

Sunshine and showers

PERHAPS it just shows a proper regard for the unfathomable sensibilities of the Scots and Welsh. But Bagehot is strangely unsettled to hear the BBC telling its weather forecasters not to refer to the "national" weather when giving the outlook for the whole of post-devolution Britain. He supports devolution. Yet it seems that next month's election of new parliaments in Scotland and Wales is going to change Britain in ways big and small that not all of its citizens, especially the eight out of ten who live in England, have noticed.

If you live in England and have not noticed, you have the excuse that—unlike the Scots, Welsh and Northern Irish (whose constitutional future remains perilously in abeyance this week)—your views on devolution were never sought in a referendum. The government justifies this omission on the ground that devolution will have minimal or at least manageable consequences for the government of England and for the central political institutions of Britain. This is a fiction.

For a start, next month's transfer of power to Scotland and the other sub-nations is irreversible. Lord Irvine, the Lord Chancellor, says otherwise. He argues that nothing in what he likes to call the new "constitutional settlement" diminishes the sovereignty of Parliament. What Westminster has made, it has authority to unmake. But this is true only on paper. In practice, the political facts, consecrated by referendum, override the legal ones. As Vernon Bogdanor, professor of government at Oxford University, has argued, the chief power of the Scottish Parliament is not even mentioned in the law that created it. This is the power to represent the people of Scotland. After next month, its first minister will speak for the Scottish people far more credibly than can anyone at Westminster. No British prime minister will dare to wrest that power back.

Second, the people of Scotland will one day be asked to vote on whether to become independent, a choice which must have profound consequences for Britain as a whole. Again, the government denies this. Lord Irvine says that the Scottish Parliament has no legal right to hold such a referendum, let alone to secede on the strength of one. But it would be a miserable democracy in which the main opposition—presuming it were the Scottish National Party—did not one day form the government. The SNP would then have every right except the legal one to put its independence question to the Scottish people. So—trust your columnist—the question would be put, whatever the law says.

Third, what the government is pleased to call its new constitutional settlement is not settled at all. Yes, Scotland might reject independence. Voters in Quebec and Catalonia have so far been content with winning more power, rather than full independence, from Ottawa and Madrid. But the other lesson from countries with federal or quasi-federal constitutions like the one

Britain is giving itself is that such systems provoke decades of tug-of-war between the centre and the regions. Until now these struggles have taken place out of sight. Devolution will not end them, merely force them abruptly into the open.

This will have special resonance in money matters. Scotland's Parliament is to be responsible for most things except foreign policy, defence, immigration, social security and macroeconomics. But its puny fiscal powers mean that its politicians will be calling the tune without paying the piper. The English will wax increasingly indignant over the fact that Scotland receives some 24% more public spending per person than England. The Scots will ask for control of social security, in the name of

"joined-up" government and to undo the inequalities which they say Thatcherism inflicted on Scotland against its will.

Fourth, devolution will change the politics of Westminster. The number of Scottish MPs will eventually fall. But this does not answer the West Lothian question (why should Scottish MPs have a say over English education, health and so on when English MPs have no say over what happens in Scotland?). There is also the question of what Scottish members of the Westminster Parliament will do there when their constituents start to take their troubles to their representatives in Edinburgh. Perhaps Scottish MPs will concentrate on defence and foreign affairs? They already run both departments.

Britain will discover that it has a constitutional court in the form of the judicial committee of the Privy Council, an obscure body that will be called upon to adjudicate the inevitable and possibly bitter tests of strength between the various parliaments and assemblies. This will add to the pressure

to create a proper supreme court, separate from the House of Lords. And the House of Lords, incidentally, will almost certainly acquire members deputed from Scotland and Wales.

There may in time be a civil war in the civil service. The government says that the existing service, answerable to the cabinet secretary in London, can be the obedient servant of whatever combination of parties happens to rule in Westminster, Cardiff or Edinburgh. But the moment a half-way assertive chief minister takes office in one of the regions, he will want to appoint his own top civil servants to do battle with Whitehall. Moreover, Scotland and Wales will aspire to a foreign policy. Although the national government remains formally in charge, ministers acknowledge that the devolved administrations will form contacts with foreign governments, take part in EU negotiations and set up their own offices in Brussels.

In short, Britain and its government are set to change after May's elections in ways that are hard to predict and over which its people may feel they have little control. Just like the nation's weather—back when the nation was allowed to have weather.

