2.2 The Nature and Sources of the UK Constitution: 30-minute Pack

EDEXCEL 9PL0 · about 30 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 Using the two extracts below about the uncodified constitution, analyse how they would support and challenge the view that an uncodified constitution is flexible and responsive. Extract A is a short interpretive passage by a constitutional scholar. Extract B is a short critical commentary from a political commentator. Use both extracts in your answer.

(Extracts) Extract A (constitutional scholar, 2010): 'The uncodified UK constitution permits steady, pragmatic adaptation. Where new circumstances arise Parliament can legislate quickly, judges can interpret existing rules and conventions can be adjusted by political actors. This elasticity has preserved stability across centuries.' **(30)**

Extract B (political commentator, 2024): 'Flexibility can be a cloak for uncertainty. When fundamental rules are changeable by simple majorities, rights and minority protections risk being eroded. Rapid legislative change can be used to bypass deeper debate, making the constitution reactive to political expediency rather than principled adaptation.'

Context: both extracts discuss the uncodified nature of the UK constitution and were written for a general audience in academic and journalistic outlets respectively.

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(Total for Question 1 is 30 marks)

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Mark scheme · 2.2 The Nature and Sources of the UK Constitution: 30-minute Pack

Question 1

(Extracts) **L1** Basic reference to the extracts with limited analysis. May summarise one extract without using the other, little or no evaluation and few, if any, contextual details.	**1-6**
(Extracts) **L2** Some accurate analysis of the extracts, using both to identify clear supporting and challenging points about flexibility; limited evaluation and limited use of wider factual knowledge.	**7-12**
(Extracts) **L3** Clear, developed analysis using both extracts and integrating relevant factual knowledge about sources of the constitution to show how uncodified features enable flexibility; includes lines of evaluation weighing support against challenge.	**13-18**
(Extracts) **L4** Detailed analysis that uses precise reference to the extracts and shows how statute, common law, conventions and works of authority can make the constitution responsive. Strong evaluation that considers practical risks and provides specific examples, reaching a reasoned judgement.	**19-24**
(Extracts) **L5** Sophisticated, sustained analysis that drives evaluation from the sources. Integrates accurate, well-chosen examples and constitutional theory to show nuanced reasons why flexibility is both a strength and a risk, and reaches a balanced, well-justified judgement about the overall claim.	**25-30**

(Extracts) Indicative content:

- Use Extract A to show how uncodified features allow rapid legislative responses by Parliament, citing examples where statutes adapted constitutional practice.
- Explain how common law allows judges to fill gaps and develop principles, giving the constitution a dynamic character; reference judicial review and case law as mechanisms of adaptation.
- Show how conventions can be altered by political practice without legal reform, allowing practical change in areas where formal amendment would be difficult, and how works of authority guide such shifts in practice.
- Use Extract B to show the risk that ordinary statute law can be changed by a temporary majority, threatening rights and stability; give an example of where rapid parliamentary legislation created controversy over rights or procedural safeguards, described without covering post-1997 reforms.
- Analyse the tension between pragmatic adaptation and the potential erosion of protections, explaining how the lack of entrenchment makes flexibility double-edged.
- Evaluate the practical mechanisms that check flexibility, such as political accountability, judicial review, and reliance on conventions, and assess whether these are sufficient to prevent abuse.
- Conclude with a balanced judgement that flexibility promotes responsiveness and evolution but requires strong political norms and institutional checks to avoid opportunistic or destabilising constitutional change.

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