2.2 The Nature and Sources of the UK Constitution: 10-minute Pack

EDEXCEL 9PL0 · about 10 minutes

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. Short-answer items require concise, accurate sentences. For levels-marked extended questions write a sustained developed response using precise terminology and accurate factual detail.

1 Analyse the extent to which statute law is the most important source of the UK constitution.

(Total for Question 1 is 12 marks)

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Mark scheme · 2.2 The Nature and Sources of the UK Constitution: 10-minute Pack

Question 1

Level 0 No relevant content.	**0**
Level 1 Basic, limited knowledge of statute law as a source, with little analysis of its relative importance.	**1-3**
Level 2 Clear knowledge of statute law and at least one other source, with some developed analysis of why statute law might be more or less important.	**4-6**
Level 3 Detailed knowledge of statute law and other sources used to construct a well-developed analysis of its importance, including examples and some qualification.	**7-9**
Level 4 Wide-ranging, accurate knowledge applied to a sustained analysis that weighs evidence for and against statute law being the most important source and reaches a supported judgement.	**10-12**

Indicative content:

- Case for statute law being most important: parliamentary sovereignty makes Acts of Parliament supreme; major constitutional changes are normally effected by statute, for example the Human Rights Act 1998 or the Constitutional Reform Act 2005.
- Case for others being important: common law can protect rights and shape constitutional practice when statutes are silent, e.g. judicial development of prerogative limits in recent judicial review cases.
- Conventions matter politically despite lacking legal force; in practice they guide behaviour and can determine constitutionally significant outcomes, for example the conventions on Royal Assent and ministerial responsibility.
- Works of authority, such as Erskine May, guide parliamentary procedure and are frequently relied upon by MPs and clerks to interpret statute and practice, giving them practical constitutional force.
- A balanced judgement might argue statute law is legally supreme and therefore structurally the most important source, but in practice the constitution functions through an interaction of sources, so statutes often require support from conventions, common law and authoritative works to operate effectively.

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