

# Quick guide

## The Joint Ministerial Council

January 2012

### Introduction

The Joint Ministerial Committee (JMC) is part of the machinery of inter-governmental relations (IGR) in the UK following devolution. It is established by the Memorandum of Understanding between the UK Government and the devolved governments in Wales, Northern Ireland and Scotland. Its purpose is to provide central coordination of the overall relationship between the governments. This Quick guide provides a short history of the JMC and explains its work.

### The Memorandum of Understanding

The **Memorandum of Understanding (MoU)** was originally published in December 2001. The latest version was agreed in June 2011.<sup>1</sup> It comprises a series of agreements between the UK Government and the devolved governments in Scotland, Wales and Northern Ireland which set out the principles underlying relations between them. **These agreements are not legally binding.** A copy of the revised MoU was laid in the National Assembly for Wales by the First Minister on 29 June 2011.<sup>2</sup>

The principal agreement is the Memorandum of Understanding (MoU). It provides for a **Joint Ministerial Committee (JMC)**, which is the subject of a separate agreement covered in Part II of the MoU. Three separate overarching concordats apply broadly uniform arrangements across Government to the handling of:

- the coordination of EU policy and implementation;
- financial assistance to industry; and
- international relations touching on the responsibilities of the devolved administrations.

Individual UK Government Departments and their counterparts in the devolved governments have also agreed and published **bilateral concordats**.<sup>3</sup> Ministerial responsibility within the UK Government for the MoU and JMC agreements lies with the Lord Chancellor and Secretary of State for Justice, and with the Secretary of State for Wales,

<sup>1</sup> [Cabinet Office, Memorandum of Understanding and associated agreements, June 2011 \[accessed 25 November 2011\]](#)

<sup>2</sup> [Welsh Government, Written Statement by the First Minister, The Memorandum of Understanding, 29 June 2011 \[accessed 25 November 2011\]](#)

<sup>3</sup> [Welsh Government website, Concordats webpage \[accessed 25 November 2011\]](#)

who has been given day-to-day responsibility for the JMC by the Prime Minister. The Foreign and Commonwealth Secretary is responsible for the concordats on the Coordination of European Union Policy Issues and on International Relations. The Chief Secretary to the Treasury is responsible for the Concordat on Financial Assistance to Industry. The Secretaries of State for Scotland, Wales and Northern Ireland also have responsibilities within the UK Government for promoting the devolution settlement, for ensuring effective working relations between the Government and the devolved administrations, and for helping to resolve any disputes which may arise.

The First Minister of Scotland, the First Minister of Wales, and the First Minister and deputy First Minister of Northern Ireland have overall responsibility within their respective governments for the MoU and its associated overarching concordats. They participate as necessary in the work of the JMC, in particular in helping to resolve any disputes which may arise between the devolved administrations and the UK Government.

The **First Minister's** list of responsibilities includes "relationships with the rest of the United Kingdom".<sup>4</sup>

## The Joint Ministerial Committee

The **terms of reference** of the Joint Ministerial Committee are:

- to consider non-devolved matters which impinge on devolved responsibilities, and devolved matters which impinge on non-devolved responsibilities;
- where the UK Government and the devolved administrations so agree, to consider devolved matters if it is beneficial to discuss their respective treatment in the different parts of the United Kingdom;
- to keep the arrangements for liaison between the UK Government and the devolved administrations under review; and
- to consider disputes between the administrations.

The JMC is also available to try to resolve differences between the UK Government and one of the devolved governments on a matter which does not affect the other governments. In such a case, the Committee will be composed of appropriate Ministers from the UK

## How the Joint Ministerial Committee operates

The JMC is a **consultative** not an executive body. Its terms of reference cover issues straddling the devolved/non-devolved boundaries:

The JMC meets in **three ministerial formats**:

- JMC (Plenary) – an annual meeting between the leaders of each administration, which is chaired by the **Prime Minister** and usually takes place in June before the Westminster Parliament and devolved legislatures break for their summer recess

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<sup>4</sup> [Welsh Government website, First Minister's responsibilities webpage \[accessed 25 November 2011\]](#)

periods.

