows the consistency and enduring soundness of the case. How often you might ask does the case need to be made out.
- 27. Further evidence of the likelihood of a third devolution settlement within the foreseeable future and of its scope is the agreement of last year made between Labour and Plaid at the Assembly

"to proceed to a successful outcome of a referendum for full law-making powers .... as soon as practicable at or before the end of the Assembly term".

28. The ultimate test of the strength of the case and of its democratic legitimacy is therefore to be a referendum and, of course, I accept that it is the democratic strength of the case which has to be made out. Is there anyone present who thinks that those who favoured devolution in 1979 and those who favoured it in 1997 will have changed their minds? Is there anyone present who does not believe that there is by today a stronger majority of opinion in Wales in favour full legislative devolution? Is there today a political party in our National Assembly which would speak against it? The prospect of a different party in power at Westminster from that in power at the Assembly is no longer the threat to further constitutional changes in Wales it has been held out to be. True, the Conservative Party under Margaret Thatcher and John Major was opposed to any kind of constitutional change but as Professor Brazier states in the third edition of his book "Constitutional Reform. Reshaping the British Constitutional System" (page 6)

"The Conservative Party has however adjusted its views following its electoral rout by the Labour Party at election after election since 1997 ... in some respects ... the Conservatives have become more radical than labour in their constitutional reform policy"

In that passage, Professor Brazier was referring to the Conservative Party at Westminster but could any fair minded observer of the Welsh Conservative Party claim that it is anything other than strongly committed to the Assembly and to devolved government? Is the Conservative Party at Westminster any more likely to put the brake on further devolution for Wales than the Welsh Labour MPs at Westminster? What do the examples I cited earlier as to WAC approach to the interpretation and application of the present settlements tell us on this issue? Does a referendum pose a threat? I think not. That is not to say we should take it for granted. The Convention under the chairmanship of Sir Emyr Jones Parry has a very important role to play in creating a debate and in persuading a wider cross-section of the people of Wales to engage in it. It is this debate which will lay the ground for a successful outcome to the referendum. The decision of the people must be made on an informed basis. The Convention can provide that basis.

29. Full legislative responsibility would bring about consistency between the constitutions of Scotland, N Ireland and Wales. It would make for simpler, better and more effective governance not only of Wales but of the United Kingdom. The present settlement demeans Wales. The case for a better settlement is a just one. For these various reasons, I am convinced that the prediction that Wales will have a further devolution settlement in the near future and that it will confer full legislative powers on the Assembly is a sound prediction.

### **Devolution by evolution**

30. The last point I should like to address in considering the case for a third settlement is whether devolution can now be left to evolve without the need for a further devolution settlement. It is true that as a result of the devolution settlement of 1998, some non devolved functions affecting Wales that had hitherto been exercised only in England came to be exercised in Wales. This has been especially so in the field of administration of justice as is demonstrated by the examples which I shall provide in the second part of this address. It should not be thought, however, that the present settlement could develop through an evolutionary process not involving primary legislation from Westminster into 'real devolution' or that somehow this evolutionary process could lead eventually to jurisdictional devolution. Plainly, it could not. Such evolutionary changes as have occurred were described by the Richard Commission as "ad hoc, piecemeal development, on a case by case basis, not founded upon any agreed general policy or informed by any clear set of devolutionary principles" (Report at chapter 14 para 17).

#### **Legal Wales**

31. I come then to the other limb of the title to the address, namely Legal Wales. What might be the impact of real devolution on Legal Wales including the administration of justice in Wales? Again, I begin by asking - where have we reached so far? Significant changes to the legal landscape have already taken place in the wake of the present devolution settlements.

