



CONSTITUTION

SPECIFICATION:

Nature of the constitution — a knowledge and understanding of the features of a constitution and of the benefits of constitutional government, including the differences between codified and uncoded constitutions, and an understanding of the nature, sources and key features of the UK constitution.

Sovereignty and the constitution — a knowledge and understanding of debates about the location of sovereignty within the UK constitutional system, particularly in relation to the significance of European Union membership and devolution.

Reforming the constitution — a knowledge and understanding of key reforms to the constitution since 1997, such as devolution and Lords reform, and an awareness of their advantages and disadvantages; and an understanding of ongoing debate about constitutional reform, including the possible introduction of a 'written' constitution.

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Key concepts & terms	
Constitution	
Codified constitution	
Entrenchment	
Superiority	
Legislature	
Executive	
Judiciary	
Separation of powers	

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Checks and balances

Citizen

The UK needs a codified constitution:

Limit executive power

Protection of rights:

Modernise the UK – settle constitutional issues

The UK doesn't need a codified constitution:

It provides strong government

Rights are adequately protected

It would limit flexibility

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It would give too much power to an elected judiciary

Sources of the British constitution

Statute law

Common law

Conventions

Authoritative works

Europe

Principles of the British constitution

Parliamentary sovereignty

Rule of law

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Unitary state

Constitutional monarch

The UK needs constitutional reform:

It needs to be modernised

It is too centralised

It is needs democratisation

It needs to protect rights better

The UK doesn't need further constitutional reform:

It is organic and naturally evolutionary, it is always adapting to modern demands

Devolution has dealt with the problems of centralisation

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House of Lords reform and greater use of referendums suggest it is becoming more democratic

It does protect rights adequately

Codification would give too much power to the judiciary

Codification would undermine parliamentary sovereignty

Constitutional reforms since 1997-2010

Human Rights Act – strengths and limitations

Devolution – strengths and limitations

House of Lords reform – strengths and limitations

Freedom of Information Act – strengths and limitations

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Supreme Court – strengths and limitations

Greater use of referendums

Constitutional reforms since 2010

House of Lords reform – strengths and limitations

AV referendum – strengths and limitations

Recall of MPs – strengths and limitations

Fixed term parliaments – strengths and limitations

Wright recommendations – strengths and limitations

Scottish referendum outcome

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Fixed term parliaments – strengths and limitations

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The Constitution

Level 1

- (a) Distinguish between a federal and unitary constitution
- (b) Describe two ways of entrenching a constitution
- (c) Identify two examples of constitutional statutes in the UK.
- (d) Identify two constitutional conventions.
- (e) Identify two key constitutional principles or documents.
- (f) Identify two features of a codified constitution
- (g) Outline two reasons why the UK constitution is flexible.
- (h) identify two advantages of a codified constitution.

Level 2

(a)

Look at each of the following characteristics and decide whether they apply to a codified or uncoded constitution :

Characteristic	Codified/uncodified ?
It is not very flexible	_____
It is a strong safeguard of rights	_____
It can adapt to changing circumstances	_____
It has a number of different sources	_____
It can be easily interpreted by judges	_____
It can be found in one single document	_____
It is likely to be entrenched	_____

(b)

Give two examples of each of the following :

Constitutional conventions _____

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Books of constitutional authority _____

Constitutional Statutes _____

EU Treaties _____

(c)

What is being described in each of these cases?

It is an elected body that can make laws and appears to be legally sovereign but is not legally sovereign _____

It is a regular occurrence that makes the people temporarily sovereign

It is an institution that has some legal sovereignty in the UK, but the UK can take it back. _____

A body that shares legal sovereignty with Parliament _____

A way of making people sovereign other than an election _____

(d)

Look at each of these constitutional developments. In each case describe a constitutional reform (implemented or proposed since 1997) designed to create them :

Better safeguards for human rights _____

Establishing autonomous regional government _____

Improving the legitimacy of part of parliament _____

Taking power away from the prime minister to manipulate the date of a general election for his party's own ends _____

Establishing a more independent body at the head of the judiciary

Making government more open _____

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Establishing fairer voting systems _____

Making constituency representation fairer _____

Level 3

Study the following two descriptions of sovereignty. One is more accurate than the other. Identify which is more accurate and give three reasons why it is more accurate.

First Description

Sovereignty means absolute power. In the case of the UK Parliament it means that it is the source of all political power and that it is the ultimate authority on law. Government can be seen to share sovereignty with Parliament because it has an electoral mandate to carry out its policies. At elections the people are sovereign. It is sometimes said that the Scottish Parliament has sovereignty because it makes Scottish law, but this is inaccurate because its powers can be reclaimed by Westminster. The EU has sovereignty because its laws are superior to UK law.

