2.12 Referendums as an Instrument of Constitutional Change in the UK: Test Pack

EDEXCEL 9PL0 · about 15 minutes

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. Write full sentences for levels-marked questions and for any extended explanation. Allow approximately 15 minutes for this pack.

1 Define the term 'referendum' as it is used for constitutional decision-making in the UK.

(Total for Question 1 is 1 mark)

2 State two legal characteristics of UK referendums under the doctrine of parliamentary sovereignty.

(Total for Question 2 is 2 marks)

3 State two UK referendums held to decide matters of devolution or constitutional status between 1997 and 2016.

(Total for Question 3 is 2 marks)

© Revision Library | revisionlibrary.co.uk

4 Explain the constitutional effect of the 1997 Scotland and Wales devolution referendums and the subsequent parliamentary action.

(Total for Question 4 is 4 marks)

5 Explain how the 2016 EU referendum tested the relationship between popular will and parliamentary sovereignty, including the legal process that followed the vote to leave the EU.

(Total for Question 5 is 6 marks)

© Revision Library | revisionlibrary.co.uk

Mark scheme · 2.12 Referendums as an Instrument of Constitutional Change in the UK: Test Pack

Question 1

A concise definition identifying a referendum as a public vote in which the electorate decide on a specific question or policy used to settle constitutional or political issues **B1**

Answer: A public vote in which the electorate decide on a specific question or constitutional issue, used to give direct popular input to major decisions.

Question 2

Identifies that referendums are generally advisory, not legally binding on Parliament **B1**

Identifies that Parliament retains the power to accept, reject or legislate in response to a referendum result, consistent with parliamentary sovereignty **B1**

Answer: Any two of: referendums are generally advisory rather than legally binding; Parliament remains sovereign and can accept, reject or implement the result through legislation.

Question 3

One correct referendum example with approximate year, e.g. Scotland devolution referendum 1997 **B1**

A second correct referendum example with approximate year, e.g. EU referendum 2016 or Scottish independence 2014 **B1**

Answer: Any two of: Scotland devolution referendum (1997); Wales devolution referendum (1997); Good Friday Agreement referendum (Northern Ireland, 1998); Welsh referendum on primary law powers (2011); Scottish independence referendum (2014); EU referendum (2016).

Question 4

Identifies that the referendums led to Acts of Parliament creating devolved institutions, namely the Scotland Act 1998 and the Government of Wales Act 1998 **B1**

Identifies that Parliament enacted primary legislation to implement the referendum results, demonstrating parliamentary sovereignty in giving legal effect **B1**

Identifies that the referendums established elected devolved legislatures with varying powers, changing the UK constitutional settlement **B1**

Identifies that the process showed referendums operate alongside Parliament rather than replacing parliamentary law-making authority **B1**

Answer: The 1997 referendums produced popular endorsement for devolution and were followed by Acts of Parliament, notably the Scotland Act 1998 and the Government of Wales Act 1998, which created devolved legislatures. Parliament thus legislated to give legal force to the popular decisions, showing that referendums operate within parliamentary sovereignty and that constitutional change required parliamentary enactment.

Question 5

Identifies that the referendum produced a narrow majority in favour of leaving the EU, a major constitutional decision with wide legal consequences **B1**

Identifies that the referendum itself was advisory and did not automatically change statute or treaty obligations **B1**

Identifies that Parliament enacted the European Union (Notification of Withdrawal) Act 2017 to authorise the government to notify under Article 50, showing Parliament gave legal effect to the popular decision **B1**

Explains that the Supreme Court in R (Miller) v Secretary of State for Exiting the European Union [2017] confirmed Parliament must authorise triggering Article 50, reinforcing parliamentary sovereignty **B1**

Explains that the subsequent parliamentary debates and votes on withdrawal terms showed how parliamentary sovereignty mediates the implementation of referendum outcomes **B1**

Offers brief development, e.g. the referendum heightened political pressure on MPs but did not legally bind them to a specific course of action, illustrating the tension between political mandate and legal authority **B1**

Answer: The 2016 referendum gave a popular instruction to leave the EU but was advisory in law. Parliament subsequently legislated, notably through the European Union (Notification of Withdrawal) Act 2017 and subsequent statutes, to give legal effect to leaving, and the Supreme Court in Miller I confirmed Parliament must authorise triggering Article 50. The process showed that popular will exerts strong political pressure but legal change requires parliamentary action, highlighting the tension between direct popular ratification and parliamentary sovereignty.

© Revision Library | revisionlibrary.co.uk