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# Administering crisis is just a transition: interventions on bureaucratic activity in the United Kingdom, 1987–2022

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## ABSTRACT

The process of leaving the European Union set off a disruptive transformation of the UK's system of government. Central to implementing this process was secondary legislation, called statutory instruments, which received unparalleled levels of attention by the public due to the government's use of them to untangle UK and EU law. Yet, the legislative crisis caused by Brexit, appeared in many ways just another form of government transition. We propose that understanding how this process affected bureaucratic activity requires a broad theory of regular partisan transitions. Large changes in the ideological goals and demands of the government redirect the priority of policies developed through instruments. To examine this perspective, we analyse the most prominent partisan and political transitions in the UK from 1987 to 2022 using time series intervention analyses. The results indicate that crises and transitions alike led to lasting changes in the bureaucracy's agenda. Transitions in 2010 and 2015 not only exhibited shifts in the topical focus of secondary legislation, but also dramatic reductions in productivity. This paper's findings further suggest that partisan effects on issue attention may have more to do with the organisation of government than the broader distribution of issues addressed using public policy.

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**KEYWORDS** Crises-in-context; bureaucracy; public policy; parties; Brexit; United Kingdom

## Introduction

The UK's Westminster system of government has been lauded as a model of efficiency and effective government for decades. Nevertheless, the quality of any government is judged not only on its leaders, but also its ability to implement and enforce laws through a strong bureaucracy even in the

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most challenging times. Prominently, the June 2016 referendum on EU membership, commonly called Brexit, placed the greatest weight, or at least the most urgent weight, around the neck of the UK civil service to date. Posed with uncertainty over the future relationship with the EU, the UK government tasked the civil service with transposing and replacing an enormous body of EU law into UK legislation. While scholars of parliamentary democracies and bureaucratic rule-making may expect limited responsiveness to changes in government control, less is known about how attention shifts in response to newer demands. How did the institution handle this crisis and how does its response differ from other demands?

In this paper, we present a broad partisan perspective of how government transitions influence bureaucratic lawmaking before considering particular changes to the size and operations of the UK bureaucracy from 1987 to 2022. The long-term effect of these partisan reforms set the stage for one of the biggest transitions for the UK: leaving the EU. Much like other European governments (Greene, 2012; Hartmann, 2014), the UK has often used secondary legislation to quickly transpose laws<sup>1</sup> following partisan transitions in government as well as from external treaties and the European Union. The content of this legislation varies according to the partisanship of the cabinet and is often misunderstood by the public. Governing cabinets themselves bear some responsibility for public confusion as they often claimed credit for more popular EU laws.<sup>2</sup>

Yet, better understanding the challenges and changes to policy-making that the UK bureaucracy in particular faced provides a critical case (e.g., Gerring, 2007) for understanding a broader theory of bureaucratic adaption to political change. The apparent magnitude of the crisis to the UK Civil Service helps to reframe the predicted partisan influence of governing cabinets on bureaucratic efficiency. The state of bureaucratic productivity<sup>3</sup> during this new transition evidenced a major break with recent history, and like other partisan shifts and less-dramatic changes with external treaty partners in parliamentary democracies, one that can be learnt from by placing it in a broader policy-making context. We believe this case provides illustrative evidence for how bureaucracies in advanced industrial democracies reorient their attention and resources in response to new demands whether that be from change in the partisan control of government, external treaties or crises more generally.

The challenges faced by the UK are not fully unique. Past theories of policy change offer relevant guidance. We propose that large changes in the demands placed on the bureaucracy from changing external conditions or the composition of the executive determine the content of secondary legislation. A new government seeking to quickly implement its policy priorities or a large shift in a country's external policy obligations leads the content of secondary legislation to be more focused on the new government's expressed

policy priorities. In both cases, we predict that the government undertakes dramatic reforms to the bureaucracy's structure. In other words, the crisis politics driven by leaving the EU mirrors the impact of other major political transitions.

We examine hypotheses from this perspective using a newly extended dataset covering UK secondary legislation from 1987 to 2022. The powers afforded the executive in the UK represents one of the most dominant forms of executive government (Döring, 2001). It directs a strong civil service consisting of bureaucrats nested within ministries. The ministries provide a clear chain of responsibility from elected government to the bureaucracy. While the UK government hardly functions as comically as satires like 'Yes, Minister' (BBC 1980-1984) would have the casual observer believe, UK bureaucrats have a great deal of decision-making autonomy (Hood, 2002; Hood & Lodge, 2006). Ministries responsible for producing the majority of UK legislation use statutory instruments, the primary form of secondary legislation in the UK (House of Commons, 2008). On average, statutory instruments outnumber Acts of Parliament by a factor of over 30–31. Regardless of the system's merits or pitfalls, the predominance of secondary legislation in the British system makes understanding the allocation of bureaucratic attention a vastly important exercise for those concerned with institutions and the general functioning of democracy alike. How the bureaucracy allocates its agenda not only affects the policy-making process, but also the inherent quality of representation in a democracy; as those charged with implementing the government's policy reforms, an unresponsive bureaucracy is inherently undemocratic.

This paper represents a significant step forward in quantitative research of secondary legislation in advanced industrial democracies and specifically the UK bureaucracy through the analysis of the government transitions (namely 1997, 2010 and 2015) and crises (2008 financial crisis, 2016 Brexit referendum, 2020 Brexit transition) from 1987 to 2022. The results presented here indicate that both partisan transitions and handling of political crises led to vast and sometimes lasting changes in the bureaucracy's agenda.

Yet not all changes were equally effective. With revisions to the functioning and the size of the bureaucracy, transitions in 2010 and 2015 not only preceded shifts in the topical focus of secondary legislation, but also notable changes in the level of productivity. One ironic consequence of Conservative Party limits on the number of statutory instruments was that a growing share of UK secondary legislation was driven by the EU between the Brexit referendum and the Brexit transition due to the automatic processes that governed the transposition of EU law.

Beyond the UK and the Brexit playing field, these results offer a deeper insight into the political process. As many other attention-based studies of agendas show (e.g., Baumgartner *et al.*, 2009; Mortensen *et al.*, 2011), party

transitions generally have unclear effects on political attention and productivity. Yet, much of the literature on political parties concludes that there are clear (although limited) party effects on government policy (e.g., Bräuninger & Debus, 2009; Hibbs, 1977; Schmidt, 2006). While some recent work demonstrates mixed partisan effects for policy outcomes (Alt & Lowry, 2000; Soroka & Wlezien, 2010), other research finds that the limited focus on the characteristics distinguishing and constraining political parties has confused these findings (Bevan & Greene, 2015, 2018). This paper's findings further suggest that partisan effects on issue attention may have more to do with the organisation of government than the issues addressed by public policy.

The rest of this paper takes the following form. We first discuss how government transitions, organisational reforms, and crises affected the principal-agent relationship between the UK Government and the bureaucracy, conceptualising both partisan change in government and external crises as causing a shift in the goals and priorities expected of the bureaucracy. We then discuss hypotheses predicting that political transitions and EU policies influence issue attention before presenting the data and its operationalisation. As an examination of our hypotheses, we present graphical and intervention analyses that offer a broader perspective on bureaucratic attention in the UK. Finally, we conclude with the implications of our findings for the longer-term consequences of major treaty reforms such as Brexit as well as directions for future research with this data and the party-policy intersection of political science.

## **Principals, agents and partisans in bureaucratic decision-making**

Often conceptualised through a principal-agent perspective, partisan control of bureaucratic decision-making depends on institutional and political context. Westminster systems such as the UK create few institutional or partisan constraints on the executive's influence (Tsebelis, 2002). The strong predicted influence of a unitary executive differs from other contexts with more complicated committee systems or divided executive relations through institutional arrangements or coalition governance (Strøm *et al.*, 2008). Despite the strong expectation of the governing cabinet's influence from the literature and evidence for ways in which parliament influences bureaucratic decisions (Russell & Cowley, 2016), few scholars have outlined the impact of this power on content and scope of bureaucratic outputs.

