



5 December 2005

Christine Gwyther AM
Chair, Economic Development & Transport Committee
National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA

Dear Ms Gwyther,

When Dr Hefin Jones and I appeared before the Economic Development and Transport Committee on 6 October 2005 as representatives of the Campaign for Science and Engineering, we agreed to write to you following up a question from Kirsty Williams AM regarding possible Orders in Council that might improve the Assembly's capacity to implement science policies. I apologise for taking so long to do so.

The reason for delaying our response is that the request has sparked off a significant debate. We know that your Committee's inquiry has created a serious opportunity to make a difference to science and engineering in Wales, and we wanted to be certain that our response was fully considered.

After a good deal of discussion, and careful study of the Report of the Richard Commission, we have come to the conclusion that, although the devolution settlement looks untidy in some respects, the challenges for science in Wales are not primarily legislative or constitutional in nature (with one exception that we detail below).

For example, our proposal for the creation of a post of Chief Scientific Adviser would not require an Order, and we believe that this could have a greater effect than any legislative change. Much of the debate about science in the Committee's inquiry has (rightly) centred on science education in schools, and these issues are largely devolved already; the Assembly could address the strength of the educational chain in the way CaSE proposed without any additional powers. The Assembly has already shown that it is prepared to use its existing powers in regard to commercialising science by changing the governance of the Welsh Development Agency.

In short, we believe that there is a great deal the Assembly can do without needing changes to the devolution settlement. Having interacted with you and the other members of the Economic Development and Transport Committee, we are certain that you intend to push this agenda forward vigorously, and the scientific and engineering community in Wales will be extremely grateful to you for that. It seems to us that you will be able to propose substantial advances within the current devolution framework, and we very much hope that the Assembly and Welsh Government will want to take forward suggestions for strengthening science in Wales.

Chairman: Professor Richard Joyner **Director:** Dr Peter Cotgreave

Advisory Council:

Sir George Alberti
Sir Geoffrey Allen FRS FREng
Prof S Arnott CBE FRS
Sir Eric Ash CBE FRS FREng
Sir James Black OM FRS
Professor V Bruce OBE FRS
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Dr Simon Campbell FRS FRSC
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Dr Tom Inch FRSC
Sir Hans Kornberg FRS
Sir Harold Kroto FRS
Prof Joe Lamb FRSE
Lord Lewis of Newnham FRS
Sir C Llewellyn Smith FRS
Sir Ian Lloyd

Prof J McGlade
Sir John Maddox
Prof Bob Mitchell MRCVS
Sir Paul Nurse FRS
Dame Bridget Ogilvie
Prof Hugh Pennington FRSE
Lord Rees of Ludlow FRS

Sir Derek Roberts FRS FREng
Baroness Sharp of Guildford
Sir David Smith FRS
Sir Richard Sykes FRS
Ian Taylor MBE MP
Dr Ivan Yates CBE FREng

The one clear exception to our general principle is the treatment of Welsh Assembly officials in meetings with Westminster officials on those occasions when discussion is deemed to become advice to the UK Cabinet. As an example, Dr Loveland described in his evidence on 6 October an official committee on which he, as Chief Technology Officer of Wales, meets with the UK's Chief Scientific Adviser and the Chief Scientists from other UK Government Departments. Our understanding is that in meetings of this kind, the representatives of the Welsh Assembly and Scottish Parliament must withdraw if the discussion becomes the basis for advice to the UK Government. The Chief Scientific Adviser's Committee used to have a website that said this explicitly, but we are no longer able to locate it. It might be useful for an Assembly Member to ask a Written Question to get the details firmly on the record. If you were to pursue this, we believe there should be more explicit clarity on who determines which discussions are deemed to fall into this category, how they do so, and what safeguards exist against the wrongful exclusion of Welsh officials.

There are, no doubt, sound constitutional reasons for this working arrangement, and technically, the Wales Office can presumably represent Welsh interests in the absence of any representative of the Assembly, although it is not clear whether it currently has a Chief Scientist and whether it is represented on the Chief Scientific Adviser's Committee. It seems unfair and unwise, however, that the Chief Scientists' Committee may discuss advice based on a piece of research commissioned by DEFRA partly with Welsh Assembly money, but that Welsh officials are not permitted even to listen to the discussion. This situation may not arise often but, given that the UK Cabinet will only consider issues of genuine national importance, it is likely to affect serious policy questions. The official inquiries into BSE and foot-and-mouth disease both criticised the flow of information between Whitehall and the devolved administrations, so this issue already appears to be problematic. Sooner or later, the Assembly Government will belong to a different political party from the UK Government. When that happens, Wales needs to be certain that arrangements exist to ensure that it has access to the best scientific advice without any potential hindrance from a narrow constitutional rule.

We do not pretend to understand the constitutional niceties and there will, no doubt, always remain some legal barriers to the free flow of information between different Governments within the UK. We believe, however, that this issue could probably be solved relatively simply if the political will existed in Westminster, and that it would be best to solve it now before another serious problem like BSE or foot-and-mouth arises.

I apologise again for the delay in responding to the Committee's original request on 6 October. We hope the inquiry is proceeding well, and look forward to the outcome.

Yn gywir,

A handwritten signature in dark ink, reading "Peter Cotgreave". The signature is written in a cursive style with a small flourish at the end.

Dr Peter Cotgreave
Director