



POL.UKG2 Constitutional Reform Since 1997 and Debates on Further Reform

EDEXCEL 9PL0 · Calculators not allowed · about 75 minutes

Total Marks

Name: _____ Date: ____ / ____ / ____

Answer ALL questions. For levels-marked questions, write a well-structured, developed response using accurate political knowledge, named Acts and examples, and precise terminology. At least two answers (the source-based question and the final essay) must be written in full sentences. Spend about 75 minutes on this paper.

- 1** Define devolution as used in the context of UK constitutional reform since 1997, naming the territorial governments it created.

(Total for Question 1 is 1 mark)

- 2** State two powers commonly devolved to the Scottish Parliament under the Scotland Act 1998, as applied since 1999.

(Total for Question 2 is 2 marks)

- 3** Give the year the Human Rights Act received Royal Assent and came into force in the UK context.

(Total for Question 3 is 1 mark)

- 4** Identify the Act of Parliament that created the Supreme Court of the United Kingdom and state the year the Court replaced the Appellate Committee of the House of Lords.

(Total for Question 4 is 2 marks)

- 5** Explain briefly one major effect of the House of Lords Act 1999 on the composition of the House of Lords.

(Total for Question 5 is 3 marks)

- 6** State the year the Freedom of Information Act received Royal Assent and one obligation it places on public authorities in the UK after 2005.

(Total for Question 6 is 2 marks)

- 7** Give the year the Fixed-term Parliaments Act was passed and the year it was repealed by the Dissolution and Calling of Parliament Act, as required for covering reforms and subsequent reversal.

(Total for Question 7 is 3 marks)

- 8** Explain, in the context of UK constitutional reform debates since 1997, what is meant by English Votes for English Laws (EVEL) and one argument in favour of it.

(Total for Question 8 is 4 marks)

- 9** Explain two arguments in favour of adopting a codified, written constitution for the UK, as presented in reform debates since 1997.

(Total for Question 9 is 4 marks)

- 10** Explain two arguments against comprehensive reform of the House of Lords since 1997, including one practical obstacle.

(Total for Question 10 is 4 marks)

- 11** Source material: Two short extracts on reform. Extract A, from a political commentator in 2018: 'Devolution after 1999 has created durable, democratically accountable assemblies but has left unresolved tensions in the Union, notably asymmetric powers that fuel calls for Scottish independence and for clearer English arrangements.' Extract B, from a parliamentary report in 2020: 'Moves to codify aspects of the constitution could clarify the status of rights and the limits of executive power, but codification risks transferring political disputes into legal contests and may entrench contested arrangements without democratic consent.' Using these sources, evaluate the view that constitutional reform since 1997 has both strengthened and complicated the UK constitution.

(Total for Question 11 is 30 marks)

- 12** Evaluate the view that the UK constitution is in need of further reform, focusing on issues such as codification, House of Lords reform and English governance. Your answer should make a clear judgement.

(Total for Question 12 is 30 marks)

Mark scheme · POL.UKG2 Constitutional Reform Since 1997 and Debates on Further Reform

Question 1

- **B1** a concise definition of devolution as the statutory transfer of powers from the UK Parliament to separate elected bodies, and naming at least one devolved institution (Scotland, Wales, or Northern Ireland)
- **Answer: Devolution is the statutory transfer of specified powers from the UK Parliament to elected territorial institutions; since 1997 this created the Scottish Parliament, the Welsh Senedd (initially National Assembly for Wales), and the Northern Ireland Assembly.**

Question 2

- **B1** one accurate devolved power, e.g. education
- **B1** a second accurate devolved power, e.g. health or housing
- **Answer: Any two of: education; health; housing; most aspects of justice and policing within transferred areas; transport powers (as devolved over time).**

Question 3

- **B1** 1998 cao
- **Answer: 1998.**

Question 4

- **B1** Constitutional Reform Act 2005 cao
- **B1** 2009 cao
- **Answer: The Constitutional Reform Act 2005 created the Supreme Court, which began work and replaced the Appellate Committee of the House of Lords in 2009.**

Question 5

- **B1** identifies the major effect, e.g. removal of most hereditary peers
- **B1** develops why this changed composition, e.g. reduced number of hereditary peers from several hundred to 92 elected hereditary peers
- **B1** notes consequence, e.g. increased relative importance of life peers and appointed members
- **Answer: The House of Lords Act 1999 removed the automatic right of most hereditary peers to sit, reducing hereditary peers to 92 elected members, which increased the relative dominance of life peers and changed the chamber from a large hereditary majority to a mostly appointed upper house.**

Question 6

- **B1** 2000 cao
- **B1** identifies an obligation, e.g. to respond to requests for recorded information unless an exemption applies
- **Answer: The Freedom of Information Act received Royal Assent in 2000, and it requires public authorities to respond to requests for recorded information and to publish certain classes of information proactively, subject to listed exemptions.**

Question 7

- **B1** 2011 cao
- **B1** 2022 cao
- **B1** notes that repeal restored prerogative dissolution powers to the Prime Minister in practice
- **Answer: The Fixed-term Parliaments Act was passed in 2011 and was repealed by the Dissolution and Calling of Parliament Act in 2022, a repeal which effectively restored the Prime Minister's traditional prerogative route to requesting dissolution.**

Question 8

- **B1** identifies what EVEL is, e.g. a parliamentary procedure to allow only English MPs to vote on England-only legislation
- **B1** develops why it was proposed, e.g. to address the West Lothian question where devolved MPs could vote on English-only matters
- **B1** gives one argument in favour, e.g. increased democratic fairness for English voters or reducing perceptions of unequal influence
- **B1** brief consequence or example, e.g. temporary procedural EVEL measures were introduced in 2015 and used sparingly
- **Answer: EVEL refers to parliamentary procedures designed so that only MPs representing English constituencies can decide on England-only legislation, proposed to resolve the West Lothian question where MPs from devolved nations could influence English domestic law; one argument in favour is that it increases democratic fairness for English voters by ensuring laws affecting only England are made primarily by English MPs.**