Second Description

Sovereignty means ultimate power to make laws. It can also mean power in the strongest sense of the word. Thus the Scottish Parliament has sovereignty over Scottish affairs, the Welsh Assembly over Welsh affairs and the Northern Ireland Assembly over Northern Irish affairs. The Human Rights Act became sovereign when it was passed in 1998 because it established certain rights that cannot be removed. This also helped the Supreme Court to be sovereign as it can declare some parliamentary statutes invalid under the Act. The UK has surrendered some sovereignty to the EU and this cannot be taken back.

Level 4

Write a short definition, of about 50 words, of each of the following, including examples where appropriate.

- Constitutional conventions
- Sovereignty
- A codified constitution
- Devolution

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June 2016

SECTION B

Answer EITHER Question 3 OR Question 4.

EITHER

- 3 'Arguments in favour of further constitutional reform are more convincing than those against.' Discuss.

(Total for Question 3 = 40 marks)

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June 2015

1 The UK Constitution

Study the following source and answer the questions that follow.

The UK constitution, based on principles such as parliamentary sovereignty and the rule of law, is derived from a number of sources, stretching back over hundreds of years. However, they have not been brought together in one official written document. What the UK has instead is an accumulation of various statutes, conventions, judicial decisions and treaties, including those with the EU, which collectively can be referred to as the UK Constitution.

Parliamentary sovereignty is, arguably, the key principle of the UK constitution. It developed as a result of the 'Glorious Revolution' of 1688, when Parliament succeeded in establishing its dominance over the monarchy. The principle of parliamentary sovereignty has several key features. In the first place, Parliament is sovereign because statute law outranks all other forms of law, such as common law and case law. Second, there is no legislature that can challenge the authority of Parliament.

There has been considerable debate as to whether, and to what extent, parliamentary sovereignty remains. Some argue that Parliament remains legally sovereign. Nevertheless, concern has been expressed about Parliament's declining sovereignty. This has, allegedly, occurred primarily as a result of EU membership. It has been argued that sovereignty within the UK is now best understood as 'parliamentary sovereignty within the context of EU membership'. But this decline has also been brought about through the introduction of devolution to Scotland, Wales and Northern Ireland. Indeed, some commentators have claimed that the devolution arrangements in the UK have developed into a form of 'quasi-federalism'.

- (a) With reference to the source, describe **three** of the sources which make up the UK constitution. (5)
- (b) With reference to the source and your own knowledge, explain the features of parliamentary sovereignty. (10)
- (c) To what extent does Parliament remain sovereign? (25)

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June 2014

1 Constitutional Reform

Study the following source and answer the questions that follow.

The way in which the United Kingdom's constitutional arrangements may be changed is more flexible than in virtually any other western democracy, almost all of which have codified constitutions. This occurs because, in the uncodified UK constitution, constitutional arrangements can be altered by means such as introducing an Act of Parliament and recognising a new convention or revising an existing one. The Deputy Prime Minister, Nick Clegg, emphasised that 'We have a flexibility and a pragmatism to our arrangements, which many constitutional experts around the world recognise is a strength'. We, the committee, recognise these strengths. However, current ideas place too great an emphasis on the need for flexibility. Some constraints should be placed on this flexibility.

Apart from the limited power of the House of Lords under the Parliament Acts to delay or reject legislation, there is no formal system of checks and balances by which the nature of the uncodified UK constitution can be safeguarded and protected. Thus there is little to prevent a government which has majority control of the House of Commons from getting its way. This lack of constraint in turn means that the process of constitutional change lies essentially within the gift of the government of the day.

Since 2010, the UK has been through a period of significant constitutional change, including the passing of the Scotland Act 1998, the Wales Act 1998, the Northern Ireland Act 1998, the Human Rights Act 1998, the House of Lords Act 1999 and the Freedom of Information Act 2000. Proposals for further significant change have been on the agenda since then, in particular following the May 2010 general election.

Source: adapted from the Report of the House of Lords Constitutional Select Committee, 6 July, 2011

- 1 (a) With reference to the source, outline why the UK constitution is easy to change. (5)
- (b) With reference to the source and your own knowledge, explain how an uncodified constitution differs from a codified constitution. (10)
- (c) Assess the significance of the constitutional reforms introduced since 1997. (25)

(Total for Question 1 = 40 marks)

CONSTITUTION

June 2013

SECTION A

Answer EITHER Question 1 OR Question 2.

1 The UK Constitution

Study the following passage and answer the questions that follow.

Constitutions organise, distribute and regulate government power. They set out the structure of government, the major government institutions, and the principles governing their relations with each other and with citizens. The UK is unusual in that it has an uncodified constitution. Unlike the great majority of countries there is no single legal document which sets out in one place the fundamental laws outlining how the state works. Its constitutional rules are also not entrenched, as there is no higher category of constitutional law in the UK.

The UK constitution is derived from a number of sources. For example, the most important source of the constitution is statute law, law passed by Parliament. By contrast, conventions are unwritten practices which have developed over time and regulate the business of governing.