#### **Administration of Justice**

- 32. Although the administration of justice is not a devolved responsibility, it too has been the subject of significant developments in Wales in the wake of devolution.
- 33. The introduction to the Wales & Chester Circuit directory, published in the year 2000 contains the following passage,

"Between AD 48 and 79, the Roman armies conducted several campaigns into Wales, constructing roads, forts and settlements along the way. Chester emerged as the centre of authority in North Wales ... a position which it has preserved ever since"

- 34. In 2007, that position changed when the Government brought the annexation of North Wales to Chester for the purpose of administration of justice to an end by establishing Her Majesty's Court Services Wales (HMCS Wales). The administration of justice in Wales is now administered on an all Wales basis. The title 'HMCS Wales' acknowledged Wales' status as a nation. Until 2007, the courts of Cheshire, including, Chester were part of this circuit. They are now part of the Northern Circuit.
- 35. This has not been the only change to Wales's legal landscape since 1998. We now have a Mercantile Court for Wales. The Court of Appeal, Civil and Criminal Division, now sit here regularly; most judicial review cases involving decisions of Welsh public authorities including the National Assembly for Wales are heard in Wales; it is likely that there will soon be an Administrative Court for Wales sitting here permanently; The Employment Appeals Tribunal now sits regularly in Wales. We already had a Chancery Court by 1998.
- 36. As recently as last month, there was established the Association of the Judges of Wales which will be an association of District Judges, and judges of the Circuit Bench, High Court, Court of Appeal and House of Lords and the Supreme Court. And in April there was established the Wales Bench Chairmen's Forum.

37. When opening the Mercantile Court, Lord Bingham as Lord Chief Justice of England and Wales, said

"This court represents the long overdue recognition of the need for the Principality of Wales to have its own indigenous institutions operating locally and meeting the needs of its citizens here."

- 38. Another development was the creation of 'Legal Wales' or 'Cymru'r Gyfraith' as it is called in Welsh. The Government of Wales Act 1998 had ushered in significant constitutional changes and it was of the highest importance that Wales' various and separate 'legal constituencies' should come together to form a legal civic society to engage with the new order and that is what Legal Wales is, a new civic society. It has a representative committee which was established in 2000. Its members are drawn from every constituency of law in Wales including barristers, solicitors, judges, the magistracy, the Law Schools of the universities of Wales, lawyers in Local Government, lawyers in the service of the Government of the National Assembly for Wales, lawyers on the legislative side of the Assembly, the Institute of Legal Executives, the Tribunals and the specialist law associations of Wales. The Legal Wales Standing Committee speaks for that civic community. It is the forum for collecting the views of the community and for representing those views; it provides from a Welsh perspective a response to consultation documents; it promotes debate and discussion between members of that broad legal community about the development of the law in Wales and about Wales' changing constitution; it promotes change and it is there to support and to create a relationship between that community and the National Assembly for Wales. Our collective experience is very wide ranging from the practice of the law to the teaching of law, from advocacy to adjudication of legal disputes and the conduct of public inquiries.
- 39. Those of you who are judges or solicitors will have discovered for yourselves that the strength of the Bar in Wales is very considerable in terms of breadth and depth of experience especially in crime, family and common law fields. Specialization too is strong. It has been so since the early seventies but is now in an expansive phase. It is developing,

hand in hand, with the specialist courts which have been established in Wales in recent years and with the National Assembly's expanding responsibilities. With specialization and devolution of government came opportunities and challenges. The legal profession in Wales is up to the challenge and has seized the opportunities. Since we have had devolution, there have been established three specialist associations – the Wales Public Law and Human Rights Association, the Wales Commercial Law Association and the Wales Personal Injuries Law Association and a fourth is about to be formed namely the Wales Parliamentary Bar Association of which Graham Walters is to be Chairman, Keith Bush the Treasurer and Emyr Jones the Secretary. It was born out of the fact that those three members of the circuit including myself have been presenting a matter to the Assembly's equivalent of a Parliamentary Committee during the past couple of months. A new need creating a new opportunity.

40. These developments were a spontaneous adjustment of the legal profession and the machinery of justice in Wales in response to devolution. They provide further evidence in support of Professor Tim Jones' description of Wales as an "emerging jurisdiction", a description which exudes energy and promise. It catches the notion of birth and youth most vividly.