- JMC (Europe) – there is a JMC (Europe) meeting, chaired by the **Foreign Secretary**, prior to each European Council meeting, which are usually held four times a year.
- JMC (Domestic) – this format was introduced in 2008 to enable Ministers from the **four** administrations to discuss a range of issues and particularly those that straddle both devolved and non-devolved areas. Ministers meet in JMC (Domestic) format around three times a year.<sup>5</sup>

An **Annual Report**<sup>6</sup> outlines discussions undertaken in the different formats. Between June 2010 and June 2011 the following discussions took place:

### **JMC Plenary**

The Joint Ministerial Committee (JMC) met in plenary format on 8 June 2010, and discussed the new UK Government's Programme for Government as set out in *The Coalition: our Programme for Government*. The economy and public finances were considered along with inter-administration relations and opportunities for positive collaboration. The JMC agreed to publish an Annual Report covering the work of the previous year.

### **Domestic policy discussions**

On 22 November 2010 it discussed:

- The UK Government's proposals for reforming public bodies across the UK; and
- The further development of the dispute avoidance and resolution protocol in the Memorandum of Understanding.

On 2 February 2011 it discussed:

- The UK Government's Welfare Reform Programme and its implications for the devolved administrations (DAs);
- Actions to support economic growth; and
- Further provisions in the dispute avoidance and resolution protocol in the Memorandum of Understanding which would be considered at the next JMC Plenary meeting.

### **Preparation for European Councils**

On 8 June 2010 it discussed priorities for the June European Council, including:

- Europe 2020 and economic governance
- Climate change
- UK/ Devolved Governments Co-ordination and Horizon Scan;

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<sup>5</sup> [Welsh Government website, The Joint Ministerial Council webpage](#) [accessed 25 November 2011]

<sup>6</sup> [Joint Ministerial Council, Annual Report 2010/2011, June 2011](#) [accessed 25 November 2011]

- Attendance of Devolved Governments at EU Councils

On 18 October 2010 it discussed priorities for the October European Council, including:

- Climate change
- UK/ Devolved Governments Co-ordination and Horizon Scan;
- Attendance of Devolved Governments at EU Councils
- Direct action by DAs before the European Court of Justice;
- Update on the EU Bill; and
- EU Budget Review.

On 6 December 2010 it discussed priorities for the December European Council including

- Economic governance
- UK/Devolved Governments co-ordination and horizon scan;
- EU Budget;
- EU Energy Strategy; and
- Hungarian Presidency.

On 14 March 2011 it discussed priorities for the March European Council;

- UK/Devolved Governments co-ordination and horizon scan
- Consultation with DAs in the elaboration of UK policy positions
- EU Budget;
- Economic Governance; and
- UK National Reform Programme.

The **Finance Ministers' Quadrilateral** also met twice in this period to discuss the economy and public finances.

## Conflict Resolution

As seen above, one of the roles of the JMC is to consider any disputes between governments. For this purpose a **dispute avoidance and resolution protocol** has been agreed. Disputes are referred to the JMC if it has not been possible to resolve them bilaterally or “through the good offices of the relevant territorial Secretary of State”.<sup>7</sup>

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<sup>7</sup> [Cabinet Office, \*Dispute Avoidance and Resolution Protocol, 2011\* \[accessed 25 November 2011\]](#)

In 2010/11 four inter-governmental disagreements/disputes were considered under the dispute avoidance and resolution protocol. These were:

- issues relating to the allocation of North Sea whiting quotas (Scottish Government/UK Government);
- Barnett consequential payments arising from certain aspects of the UK Government's *Building Britain's Future* policy (Welsh Government/UK Government);
- discussions about a disagreement on the £18 billion capital commitment to Northern Ireland (Northern Ireland Executive/UK Government); and
- a dispute concerning Barnett consequential payments arising from the 2012 Olympics (UK Government/Northern Ireland Executive/Scottish Government/Welsh Government).<sup>8</sup>

## Further information

For further information on (insert quick guide subject here), please contact **Alys Thomas** ([Alys.Thomas@wales.gov.uk](mailto:Alys.Thomas@wales.gov.uk)) or **Owain Roberts** ([Owain.Roberts@wales.gov.uk](mailto:Owain.Roberts@wales.gov.uk)), Research Service.

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<sup>8</sup> [Joint Ministerial Council, Annual Report 2010/2011, June 2011](#) [accessed 25 November 2011]