2.2 The Nature and Sources of the UK Constitution: Test Pack

EDEXCEL 9PL0 · about 25 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 Define the term 'uncodified constitution' in the context of the United Kingdom's constitution.

(Total for Question 1 is 1 mark)

2 State two recognised works of authority cited in UK constitutional study.

(Total for Question 2 is 2 marks)

3 Give two examples of statute law that are regarded as constitutional in the UK, naming each Act and its year.

(Total for Question 3 is 2 marks)

4 Name one leading common law case which illustrates judicial protection of civil liberties and give its year, as used in UK constitutional study.

(Total for Question 4 is 2 marks)

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5 Explain, in two developed points, why parliamentary sovereignty is a central constitutional principle in the UK.

(Total for Question 5 is 3 marks)

6 Explain Dicey's three key elements of the rule of law in the UK context, briefly.

(Total for Question 6 is 3 marks)

7 Explain what is meant by constitutional conventions and give one clear example that is not the calling of elections or the Prime Minister's appointment.

(Total for Question 7 is 4 marks)

8 Explain two differences between an uncodified constitution and an unentrenched constitution in the UK context.

(Total for Question 8 is 6 marks)

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Mark scheme · 2.2 The Nature and Sources of the UK Constitution: Test Pack

Question 1

a concise definition, for example: a constitution not contained in a single written document, drawing on multiple sources such as statutes, common law, conventions and works of authority **B1**

Answer: A constitution not contained in a single written document, made up from statutes, common law, conventions and works of authority.

Question 2

one correct work of authority, e.g. Erskine May **B1**

a second correct work, e.g. A V Dicey or Walter Bagehot **B1**

Answer: Any two of: Erskine May, A V Dicey, Walter Bagehot.

Question 3

one correctly named constitutional Act with year, e.g. Human Rights Act 1998 **B1**

a second correctly named constitutional Act with year, e.g. Constitutional Reform Act 2005 **B1**

Answer: Any two correctly named constitutional Acts with years, e.g. Human Rights Act 1998; Constitutional Reform Act 2005; Representation of the People Act 1918; Scotland Act 1998.

Question 4

correctly names a relevant case cao, e.g. Entick v Carrington **B1**

gives the correct year cao, e.g. 1765 **B1**

Answer: Entick v Carrington, 1765.

Question 5

identifies that Parliament can make or unmake any law and is not bound by its predecessors **B1**

explains consequence, e.g. implies the supremacy of statute over common law and conventions **B1**

gives further development, e.g. means no Parliament can bind a future Parliament and courts cannot strike down Acts of Parliament on constitutional grounds **B1**

Answer: Parliamentary sovereignty means Parliament can make or unmake any law and is not bound by previous Parliaments; this places statute law above common law and conventions, and implies that courts cannot invalidate primary legislation, while no Parliament can bind a future Parliament.

Question 6

identifies one element, e.g. supremacy of regular law over arbitrary power **B1**

identifies second element, e.g. equality before the law **B1**

identifies third element, e.g. the constitution is the result of ordinary law and judicial decisions rather than a special code **B1**

Answer: Dicey's three elements are: the supremacy of regular law over arbitrary power, equality before the law, and that the constitution is the result of ordinary law and judicial decisions rather than of a separate constitutional code.

Question 7

defines constitutional convention as an unwritten practice considered binding though not legally enforceable **B1**

gives a valid example cao, e.g. the convention that the monarch gives Royal Assent to legislation on the advice of ministers **B1**

explains the example's constitutional role, e.g. ensures government accountability to Parliament and continuity of government **B1**

notes that conventions are politically, not legally, enforceable **B1**

Answer: Constitutional conventions are unwritten practices regarded as binding though not legally enforceable. Example: the convention that the monarch gives Royal Assent to Bills on ministerial advice, which ensures parliamentary legislation becomes law while preserving the constitutional role of the Crown as acting on ministerial advice.

Question 8

identifies that uncodified refers to source and form, that material is spread across statutes, common law, conventions and works of authority **B1**

develops that point, e.g. no single constitutional text exists to which all citizens can refer **B1**

identifies that unentrenched refers to the legal protection of constitutional rules, that ordinary statute law can be changed by a simple Act **B1**

develops that point, e.g. entrenchment would make constitutional rules harder to amend than ordinary law **B1**

identifies a consequence of being uncodified, e.g. flexibility and evolutionary change **B1**

identifies a consequence of being unentrenched, e.g. potential vulnerability of fundamental rights and institutions to ordinary parliamentary majorities **B1**

Answer: Uncodified refers to the form and sources, meaning constitutional rules are spread across statutes, common law, conventions and works of authority rather than a single document; this gives flexibility and allows evolution. Unentrenched means constitutional rules are legally no harder to change than ordinary statute law, so Parliament can amend fundamental rules by ordinary Acts, creating potential vulnerability for rights and institutions to shifts in parliamentary majorities.

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