Due to the delegated nature of secondary legislation (Huber & Shipan, 2002), we argue that the content of this legislation is a prime venue for partisan influence, particularly in Westminster systems with unified control. From this perspective, we conceptualise the bureaucracy as an agent of the sitting

government compelled to orient its policy attention to the demands of the partisans forming government control (e.g., Chaqués-Bonafont *et al.*, 2015). However, the bureaucracy also faces competing demands from the European Union (EU) in many countries due to the supranational institution's legislative powers and the ability to apply sanctions on a country as well as demands from public opinion more generally (Strøm *et al.*, 2008).

From this perspective, changes in the goals of the principals will lead to a shift in the agent's policy attention, but the extent of the change will be tempered by the policy goals of the competing principal if those reforms are at odds (Strøm *et al.*, 2008). Bureaucratic agents seeking to implement their own agenda or simply to slow down major reforms they will later have to undo will further leverage the constrained temporal outlook of sitting governments to delay implementation of legislation (Döring, 2001; Huber & Shipan, 2002). Even in a strong Westminster system such as the UK, the content of the secondary legislation may differ from that of the sitting government and may not immediately adjust to those of a new government following a partisan transition in power.

We argue that crises introduce a focussing effect for government influence. Whereas under normal circumstances, the bureaucracy may be able to slow or delay major changes, political crises such as a financial collapse or major adjustment in EU relations necessitate rapid policy implementation. Whereas secondary legislation may be a less desired form of reform to implement a governments' longer-term policy goals due to their ability to more quickly be over-turned (Huber & Shipan, 2002), governments seek to show their responsiveness on issues on which they fear future electoral punishment due to change in the broader political context. This implies that particularly in systems with strong executive control of the bureaucracy greater pressure for rapid change from the government and likely even reorganisation of the bureaucracy to meet their proposed solutions to crises. Stated differently, the focussing power of crises such as financial challenges or major institutional reforms further direct attention to the government's partisan goals that have implications for the broader content and productivity of secondary legislation. In the following section, we discuss the UK as critical case for understanding bureaucratic responsiveness in the face of crisis highlighting major changes to the organisational structure and demands.

## Managing transitions and crises in the UK, 1987–2022

Crises challenge elected governments. Whether they constitute an overspend, an official caught in a scandal, or diplomatic incident, new crises are never far from a politician's desk. From 1987 to 2022 two major crisis intimately intertwined with government transitions. First, the 2008 financial crisis was followed by a new, and uncommon form of government headed

by the Conservatives, with the Liberal Democrats as coalition partner. Second, the EU referendum in 2016 was offered as part of the 2015 Conservative Manifesto. The outcome of the referendum a vote to leave the EU later led to a constitutional crisis. In a sense, while the 2010 transition was caused in part by a crisis, the 2016 referendum crisis derived from the 2015 transition. In practice, regardless of the order of events, both of these interlinked crises and transitions reenforced each other and drove changes in bureaucratic activity as well as the general functioning of government.

The following discussion first covers the effects of transitions during the analysis period. It then explores the two prominent crises linked to governmental transitions.

### ***How changing government transformed regulation***

Electoral competition in representative democracies virtually requires and ensures regular transitions in the partisan and ideological characteristics of governing cabinets. As newly elected governments come into power, they prioritise implementing policies consistent with their election statements. Although governments face numerous demands to develop policies on a range of issues (Green-Pedersen & Mortensen, 2010), a desire to appear accountable for their past electoral pledges (Thomson *et al.*, 2017) and sincere policy motivations puts them at odds with a bureaucracy organised to prioritise previous governments' policy goals, in some cases with extensive legislative detail being used to increase the difficulty of changing policy (Huber & Shipan, 2002).

From 1987 to 2022 elections led to three major partisan transitions in the UK Government. These transitions represented not only major shifts in the government's ideology, but also the very structure of the government itself with the rare British example of a coalition government. Turmoil marked the last period. A constitutional crisis brought about by the referendum outcome led to, an almost unheard of, minority government, but eventually resulted in a sizable Conservative majority three years later. Although much of the bureaucracy's work is considered apolitical, these shifts held implications for the functioning of the bureaucracy and pursuant secondary legislation. We argue that partisan transitions place new demands on the bureaucracy that can often only be met by changing its broader organisation.

### ***New labour***

The transition to the New Labour government in 1997 marked a major adjustment period (Newman, 2001). Under the New Labour government, the bureaucracy oversaw substantial organisational reforms such as devolution (John *et al.*, 2011) and broad changes in the structure and priorities in the

Speech from the Throne, also known as the Queen's Speech, at the time (Bevan *et al.*, 2011; Jennings *et al.*, 2011). The introduction of several new and reorganised ministries at the start of Blair's tenure as Prime Minister (Newman, 2001) only accentuated that process for the UK bureaucracy. These effects, like the government transition itself, were quite immediate and extensive. For example, in 1997 the 'Secretary of State for the Environment, Transport and the Regions' was created by merging the previously distinct 'Environment' and 'Transport' ministries. The merger reflected the strong connection between these policy jurisdictions but further aimed to reduce challenges related to devolved power in these areas to the UK regions.

As this example illustrates, parties use organisational change to quickly reform policies and demonstrate accountability for the topics emphasised in their electoral campaigns. Although voters are likely unaware of the bureaucracy's everyday activities, major changes in the structure of ministries and bureaucratic decision-making structures provides a strong and very real symbol of the government's policy priorities. Indeed, some evidence suggests that voters use control of ministries as shortcuts for evaluating government accountability even punishing parties electorally for not controlling relevant policy portfolios (Bäck *et al.*, 2011; Greene *et al.*, 2021; Greene & Jensen, 2018; Klüver & Spoon, 2017).

### ***The coalition***

The 2010 election also ushered in a major governmental transformation. The UK was in unfamiliar territory under a coalition government. Ultimately, the Conservatives formed a coalition government with the Liberal Democrats. Although they were seemingly strange bedfellows at first glance, the parties' positions on important issues like the economy were close in comparative perspective (Greene & Jensen, 2018; Laver & Shepsle, 1996; Müller & Strom, 2003). Despite voters' perceptions (Adams *et al.*, 2016; Fortunato & Adams, 2015; Klüver & Spoon, 2017), the coalition's broad programme seemingly favoured the positions of the Liberal Democrats manifesto (Quinn *et al.*, 2011).<sup>4</sup> Yet, the Liberal Democrats would later pay a heavy electoral price losing many seats in the next election for being perceived as compromising too much (e.g., Fortunato, 2021). The coalition reorganised or renamed many ministries to reflect both changing priorities and the make-up of the coalition itself.

### ***An unexpected conservative majority***

Five years later the UK government again faced another major transition to the mostly unexpected result of a Conservative Party majority in parliament. Most predictions expected the need for a second coalition. Like the previous



examples, the surprise Conservative majority again reformed the organisation and names of ministries.

A further electorally driven shock followed shortly thereafter. Perhaps expecting to moderate their position with a more pro-European coalition partner, the Conservative Party promised in its election manifesto to hold a referendum on the UK's future membership in the European Union. Despite a lack of support for leaving the EU by the party's leadership, the Conservative government would later hold the referendum in June 2016. The referendum resulted in a majority out vote and the start of the so-called process of 'Brexit'. This unexpected outcome set off considerable turmoil in the Conservative government with the resignation of David Cameron, a leadership race, and the appointment of Theresa May as the new Prime Minister. Persistent debates concerning the competence of the Conservative leadership, an ill-advised snap election (reducing the Conservative government to a minority) six months later, and difficult Brexit negotiations marked a period of heavy uncertainty for the country, economic markets and, by all estimates, the bureaucracy in Whitehall (Freeguard *et al.*, 2017). Like a transition between the party controlling government, the policy priorities of the party in power shifted dramatically to implement the outcome of the EU referendum.

Turmoil did not end with May's premiership. Following several failed attempts to move the process of leaving the EU forward, Theresa May eventually chose to step down leading to another leadership race. The Conservative leadership and by extension the role of Prime Minister was won by Boris Johnson. Soon afterwards an entirely political crisis of a proroguing of parliament reversed by the supreme court, led to another election. This time the election led to a clear and strong conservative majority and many new MPs strongly in favour of a harder stance on leaving the EU (Quinn *et al.*, 2024). Officially, the UK left the EU in January 2020 with plenty of still unresolved policy details (Diamond & Richardson, 2023).