An uncodified constitution has two implications. First, it can make it difficult to know what the content of the constitution actually is. Second, it is easier to make changes to an uncodified constitution than it is to a codified constitution. The flexibility of the UK constitution is evident from the large number of constitutional reforms since 1997, including the removal of the majority of hereditary peers from the House of Lords, the introduction of codified rights of individuals for the first time in the Human Rights Act 1998, and the devolution of power to Scotland, Wales and Northern Ireland.

Source: adapted from UK Constitution Unit (www.ucl.ac.uk/constitution-unit)

- 1 (a) With reference to the source, outline **two** features of the UK constitution. (5)
- (b) With reference to the source and your own knowledge, explain the sources of the UK constitution. (10)
- (c) Assess the strengths of the UK constitution. (25)

(Total for Question 1 = 40 marks)



CONSTITUTION

January 2013

SECTION B

Answer EITHER Question 3 OR Question 4.

EITHER

- 3 To what extent have constitutional reforms introduced since 1997 made the UK more democratic?

(Total for Question 3 = 40 marks)

June 2012

2 The Constitution

Study the following passage and answer the questions that follow.

We need wholesale constitutional reform, not piecemeal and compromised change. I want our democratic structures to be transparent and fair and I want them to be the basis of our pluralism – this is one of the ways we rebuild trust with the electorate. For example, I support AV for the Commons and a directly elected House of Lords using PR.

We also need to look at how the rights and responsibilities of citizens are properly recognised and codified and how government is held to account. The 1998 Human Rights Act brought about progress, but the case for a codified constitution remains a strong one, both for the benefits it would bring and, crucially, for the process of debate, discussion and democratic engagement through which it would be brought about. A codified constitution would be good for increasing citizen power and good for checking executive power.

On this Labour was too cautious in government. Our 1997 White Paper said 'we ought to think about whether we should have a written [codified] constitution'. Again in 2006 Gordon Brown called for a codified constitution. But words were never turned into action and we never created a pathway to a codified constitution.

I want Labour to be the party of radical democratic and constitutional reform. This is how we begin to reshape the way we do politics so that it is more open, more plural and more real for citizens.

Source: adapted from David Miliband's blog, September 2010

- 2 (a) With reference to the source, outline **two** constitutional reforms proposed by David Miliband. (5)
- (b) With reference to the source and your own knowledge, explain the arguments in favour of introducing a codified constitution. (10)
- (c) To what extent have the coalition government's proposals to reform the UK constitution been controversial? (25)

(Total for Question 2 = 40 marks)

CONSTITUTION

January 2012

SECTION B

Answer EITHER Question 3 OR Question 4.

EITHER

- 3 To what extent have constitutional reforms since 1997 reduced the powers of UK governments?

(Total for Question 3 = 40 marks)

June 2011

SECTION B

Answer EITHER Question 3 OR Question 4.

EITHER

- 3 To what extent has the location of sovereignty in the UK changed in recent years?

(Total for Question 3 = 40 marks)

January 2011

SECTION B

Answer EITHER Question 3 OR Question 4.

EITHER

- 3 'The UK constitution is no longer fit for purpose.' Discuss.

(Total for Question 3 = 40 marks)

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June 2010

SECTION A

Answer EITHER Question 1 OR Question 2.

1 The British Constitution

Study the following passage and answer the questions that follow.

A Possible Codified Constitution for the UK

Jack Straw, the Justice Secretary, has used a visit to Washington to hint that Britain could finally get a codified constitution spelling out citizens' rights and codifying this country's political system. He is already working on a new Bill of Rights and Responsibilities, clearly defining people's relationship to the state, as part of a wide-ranging package of constitutional reform. But he has, for the first time, also said that the Bill could be a step towards a fully codified constitution to 'bring us in line with the most progressive democracies around the world'.

Britain's constitution has developed in a haphazard fashion, building on common law, conventions, case law, historical documents, Acts of Parliament and European legislation. It is not set out clearly in any one document. Nor is there a single statement of citizens' rights and freedoms. As Jack Straw put it yesterday: 'Most people might struggle to put their finger on where their rights are'.

Supporters argue that producing such a document could tackle disillusionment with politics, at the same time as setting new, clear limits on the power of the executive. Opponents of a codified constitution argue, 'If it ain't broke, don't fix it,' insisting that the existing arrangements, however piecemeal their development has been, have worked well in practice. There are, moreover, formidable practical problems to be overcome before such a document could be drawn up.

Source: adapted from an article by Nigel Morris in *The Independent*, 14 February 2008

- 1 (a) With reference to the source, describe **three** sources of the UK constitution. (5)
- (b) With reference to the source, and your own knowledge, explain the arguments in favour of a codified constitution for the UK. (10)
- (c) Make out a case against the adoption of a codified constitution for the UK. (25)



January 2010

SECTION B

Answer EITHER Question 3 OR Question 4.

EITHER

- 3 'The advantages of a codified constitution now outweigh its disadvantages.' Discuss.

(Total for Question 3 = 40 marks)