### Wales Law

41. What are the other signs of this emerging jurisdiction? Although the National Assembly for Wales was not given primary law-making powers by the 1998 Act, as a result of the volume of secondary legislation made by the Assembly and of the number of Wales only legislation from Westminster, by the time Wales had its second devolution settlement in 2006, the law in Wales was already significantly different in a number of respects from what it was in England. The 2006 Act increased the legislative competence of the Assembly by devolving to it, albeit by a very complicated process, some primary legislative competence through Assembly measures. This is bound to increase the rate at which our laws become different from those of England. Imagine therefore the rate of change in our laws if the Assembly

were to have primary legislative competence on the scale enjoyed by the Parliament of Scotland and the Assembly of Northern Ireland. The devolution of primary legislative powers to Wales on that scale would have a major impact not only as to the content of our laws and their differences from the laws of other parts of the United Kingdom but also for the machinery of justice in Wales – it would have an enormous effect on all aspects of Legal Wales.

- 42. Is full legislative competence an end in itself or should it be part of a more comprehensive constitutional settlement? For example, should it comprise the Civil Service in Wales? What about the police service and the prosecution service and the administration of justice? What about the position of the Counsel General? Should his functions be more clearly defined to give him a constitutional role? Should that office be part of Government or independent of it? These are all elements of the constitution. Are they not inseparable parts of a settlement which confers full legislative responsibility? Should they be part of the next devolution settlement? These are questions which need to be addressed as part of the wider debate. My concerns are that as there is very little experience of the administration of justice within the Welsh Assembly Government or amongst the members of the All Wales Convention that there might not be effective discussion about some of those wider aspects of real devolution. This is all the more reason why these questions need to be addressed publicly on occasions of this kind.
- 43. If there is a sound case for a devolution settlement which confers full legislative responsibility, is there not also a sound case for jurisdictional devolution as well? What I mean by jurisdictional devolution is a devolution settlement which includes rather than excludes responsibility for the administration of justice. The aspects of administration of justice to which I refer are all branches of the High Court, the Court of Appeal Civil Division, the Court of Appeal Criminal Division, the Prosecution Service, all Tribunals and the Magistrates Courts Service. I also include in the expression "administration of justice" an all-Wales police service responsible to the

Assembly. Responsibility for the administration of justice includes the authority to appoint judges subject, however, to the supervision of an independent judicial appointments commission.

- 44. What are the arguments for devolving the administration of justice? It should not be thought that the re-emergence of Wales' distinct identity in matters of law and the administration of justice is to be attributed entirely to devolution. The process of change began much earlier. It has been taking place albeit very gradually for about 63 years. Some may quarrel with that figure of 63 years and therefore I should explain that I take it from the passing of the Welsh Courts Act, 1942. That Act might have been the smallest possible step forward but it began a process of change to which momentum was added by the Welsh Language Acts of 1967 and 1993 and the pace of which quickened following the passing of the Government of Wales Act 1998. Since 1942, therefore, the scope for doing it differently in the practice and the teaching of the law in Wales has increased. Once we come to understand the significance of Legal Wales and the significance of the fact that Wales is an emerging jurisdiction, once we acknowledge these significant developments, we see immediately the case for not excepting jurisdictional devolution from the next settlement. But these are the historical arguments.
- 45. What are the constitutional arguments? In my opinion, the principal argument is that including responsibility for the administration of justice as part of a devolution settlement which devolves full law making powers makes good constitutional sense if the institution which is responsible for making the laws were also to have the responsibility and the accountability for their administration. Is there an Assembly or Parliament enjoying full legislative competence which does not also have responsibility for the administration of justice within its territorial jurisdiction? Secondly, it would be internally logical, consistent and coherent. Thirdly, it would make for consistency between the constitutions of Scotland, Northern Ireland and Wales and fourthly it would bring justice closer to the people for whom the laws were made.

#### Conclusion

46. To devolve the administration of justice in Wales to the National Assembly would be a radical change in the established model by which justice is administered in England and Wales. The question is should that model be changed in the event of the National Assembly assuming full legislative powers in the next devolution settlement. The background against which I raise that question is provided by the changes which have already occurred to the British constitution, by the changes which are occurring to it and by the changes which are about to occur. These are exciting challenges. These are exciting opportunities.

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**END**