### *The crises of the time*

The 2008 financial crisis was undoubtedly significant worldwide. Like most European countries, the financial effects in the UK were so widespread that most parts of government and business were affected in one or more ways. This crisis was closely followed by an election and subsequent transition from Labour government to a Conservative and Liberal Democrat coalition government. While the electoral signal for a specific policy approach was sufficiently mixed to fail to meet the historical norm of a majority government, both coalition parties held strong, fiscally conservative views on how to recover from the crisis (Lehmann *et al.*, 2024).<sup>5</sup> The resulting policies focused on austerity and the scaling back of government through a reduction in the number of civil servants and a push towards deregulation. The combination

of a significant crisis with a government transition resulted in major changes to how the bureaucracy functioned and what it did.

The 2016 EU referendum posed a significant crisis the roots of which derived from the Conservatives' reaction to the 2010 transition. To distinguish itself from the Liberal Democrats while keeping far right members of the Conservatives from defecting to a more extreme party, the leadership promised an EU referendum which was held in 2016 following the surprise majority outcome in the 2015 election.

For technical reasons, the referendum result was a legally nonbinding recommendation to parliament to leave the EU. The unclear plan as well as non-binding nature of the referendum turned a partisan political manoeuvre into a full-blown constitutional crisis. Even those who supported leaving the EU ultimately struggled over how to resolve the crisis.

The referendum ultimately posed a unique crisis for the production of statutory instruments based on the way that EU legislation had often been transposed into UK law. Thousands of statutory instruments made use of EU law either in their direct creation or indirectly because of the amendments and additions to these laws based on domestic policy-making. Most existing legislation was entangled with EU law. The process of untangling those laws is an ongoing process with several decisions on how to address those problems still pending. For example, post-EU customs checks were again delayed in quarter 3 2024 to help keep prices down and because the personnel and mechanisms are still not in place. The massive burden led to inaction in many policy areas while creating the need for vast amounts of activity in others, such as trade policy, due to the need to create all new trading arrangements.

### *Effects on issue attention*

Despite the changes in the organisation of government with each transition, policy-making theories would not necessarily have expected major changes in the issue content of policy. Historically, differences in the level of partisan issue attention in the UK have been far less pronounced. For example, Acts of Parliament and the Speech from the Throne evidence limited issue ownership (John *et al.*, 2014). Likewise, Prime Minister's Questions show less than spectacular differences in issue attention between the parties during the tenure of New Labour (Bevan & John, 2015). Comparative work shows similarly weak evidence for partisan effects on the distribution of issue attention across issues in government agendas (e.g., Baumgartner *et al.*, 2009; Soroka & Wlezien, 2010).

These findings do not contradict the wealth of research demonstrating the importance of political parties on government reforms. Instead, they shift the focus from a question of preferences which represent different approaches to policy on the same issue to the drivers of issue attention or priorities. How

does the level of issue attention evidenced through secondary legislation change? Unclear evidence of change in issue attention is unsurprising given the traditional division of parties and their core constituencies in most modern democracies on issues related to the left-right economic dimension, although growing salience for questions related to the EU and post-materialism may provide some reasons to expect further change between types of parties (Bakker *et al.*, 2022; Green, 2011; Hobolt & De Vries, 2015; Lipset & Rokkan, 1967). Most partisan transitions occur between parties that campaign on issues related to managing the economy such as the Conservatives and Labour. Further, economic conditions often play a substantial role in determining both the content of parties' election manifestos and incumbent parties' electoral success (Greene, 2016; Hellwig, 2012; Lewis-Beck & Stegmaier, 2000; Williams *et al.*, 2015).

Yet, multiple logics also portend that party transitions should have little effect on bureaucratic policy-making. Regardless of who controls the reins of power, governments must respond to long-term concerns, outside events and opposition demands due to the process and demands of governing (Green-Pedersen & Mortensen, 2010), particularly in a fully globalised economy (Hellwig, 2014). In addition to the complexities of governing, the bureaucracy's increased autonomy (Bevan, 2015) as well as the limited party effect on policy attention in other government agendas decreases the likelihood that parties heavily influence the issue attention of bureaucratic policies wholesale. In other words, there are many reasons that the UK bureaucracy's issue attention should be, at least in theory, largely disconnected from partisan politics. This perspective does not mean there is no effect though, as potential governmental parties campaign on competing issues (Greene, 2016) and, in the UK, statutory instruments are the most immediate way to push forward reforms. This perspective fits with agenda-setting literature which broadly finds partisan effects on the attention expressed through parliamentary legislation having only a clear effect on a few policy areas (John *et al.*, 2014).

Although literature from an agenda-setting perspective finds limited effects of partisan transitions on the distribution of issue attention in policy-making in many agendas, governments may choose to address priorities through secondary legislation. The logic follows that voters are less attuned to changes in bureaucratic attention as these activities bring less publicity. For example, parties may downplay their governing activities on policies related to issues that the party's position diverges from the general public (Hobolt & De Vries, 2015 for a similar logic) but respond emphatically to major crises driven by exogenous events or major institutional reforms (Calca & Gross, 2019; Greene, 2020; Traber *et al.*, 2018).

This discussion leads us to expect that statutory instruments are not completely immune to partisan intentions, at least in level of attention to issues.

The broader governmental and societal expectation that instruments will be for less important issues combined with the public's limited knowledge of their reforms mean that governments can use them to their advantage. Indeed, the public more often relies on the most prominent symbols such as laws or speeches, or ministerial control to assess the government's priorities cross-nationally (Fortunato *et al.*, 2016; Greene *et al.*, 2021; Klüver & Spoon, 2017). Governments seeking to avoid drawn out policy discussions may turn to secondary legislation to ensure passage of their agenda. Indeed, Huber and Shipan (2002) argue that this is particularly the case when a government believes that it has a long time in office such as at the start of a five-year term, as there is no immediate threat of policy reversal from the next government. This logic implies that governments seeking to control perceptions of policy-making activities will use instruments according to the issue's importance to the party and voters.

We contend that governing parties seek to appear accountable for the commitments made during election campaigns through their actions in government. In particular, governments seek to highlight the issues that were most salient in the campaigns that led them to take control of office through the policy-making process and respond to media attention. At least to the most attentive, primary legislation serves this purpose well. Parliamentary debates highlight these issues and the media regularly reports on them (Wolfe, 2012). In turn, governing parties maintain their voter-centred policy focus by de-emphasising policy details and longer-term priorities which are often related to the priorities of more intra-party groups (Ceron, 2019; Ceron & Greene, 2019). This leaves secondary legislation as ideal for managing the government's policy focus while achieving their policy objectives more generally.

Those issues that are most central to parties' recent election campaigns will be prioritised in government. Once the initial policy wins have been met through primary legislation, the major task of updating, adjusting and innovating policies to ensure their effectiveness is then passed on to the executive who is better equipped than parliament to focus on these details. Ultimately, the electoral focus carries over into secondary legislation, even allowing governments to pursue more symbolic policies on the issues *de jour* and limiting the public scrutiny that the parliament and media can offer. We summarise empirical predictions from this discussion in our first hypotheses.

**H1:** The government transitions of 1997, 2010 and 2015 led to increased attention in secondary legislation on parties' salient issues.

In the grand scheme of parliamentary politics, the 2010 and 2015 transitions presented as nothing special. However, two core organisational choices marked these transitions. Foremost, limited preparedness, given

the unfamiliar situation of coalition government following the 2010 election and to a lesser degree the surprise single party government that formed in 2015. In both instances, the process of governing took time to learn, or relearn, for the resulting government. This process likely led to decreased productivity.

However, another important organisational decision also followed both elections; namely the rules implemented by the Conservative led government demanded reduction in overall secondary legislation. Any new legislation had to meet a reduction in older regulations described as the '1in-2-out' (HM Government, 2013) and later '1-in-3-out' rules. Championing lighter regulation and smaller government both Conservative led governments removed 2 and later 3 regulations for every new regulation added through a statutory instrument. These issues paired with a longstanding decrease in the number of civil servants (started under the Thatcher Government but recently has become more severe) and, more recently, decreasing civil service budgets and morale (Freeguard *et al.*, 2017). Due to the Conservative party's broader perspective on secondary legislation, we expect their entrance into government not only to structure the type of issues addressed, but also to reduce the overall number of instruments in our second hypothesis. While the specifics are unique to the UK case, new governments commonly take time to adapt to governing. Furthermore, conservative parties often advocate for deregulation that in this case created an extra hurdle to the production of new secondary legislation.

**H2:** The government transitions of 2010 and 2015 decreased overall productivity and by association attention to legislation on more discretionary issues.

### *The elephant in the room – European union policy*

From 1972 until Brexit's enactment in 2020, the European Communities Act served as the primary legislation supporting a notable number of statutory instruments transposing EU legislation. This automatic process, and the substantial powers afforded to the executive surprisingly made the UK one of the most compliant members of the EU despite and perhaps explain some of the events leading to Brexit. Indeed, the decreased capacity of the UK bureaucracy since 2010 did not affect the automatic process of implementing of EU directives. Combined with the Conservative Party's policy on rule-making, this should counter-intuitively result in EU directives representing a larger proportion of UK government policy from 2010 to 2020. We expect a contradictory effect that the Tory government's competing goals for reducing the amount of legislation combined with the demands required of the bureaucracy to implement EU policy increased its relative proportion. As a result, the level of EU policy-making interjected into UK law should increase as a percentage with no change in the level of EU productivity.

**H3:** Since the 2010 election the share of EU policy in statutory instruments has increased.

Clearly not all EU laws are viewed as bad or even viewed as EU laws by the Conservative government. Indeed, the UK national government claimed credit for popular legislation eliminating mobile roaming charges and credit card fees. Nevertheless, this increase in the share of EU legislation may have shaped voters' perceptions of the EU as a 'power-grabbing' institution.

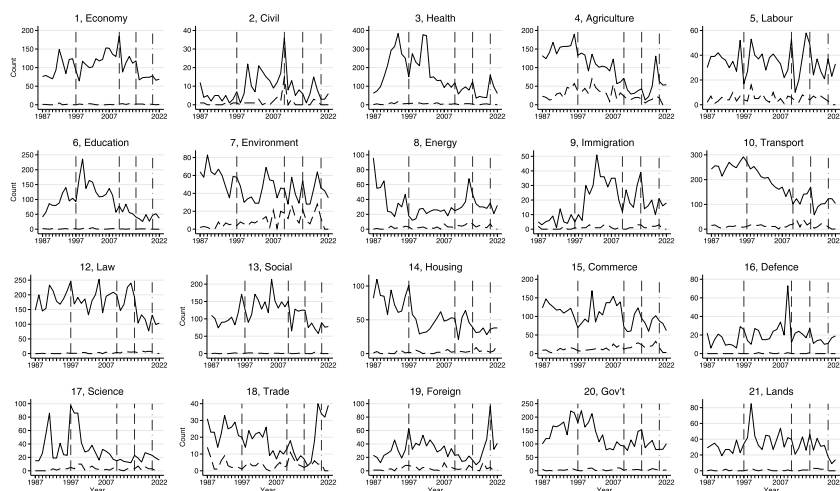
### Data: measuring issue attention of UK statutory instruments

This paper makes use of an expanded dataset of UK statutory instruments from 1987 to 2022 gathered from the public record (Bevan, 2015).<sup>6</sup> We exclude temporary statutory instruments as they were unavailable in the official record during the original 1987–2008 data gathering effort. These instruments cover temporary transport restrictions largely used for road-works. These instruments were later added to the official record kept by [legislation.gov.uk](http://legislation.gov.uk) starting in 2010. To keep both the pre – and post-2010 data comparable, the dataset excludes these temporary measures. While this secondary legislation is important and necessary government work, it is not the primary focus of this paper. It is also unique to the unitary UK system that such measures are administered by the national government, something that would not be the case when comparing to most other countries' secondary legislation.

In these analyses, we separate the data into calendar years; each year of data includes only the newly created and signed statutory instruments from that year. While it is commonplace to use parliamentary sessions based on the traditional opening of the UK Parliament, the Speech from the Throne (Jennings *et al.*, 2011) several notably long sessions over the last parliaments made comparing attention levels impractical. Although this does mean our analyses include years with both pre – and post-transition data (in the year of transition), the inferences concerning increases and decreases in issue-attention are consistent with alternative analyses that used parliamentary sessions as the unit of time, absent the notable multi-year parliamentary sessions.

To capture the issue attention of statutory instruments, we use data coded by the subject listed for each statutory instrument, indicating its primary and generally lone purpose following the Comparative Agendas Project ([www.comparativeagendas.net](http://www.comparativeagendas.net)) major topic coding scheme.

In Figure 1, we present the issue attention contained in statutory instruments for 20 major topics from the Comparative Agendas Project Master Codebook.<sup>7</sup> Solid lines show the coverage of the issues the UK government addresses. The vertical dashed lines denote government transitions starting with the change to the New Labour government in 1997, the Conservative



**Figure 1.** Issue attention of statutory instruments (solid) and EU transposing instruments (dashed), 1987–2022. Note: Vertical dashed lines denote transitions: 1997, New Labour; 2010 Conservative/Liberal Democrat Coalition; 2015 Conservative; 2020 Leaving the EU.

and Liberal Democrat Coalition in 2010, Conservative single party government in 2015, and finally formal withdrawal from the EU in 2020. [Figure 1](#) includes both the total number of instruments by issue (solid horizontal lines) and instruments transposing EU directives by issue (dashed horizontal lines). We present each issue area scaled separately to demonstrate the individual dynamics.

[Figure 1](#) demonstrates dynamic attention in statutory instruments. Indeed, statutory instruments sometimes exhibit radical changes in attention. In particular, clear shifts in attention occurred after the election of New Labour in 1997 (denoted by the first vertical dashed line from left to right) for several issues including education, foreign affairs and lands, although this attention declines from an initial spike in attention. The coalition government starting in 2010 (the second vertical dashed line) also saw notable changes with increased in attention to the economy, civil rights, and government operations, but also precipitous declines in domestic commerce and defence. The period following the final partisan transition in our data in 2015 (marked by the third vertical dashed line) shows continuing declines in many areas. The final vertical dashed line denoting the constitutional transition caused by withdrawal from the EU only sees slight changes in many areas with the exceptions of 400 per cent+ increases in the number of trade and foreign relations instruments immediately before or at the point of withdrawal. Lands saw a more than 50 per cent decrease, this is noteworthy as a majority of instruments in this area relate to devolved nations and territories like Gibraltar.

Furthermore, while the share of statutory instruments transposing EU directives changes in tandem with the number of statutory instruments, the overall number of transposing instruments remained relatively stable in most issue areas from 1987 to 2020. The most notable exceptions were agriculture, the environment, and trade that generally saw increases over time. Notably, the EU was heavily involved in and heavily regulates policy on these issues for members. Intriguingly, this overview indicates only a limited share of secondary legislation derived from EU legislation. The logic follows that the vast majority of UK secondary legislation was driven by internal goals.

### ***Partisan issue salience***

In our primary hypotheses, we contend that the issues salient to the major government parties play an outsized role in secondary legislation following a transition between governments. Consistent with this argument, several of the most salient topics were also among those issues with large differences in attention between party manifestos. [Table 1](#) notes the major topic number, abbreviations and names of all topics included in our analyses as well as the percentage attention in the Labour, Conservative, Liberal Democrat, and in 2010 and 2015 combined Coalition manifestos (the average of the Conservative and Liberal Democrat manifestos) for the three partisan transitions.<sup>8</sup>

Focusing on 1997 [Table 1](#) demonstrates that Labour dedicated more of its manifesto than the Conservative government's manifesto on topics related to education (12.84 per cent vs. 10.41 per cent), foreign affairs (8.22 per cent vs. 5.02 per cent) and lands (2.74 per cent vs. 1.67 per cent).<sup>9</sup> We discuss the comparison between manifestos in other years in more detail in the analyses.

### ***EU policy***

To identify the transposition of EU directives this paper makes use of a common identifier for statutory instruments. Legislation citing the European Communities Act 1972 gave the UK bureaucracy the right and requirement to implement EEC and later EU legislation. While some instruments that do not cite this Act of Parliament could implement EU directives, the very high quality of the citations and links in every statutory instrument gives us a great deal of faith in this identifier for our purposes.

### ***Analyses***

To further examine the patterns of attention both through transitions between and within governments, we present a set of segmented regression intervention analyses (see Wagner *et al.*, 2002) by issue in [Tables 2](#) and [3](#). Segmented regression intervention analyses model the effect of a discrete



**Table 1.** Conservative (con), labour (lab), liberal democrat (LD), and coalition (coal) party manifesto attention, 1997, 2010, and 2015.

| Topic | Abbreviation | Name  | 1997   |        |        | 2010   |        |        |        | 2015   |       |        |       |
|-------|--------------|---|--------|--------|--------|--------|--------|--------|--------|--------|-------|--------|-------|
|       |              |   | Con    | Lab    | LD     | Con    | Lab    | LD     | Coal   | Con    | Lab   | LD     | Coal  |
| 1     | Econ         | Macroeconomics  | 11.32% | 10.02% | 7.75%  | 11.13% | 11.32% | 14.74% | 12.55% | 10.85% | 9.96% | 6.37%  | 8.43% |
| 2     | Civil        | Civil Rights, Minority Issues, Immigration, and Civil Liberties | 2.81%  | 1.71%  | 6.98%  | 2.86%  | 1.79%  | 3.08%  | 2.94%  | 2.65%  | 3.68% | 10.49% | 6.89% |
| 3     | Health       | Health  | 6.23%  | 6.93%  | 10.68% | 6.71%  | 8.90%  | 6.05%  | 6.45%  | 7.00%  | 7.83% | 7.87%  | 7.47% |
| 4     | Agri         | Agriculture   | 2.05%  | 1.11%  | 3.27%  | 2.00%  | 1.17%  | 1.98%  | 1.99%  | 1.51%  | 0.48% | 1.66%  | 1.59% |
| 5     | Lab          | Labour and Employment   | 5.32%  | 9.50%  | 5.17%  | 2.57%  | 5.24%  | 1.87%  | 2.29%  | 3.41%  | 7.45% | 3.64%  | 3.53% |
| 6     | Edu          | Education   | 10.41% | 12.84% | 11.37% | 6.64%  | 9.45%  | 9.02%  | 7.58%  | 7.32%  | 8.22% | 7.55%  | 7.44% |
| 7     | Envi         | Environment   | 2.36%  | 2.91%  | 6.89%  | 6.64%  | 3.31%  | 3.96%  | 5.58%  | 4.23%  | 2.80% | 6.85%  | 5.65% |
| 8     | Ener         | Energy  | 0.23%  | 0.34%  | 1.98%  | 3.14%  | 2.07%  | 2.75%  | 2.99%  | 3.66%  | 2.32% | 5.30%  | 4.55% |
| 9     | Immigra      | Immigration   | 0.15%  | 0.94%  | 0.43%  | 1.21%  | 2.00%  | 2.75%  | 1.82%  | 4.48%  | 3.19% | 1.28%  | 2.75% |
| 10    | Trans        | Transportation  | 2.51%  | 4.28%  | 1.89%  | 2.00%  | 2.28%  | 2.86%  | 2.34%  | 3.09%  | 1.93% | 3.69%  | 3.42% |
| 12    | Law          | Law, Crime, and Family Issues                                   | 13.45% | 7.96%  | 6.72%  | 7.49%  | 7.59%  | 5.94%  | 6.88%  | 6.56%  | 6.67% | 8.03%  | 7.36% |
| 13    | Social       | Social Welfare  | 7.07%  | 7.88%  | 4.91%  | 6.28%  | 7.66%  | 6.71%  | 6.45%  | 6.94%  | 8.61% | 7.44%  | 7.21% |
| 14    | House        | Community Development, Planning and Housing Issues              | 4.03%  | 5.39%  | 5.60%  | 3.71%  | 5.45%  | 2.86%  | 3.38%  | 4.67%  | 3.87% | 5.62%  | 5.18% |
| 15    | Comm         | Banking, Finance, and Domestic Commerce                         | 4.56%  | 3.34%  | 2.93%  | 3.93%  | 6.35%  | 5.83%  | 4.68%  | 4.86%  | 5.71% | 3.59%  | 4.17% |
| 16    | Def          | Defence   | 1.98%  | 2.48%  | 3.19%  | 4.43%  | 4.90%  | 4.84%  | 4.59%  | 3.47%  | 2.71% | 2.36%  | 2.87% |
| 17    | Sci          | Space, Science, Technology and Communications                   | 2.05%  | 1.54%  | 1.21%  | 2.36%  | 2.90%  | 1.98%  | 2.21%  | 2.52%  | 2.61% | 1.71%  | 2.09% |
| 18    | Trade        | Foreign Trade   | 1.06%  | 1.28%  | 1.03%  | 0.71%  | 0.07%  | 0.00%  | 0.43%  | 1.77%  | 0.77% | 0.86%  | 1.27% |
| 19    | For          | International Affairs and Foreign Aid                           | 5.02%  | 8.22%  | 8.27%  | 7.78%  | 6.76%  | 9.02%  | 8.27%  | 9.40%  | 9.38% | 6.16%  | 7.65% |
| 20    | Gov't        | Government Operations   | 14.74% | 7.45%  | 7.92%  | 15.85% | 8.07%  | 9.90%  | 13.51% | 8.39%  | 8.90% | 5.25%  | 6.69% |
| 21    | Lands        | Public Lands, Water Management, Colonial and Territorial Issues | 1.67%  | 2.74%  | 0.95%  | 2.43%  | 1.31%  | 2.86%  | 2.60%  | 2.33%  | 2.03% | 4.07%  | 3.27% |

**Table 2.** Issue attention intervention analyses, 1987–2022 (1).

|              | 1<br>Economy         | 2<br>Civil         | 3<br>Health         | 4<br>Agri             | 5<br>Labour        | 6<br>Edu            | 7<br>Envi          | 8<br>Energy        | 9<br>Immigra     | 10<br>Transport       |
|--------------|----------------------|--------------------|---------------------|-----------------------|--------------------|---------------------|--------------------|--------------------|------------------|-----------------------|
| $Sl_{t-1}$   | −0.01<br>(0.19)      | −0.27<br>(0.17)    | 0.52<br>(0.15)**    | 0.09<br>(0.23)        | −0.18<br>(0.21)    | 0.32<br>(0.18)      | 0.24<br>(0.20)     | 0.31<br>(0.12)*    | 0.09<br>(0.23)   | −0.12<br>(0.21)       |
| Lab          | −15.18<br>(14.68)    | 5.11<br>(3.31)     | 11.77<br>(43.09)    | −16.83<br>(13.28)     | −1.38<br>(7.18)    | 55.46<br>(20.45)*   | −15.38<br>(8.81)   | −15.18<br>(6.60)*  | 8.24<br>(5.62)   | 10.23<br>(14.87)      |
| Lab Trend    | 5.13<br>(1.93)*      | 0.88<br>(0.42)*    | −7.79<br>(5.33)     | −4.73<br>(2.13)*      | −0.34<br>(0.86)    | −5.43<br>(2.10)*    | 0.58<br>(0.99)     | 0.84<br>(0.74)     | 1.71<br>(0.92)   | −11.75<br>(2.91)***   |
| Coal         | 45.60<br>(21.87)*    | 27.91<br>(5.71)*** | −74.99<br>(59.01)   | −90.25<br>(25.67)**   | −9.87<br>(9.70)    | −11.36<br>(23.76)   | −11.34<br>(11.72)  | −14.92<br>(8.71)   | 8.04<br>(8.15)   | −168.11<br>(30.12)*** |
| Coal Trend   | −10.50<br>(7.58)     | −7.19<br>(1.86)*** | −2.38<br>(21.22)    | −6.60<br>(7.11)       | 3.71<br>(3.64)     | −5.53<br>(8.79)     | −2.08<br>(4.23)    | 8.94<br>(3.15)**   | 2.44<br>(2.83)   | 9.51<br>(6.89)        |
| Con          | −3.82<br>(20.14)     | 0.00<br>(4.47)     | −79.90<br>(59.00)   | −134.82<br>(31.69)*** | 7.93<br>(10.44)    | −42.72<br>(24.62)   | −17.06<br>(12.23)  | −1.87<br>(8.61)    | 21.43<br>(9.71)* | −146.17<br>(28.33)*** |
| Con Trend    | −8.26<br>(7.81)      | 2.18<br>(1.69)     | −8.40<br>(21.35)    | 21.27<br>(6.72)**     | −6.60<br>(3.95)    | −0.74<br>(8.80)     | 3.55<br>(4.23)     | −1.29<br>(3.35)    | −4.81<br>(3.00)  | −10.94<br>(7.61)      |
| Brexit       | −26.21<br>(23.21)    | −0.34<br>(5.17)    | −1.19<br>(68.45)    | −90.71<br>(21.51)***  | −6.15<br>(11.31)   | −25.96<br>(28.88)   | −12.89<br>(12.99)  | −4.19<br>(9.80)    | 12.87<br>(8.84)  | −147.23<br>(36.31)*** |
| Brexit Trend | −4.55<br>(16.69)     | 0.81<br>(3.77)     | −64.15<br>(47.64)   | −1.05<br>(17.44)      | −1.82<br>(8.12)    | −8.95<br>(19.78)    | −2.96<br>(9.67)    | −0.40<br>(7.04)    | −1.77<br>(6.37)  | −8.30<br>(15.44)      |
| Constant     | 102.74<br>(20.06)*** | 4.81<br>(1.93)*    | 119.63<br>(38.52)** | 141.13<br>(34.27)***  | 43.72<br>(8.28)*** | 66.97<br>(17.93)*** | 44.84<br>(12.53)** | 25.17<br>(6.44)*** | 5.80<br>(3.27)   | 286.14<br>(51.92)***  |
| $R^2$        | 0.55                 | 0.62               | 0.68                | 0.86                  | 0.18               | 0.75                | 0.36               | 0.59               | 0.62             | 0.92                  |
| $N$          | 35                   | 35                 | 35                  | 35                    | 35                 | 35                  | 35                 | 35                 | 35               | 35                    |

Note: \* $p < 0.05$ ; \*\* $p < 0.01$ ; \*\*\* $p < 0.001$ .

**Table 3.** Issue attention intervention analyses, 1987–2022 (2).

|              | 12<br>Law            | 13<br>Social         | 14<br>Housing      | 15<br>Commer         | 16<br>Defence      | 17<br>Science      | 18<br>Trade        | 19<br>Foreign       | 20<br>Gov't          | 21<br>Lands        |
|--------------|----------------------|----------------------|--------------------|----------------------|--------------------|--------------------|--------------------|---------------------|----------------------|--------------------|
| $Sl_{t-1}$   | −0.01<br>(0.19)      | −0.11<br>(0.22)      | 0.34<br>(0.18)     | 0.01<br>(0.18)       | −0.21<br>(0.21)    | 0.12<br>(0.17)     | 0.28<br>(0.21)     | −0.35<br>(0.15)*    | 0.18<br>(0.20)       | −0.06<br>(0.19)    |
| Lab          | 0.21<br>(21.05)      | 26.19<br>(19.64)     | −18.86<br>(10.23)  | −38.62<br>(14.52)*   | −0.46<br>(6.63)    | 39.47<br>(12.14)** | −0.60<br>(3.56)    | 29.88<br>(6.68)***  | 25.76<br>(23.07)     | 19.21<br>(7.78)*   |
| Lab Trend    | 0.35<br>(2.49)       | 2.75<br>(2.18)       | −0.23<br>(1.26)    | 5.52<br>(1.74)**     | 2.27<br>(0.77)**   | −5.38<br>(1.45)**  | −0.75<br>(0.46)    | −2.22<br>(0.74)**   | −8.85<br>(3.30)*     | −0.78<br>(0.89)    |
| Coal         | −23.81<br>(28.31)    | 17.60<br>(25.48)     | −26.33<br>(14.94)  | −66.15<br>(17.23)*** | 11.26<br>(11.47)   | −16.11<br>(14.67)  | −5.32<br>(5.36)    | −2.64<br>(8.12)     | −75.81<br>(28.61)*   | 5.27<br>(10.19)    |
| Coal Trend   | 15.90<br>(10.60)     | −0.03<br>(9.22)      | 2.31<br>(5.09)     | 15.04<br>(6.45)*     | −1.03<br>(3.79)    | −0.89<br>(5.41)    | −1.72<br>(1.81)    | −2.69<br>(3.10)     | 12.16<br>(9.64)      | −0.66<br>(3.78)    |
| Con          | −19.90<br>(29.13)    | 10.95<br>(25.24)     | −29.98<br>(15.11)  | −39.19<br>(17.01)*   | 9.27<br>(8.89)     | −13.05<br>(14.74)  | −19.93<br>(6.35)** | −23.35<br>(8.22)**  | −34.02<br>(25.76)    | 11.83<br>(10.11)   |
| Con Trend    | −22.04<br>(12.08)    | −15.37<br>(9.68)     | −0.71<br>(5.09)    | 2.55<br>(6.53)       | −3.36<br>(3.31)    | 0.97<br>(5.42)     | 7.64<br>(1.83)***  | 8.96<br>(3.04)**    | −9.92<br>(9.93)      | −2.27<br>(3.78)    |
| Brexit       | −64.27<br>(36.71)    | −20.08<br>(28.94)    | −25.86<br>(18.03)  | −30.54<br>(19.80)    | −2.78<br>(10.13)   | −10.45<br>(16.66)  | 4.45<br>(6.27)     | 71.75<br>(11.03)*** | −76.37<br>(33.18)*   | −12.41<br>(11.62)  |
| Brexit Trend | −13.38<br>(23.78)    | −4.53<br>(20.57)     | −0.71<br>(11.37)   | −12.94<br>(14.23)    | 4.73<br>(7.38)     | −3.15<br>(12.10)   | 3.64<br>(4.11)     | −30.15<br>(6.87)*** | 10.41<br>(21.54)     | −2.72<br>(8.72)    |
| Constant     | 190.11<br>(36.04)*** | 113.63<br>(23.03)*** | 52.25<br>(15.31)** | 119.98<br>(22.74)*** | 16.37<br>(4.37)*** | 30.32<br>(7.97)*** | 16.85<br>(5.58)**  | 35.31<br>(4.91)***  | 138.51<br>(32.59)*** | 30.02<br>(6.70)*** |
| $R^2$        | 0.58                 | 0.51                 | 0.62               | 0.64                 | 0.42               | 0.59               | 0.75               | 0.75                | 0.68                 | 0.42               |
| $N$          | 35                   | 35                   | 35                 | 35                   | 35                 | 35                 | 35                 | 35                  | 35                   | 35                 |

Note: \* $p < 0.05$ ; \*\* $p < 0.01$ ; \*\*\* $p < 0.001$ .

intervention, such as change in partisan control of government, with variables for each of its component parts such as a step intervention and trend parameters fitting the data based on the theoretical intervention effects. This approach allows us to follow the pattern of attention over time to issues and empirically examine if and when a partisan transition might have resulted in a change. Specifically, our models include four step interventions. The first is coded 0 prior to the election of New Labour in 1997 and 1 after the election up until the next partisan transition in 2010 to account for Labour's control of government. The second step intervention covers the Coalition period from 2010 to the transition to Conservative government in 2015. The next intervention covers the period between the 2015 election until 2020 accounting for the Conservative control of government prior to Brexit. Our final step intervention starts in 2020.

We also include trend parameters for each major change to account for transition effects (Figure 1). We code trend variables as count variables starting with 0 in the first year and increasing by 1 for each year until the next transition occurs. These trend variables account for changes in attention over time following the initial interventions brought about by the transition.

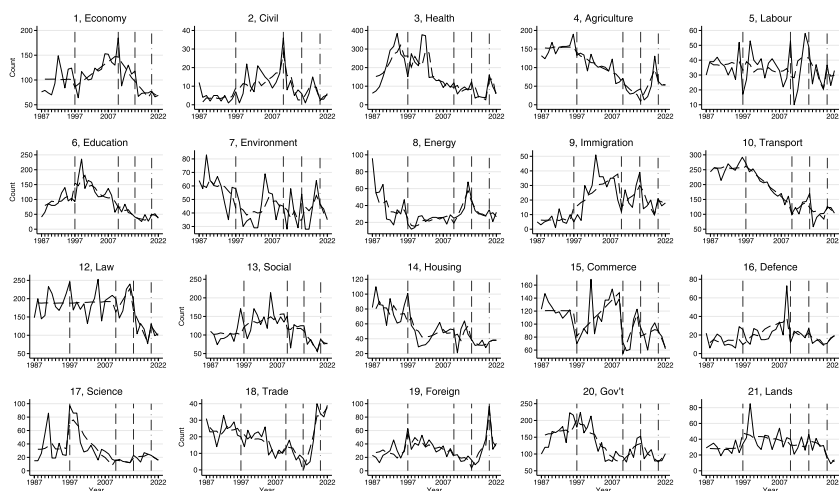
Finally, these models include a lagged dependent variable to account for the autoregressive nature of statutory instruments by topic.<sup>10</sup>

In Tables 2 and 3 the New Labour (NewLab), Coalition (Coal), Conservative (Con), and Brexit intervention variables capture the average difference in attention between each governing period and the previous period. The trend variables represent the general trend in attention during each period. Finally, the lagged dependent variable ( $Sl_{t-1}$ ) represents the remaining persistence in the series having accounted for these hypothesised interventions.

Due to difficulty in directly interpreting each moving part in an intervention analysis, we present predicted values (horizontal dashed lines) of the analyses in comparison to the total number of statutory instruments (horizontal solid lines) by major topic code in Figure 2. We use these predicted values to assess the adequacy of the intervention model. The predicted values in Figure 2, show that the intervention analyses offer further support for findings first discussed in relation to Figure 1 and Table 1.

In particular, significant interventions for education, foreign affairs, and land occurred in 1997 consistent with H1. However, energy saw a significant decrease in productivity counter to more focus in the Labour manifesto. While science, which saw very little focus across manifestos and less in the Labour manifesto, saw a significant increase in attention in 1997.

The findings for the coalition period were also mixed. Overall, the coalition parties focused more on the economy and civil rights than Labour (see Table 1), and this bore out in increased productivity in statutory instruments for those issues (see Table 2 and Figure 2) further supporting H1. However, several issues that received notably less attention during the coalition period did



**Figure 2.** Issue attention of statutory instruments (solid) and predicted effects (dash) from intervention analyses, 1987–2022. Note: Vertical dashed lines denote transitions: 1997, New Labour; 2010 Conservative/Liberal Democrat Coalition; 2015 Conservative; 2020 Leaving the EU.

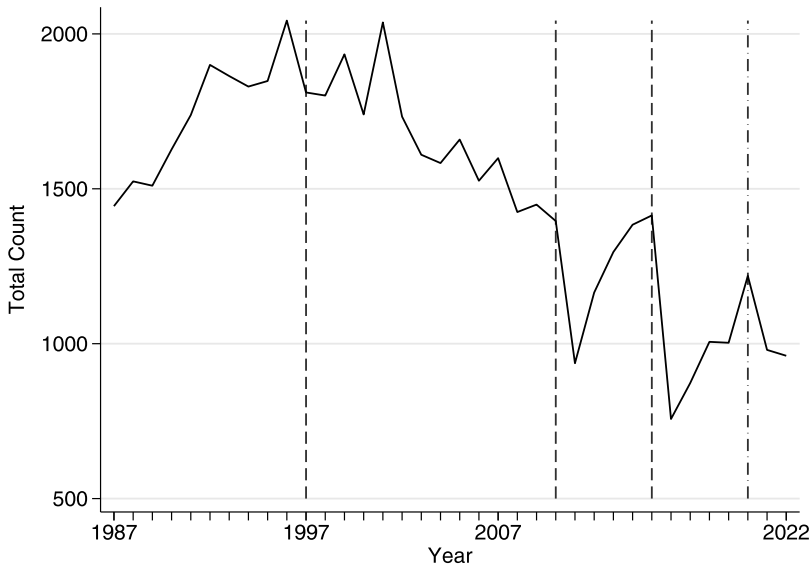
not fit with the expectations from manifestos based on the results in [Tables 2](#) and [3](#). Most notably government operations which received the most attention in the Conservative manifesto ([Table 1](#)) received significantly less attention through instruments counter to H1 ([Tables 2](#) and [3](#) and [Figure 2](#)).

Finally, instruments only saw limited change or significant decreases following the 2015 election ([Tables 2](#) and [3](#) and [Figure 1](#)). This does not match with the priorities in the Conservative manifesto from 2015 ([Table 1](#)) and counters the expectation outlined in H1. The changes in productivity during this period were however massive and likely affect how manifestos translated to policy.

## Productivity

To test hypothesis 2, we build on the results from [Figure 1](#) and our intervention analyses in [Tables 2](#) and [3](#). Somewhat consistent with our hypothesis, a number of policy areas saw a decline in attention following the 2010 transition, but the overall impact is inconsistent as a number also saw increased attention. More consistent with the logic of H2, 2015 saw a sharper decline in nearly all issue areas. To illustrate the overall pattern of productivity, [Figure 3](#) presents the total number of statutory instruments per parliamentary session from 1987 to 2022.

The most obvious trend exhibited by [Figure 3](#) is a clear pattern in the total number of instruments, namely a sharp decline in transition years followed by



**Figure 3.** Total statutory instruments, 1987–2022. Note: Vertical dashed lines denote transitions: 1997, New Labour; 2010 Conservative/Liberal Democrat Coalition; 2015 Conservative; 2020 Leaving the EU.

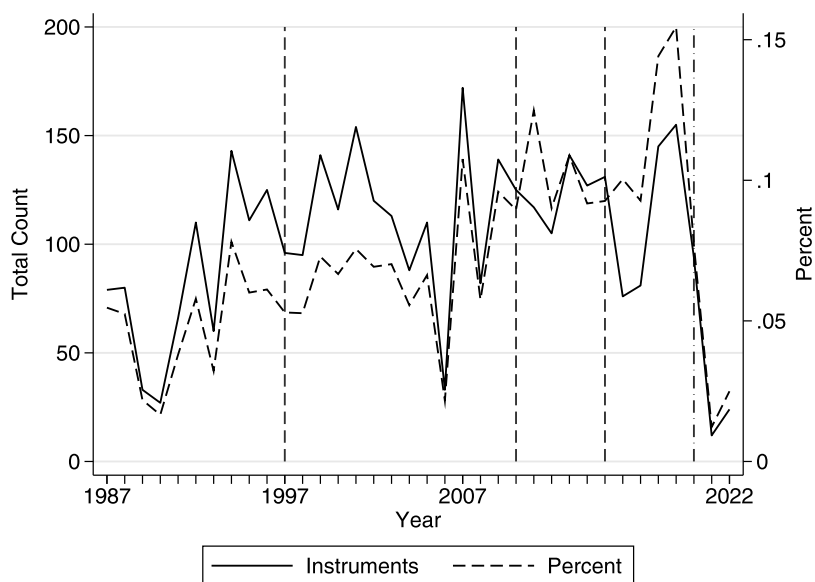
a notable increase over the five years after the transition. At the same time, the long-term trend has been one of decline. The trend began somewhat prior to expectations, reaching a high point approximately a third of the way into New Labour's tenure. Productivity further declined with particularly sharp decreases in 2010, 2015, and after 2020, following a spike to push through the Brexit process. The 2010–2015 period for the coalition follows this same pattern and clearly the lowest level of productivity it is not fundamentally different. 2015–2016 breaks this pattern. Following from the ~30 years previous, 2016 (which followed the 2015 election) should have seen a sharp increase in the number of statutory instruments, instead 2016 saw just over 750 statutory instruments by our measurement, the lowest in this time-period. In total, this is clear evidence of lowered productivity following the 2010 transition before returning to the long-term trend and historically low levels of productivity following the 2015 transition. As we outlined in our second hypothesis, the Conservative push to reduce the statutory instruments seems to have been successful when both the coalition and Conservative Governments are considered.

### **EU policy**

With the level of productivity established we now turn to the share of EU policy in UK statutory instruments to test hypothesis 3, an increasing

percentage of EU policy from the 2010 transition. As our previous discussion of [Figure 1](#) shows, most issue areas only have a small number of statutory instruments driven by the EU, with agriculture and the environment producing far higher numbers than other policy areas and have often grown over time. At face value, the trend for these issues follows from some of the more active EU policy activities during this period. However, attention based on the EU is clearly mixed for other policies. The issue focussed discussion does not fully answer the question of how much of UK policy overall was driven by the transposition of EU directives remains an important question in and of itself. To more directly assess this hypothesis, we present the total count of transposing instruments along with the percentage of instruments overall driven by EU policy in [Figure 4](#).

In [Figure 4](#), the solid line represents the number of instruments (left axis), and the dashed line represents the percentage of instruments (right axis) that in both cases transpose EU directives. Consistent with the logic of our final hypothesis, these two values appear strongly related with percentages generally rising and falling as the number of transposing instruments rise and fall. The highest number of transposing instruments occurred in 2007 with the two lowest numbers pre-Brexit being 1990 and 2006. Additionally, since the Maastricht Treaty came into force in November 1993, from 1994 on the number of transposing instruments has had a fairly stable equilibrium.



**Figure 4.** Total count and percent of statutory instruments transposing EU directives, 1987–2022. Note: Vertical dashed lines denote transitions: 1997, New Labour; 2010 Conservative/Liberal Democrat Coalition; 2015 Conservative; 2020 Leaving the EU.

The key difference in [Figure 4](#) is the percentage from 2007 has continued to increase, with three historic highs in 2011, 2018, and 2019 and with consistently higher percentages from 2010 up until Brexit. While the percentage of instruments is clearly and consistently higher in the post-2010 period, this appears to be partially driven by a higher number of instruments transposing EU directives and not just the moderate decline in productivity noted in [Figure 3](#). That said the 2015 transition marks a turning point in the case of transposition. A clear decline in the number of statutory instruments transposing EU directives occurred following the 2015 transition and in 2016. In both cases though, the percentage share of instruments transposing EU directives increased, breaking with the clear established pattern from the previous 30 years, consistent with the logic of hypothesis 3.

## Conclusion

We argue that the issue-priorities held by sitting governments hold implications for the organisation and activities of bureaucratic law-making. Conceptualising governmental transitions and crises as shocks, we find that partisan transitions matter when it comes to secondary legislation. Unlike many attention-based agendas, the bureaucratic agenda demonstrates several clear party effects based on UK government transitions in 1997 and 2010. These effects were in part driven by the issues historically most important to the parties' electoral campaigns, thereby differing from issue to issue in the case of each transition. While each transition saw a number of institutional changes, the biggest reforms appear through the level of productivity in 2010, but especially following the 2015 transition when government transitions combined with the proximate economic and Brexit crises. One of the most striking findings is that the 2015 and the pursuant Brexit negotiations and implementations process that followed led to a sharp decline in attention to almost all issues, a huge decline in productivity, and somewhat ironically an unprecedented level of EU policy attention.

Smaller government and decreased regulation are legitimate policy and partisan decisions. However, these decisions can also create a civil service with less capacity that can more easily be captured by its obligations. Pairing increased restrictions on the process of producing statutory instruments with increased demands from a key agenda, Brexit, the UK bureaucracy started to look more like other bureaucratic agents (e.g., Page, 2001) rather than an actor with its own agenda (Bevan, 2015). The changes in the UK civil service leading up to Brexit were not the death knell for the Westminster system of government, but lowered capacity complicated the process. The creation of new statutory instruments to overwrite EU law continues to



require considerable time and is likely to be reformed following a new transition following the 2024 election result. At first glance, copying an EU law into UK law may seem simple, but everything from schedules to oversight need to be redesigned and discussed even without any of the likely revisions to these laws.

The results are quite telling for comparative perspectives on secondary legislation. The findings in this paper mark the first time that the same dataset, time-period, and partisan interventions demonstrate clear party effects on governing through secondary legislation, consistent with the party's literature, and the mixed results in levels of attention demonstrated by public policy and agenda-setting research. As a critical case where we expect some of the strongest effects for partisan influence, crises played a significant role in changing bureaucratic attention and activity. In other contexts, with fewer institutional and partisan constraints the role of crises may be even more pronounced (Huber & Shipan, 2002; Tsebelis, 2002). Furthermore, the long-term removal of the EU as a direct actor in the UK case exemplifies the broader challenges and opportunities that bureaucracies in EU countries and those with competing principals face (e.g., Strøm *et al.*, 2008). Restrictions in law-making more generally may have unintended consequences for the ability of a government to focus the bureaucracy on their own priorities. Our findings suggest that taking the broader political context into account and the methods (such as rules on the number or type of new instruments) in which differing parties might implement their reforms will help to untangle the role of party-led governments in parliamentary regimes during transitions or through crises.

## Notes

1. Transposition or the mark-up of either UK or EU legislation is a relatively small part of secondary legislation in the UK. In practice, secondary legislation often revises and amends existing laws including primary legislation or even replaces it through increasingly common Henry VIII powers. Primary legislation serves to limit and bound these powers to specific issues, but a great deal of policy-making power exists in UK secondary legislation (see Bevan, 2015).
2. For example, prominent members of the British government implied that laws deriving from the European Parliament removing fees for data roaming and credit cards were a direct result of the UK government's policies.
3. The use of the term productivity is based on the UK Government's self-reflections on its work, such as Office of National Statistics' public service productivity measure.
4. Although many former Liberal Democratic supporters will point to a laundry list of broken promises during the coalition such as their U-turn on university tuition or the exact compromise made on the referendum for changing the electoral rules.

5. On the state-market economic dimension, the Liberal Democrats were more proximate to the Conservative than to the Labour Party, despite Conservatives' shift rightwards (Lehmann et al., 2024).
6. See The National Archives <http://www.legislation.gov.uk/> website.
7. In this case, the major topic for culture is excluded due to its near complete removal from policy in the UK from the start of the Thatcher government (Bevan, 2019) and relatedly the lack of statutory instruments focused on culture as a result.
8. Data on party manifestos were collected and coded according to the Comparative Agendas Project under the responsibility of Caterina Froio at the European University Institute (project number: EP-620) with the support of the French Policy Agendas Project (ANR-055-Gouv), in particular Emiliano Grossman. Special thanks to Pietro Castelli Gattinara, Mariel Julio, Trajche Panov, Markos Vogiatzoglou, Marco Valbruzzi and Davide Vampa for their help with collection of the manifestos data. We thank Caterina and her collaborators for permitting us to use this data.
9. A striking difference is in government operations (7.45% vs 14.74%); however, this difference is focused on a mixture of general criticisms of the Labour government, broad promises to govern different, and nonspecific pledges to cut regulation and reform the government bureaucracy. Once in government, these promises either had no policy implication or led to reforms in topics.
10. Due to the inclusion of four trend variables as well as the intervention variables we expect very sporadic effects for the lagged dependent variable with the proposed segmented regression model doing a superior job of explaining the underlying patterns in these series.

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## Disclosure statement

No potential conflict of interest was reported by the author(s).

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## Data availability statement

The data that support the findings of this study are openly available through the Comparative Agendas Project at <https://www.comparativeagendas.net/project/uk/datasets>. Specifically, the UK Statutory Instruments and Party Manifestos datasets.

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