Question 9

- **B1** identifies one argument in favour, e.g. increased clarity about rights and institutions
- **B1** develops that point, e.g. a written constitution would make the distribution of powers and rights explicit, reducing uncertainty
- **B1** identifies a second argument, e.g. stronger protection for individual rights
- **B1** develops the second point, e.g. entrenchment could protect rights against transient parliamentary majorities
- **Answer: Two arguments in favour are: 1) a written constitution would provide clarity and accessibility by explicitly setting out how institutions, powers and processes operate, reducing ambiguity about conventions and competences; 2) it could better protect rights through entrenchment or clearer judicial review powers, making it harder for a temporary parliamentary majority to overturn core civil liberties.**

Question 10

- **B1** identifies one substantive argument against reform, e.g. loss of expertise or a less independent revising chamber
- **B1** develops that point, e.g. appointed life peers can bring specialised experience and are not subject to electoral pressures
- **B1** identifies a practical obstacle, e.g. difficulty of reaching consensus on the size and electoral method for a reformed second chamber
- **B1** develops the obstacle, e.g. political parties disagree over elected versus appointed models and reform risks politicising the chamber
- **Answer: Arguments against comprehensive Lords reform include the risk of losing the practical expertise and independence life peers provide, since elected members may be more partisan, and a major practical obstacle is the lack of cross-party consensus on the chamber's future size and selection method, with debate over elected versus appointed members making reform politically difficult.**

Question 11

- **Level 1** (1-6): Basic use of the sources and limited knowledge of post-1997 reforms, with little analysis or evaluation. Points are descriptive and may rely on assertion.
- **Level 2** (7-12): Clear use of the sources to identify ways reforms have strengthened and complicated the constitution, with some development; analysis may be partial and evaluation limited.
- **Level 3** (13-18): Good use of both sources combined with accurate knowledge of reforms; explains how specific reforms both strengthened aspects of the constitution and created complications, with developed analysis and some evaluation.
- **Level 4** (19-24): Detailed and well-substantiated analysis driven by the sources, integrating a range of examples and considering counterarguments; evaluation weighs the sources' claims and reaches a reasoned judgement.
- **Level 5** (25-30): Sophisticated evaluation closely linked to the extracts, demonstrating wide and accurate knowledge of reforms since 1997, nuanced analysis of strengthening versus complication, clear engagement with the sources' limitations, and a convincing, balanced judgement.
- **Indicative content:**
 - Extract A supports the view that devolution strengthened democratic accountability in Scotland, Wales and Northern Ireland by creating elected legislatures responsible for domestic policy; examples include the Scottish Parliament from 1999 and the Senedd's increasing powers.
 - Extract A highlights complications: asymmetric devolution has led to tensions such as the West Lothian question and fuelled Scottish independence debates after 2014, showing reforms can destabilise the relationship between the UK centre and the nations.
 - Extract B suggests codification could clarify rights and limits on the executive, strengthening legal protection for rights and making constitutional rules more accessible, with the Human Rights Act 1998 as a partial move toward clearer rights protection.
 - Extract B warns codification risks politicising courts and entrenching contested arrangements; examples: judicial review of prorogation in Miller/Cherry showed courts can constrain the executive but also intensify political-legal conflict.
 - Other reforms that strengthened the constitution: the Constitutional Reform Act 2005 clarified judicial independence and created the Supreme Court, and the Freedom of Information Act increased transparency and accountability.
 - Other complications include the House of Lords Act 1999 which altered legitimacy debates about the second chamber without completing reform, and the Fixed-term Parliaments Act 2011 which aimed to stabilise election timing but created rigidities later reversed in 2022, illustrating unintended consequences.
 - Use of evidence: evaluate how specific examples support or qualify the sources, e.g. devolution improved democratic engagement in devolved areas but created political fragmentation; HRA provides rights protection but relies on parliamentary implementation and is subject to political contest.
 - Consider counterarguments: strong institutional reforms may have strengthened the rule of law and accountability overall, and complications can reflect a maturing, plural constitution rather than weakness.
 - Balanced judgement: conclude whether the net effect is more strengthening or more complication, or that both outcomes coexist and require different remedies such as intergovernmental mechanisms, clearer statutory frameworks or selective codification.

Question 12

- **Level 1** (1-6): Basic knowledge of one or two reform issues with little analysis. Limited or no evaluation and no clear judgement.
- **Level 2** (7-12): Clear knowledge of relevant reforms and some analysis of arguments for and against further reform. Evaluation is present but may be one-sided or insufficiently supported.
- **Level 3** (13-18): Good, accurate deployment of knowledge across codification, Lords reform and English governance, with balanced analysis and developed evaluation; reaches a provisional judgement supported by evidence.
- **Level 4** (19-24): Detailed, wide-ranging knowledge and sustained, well-supported analysis of multiple reform options; evaluation addresses consequences and trade-offs and reaches a supported, clear judgement.
- **Level 5** (25-30): Sophisticated, authoritative knowledge used to construct a nuanced evaluation that compares competing reform proposals, weighs political feasibility and normative aims, anticipates counterarguments, and reaches a persuasive and well-substantiated judgement on whether further reform is needed and which reforms are most justified.
- **Indicative content:**
 - Arguments that further reform is needed: codification could clarify the distribution of powers, entrench individual rights and make conventions more transparent, addressing ambiguities exposed by disputes such as prorogation and devolution boundary issues.
 - Arguments for Lords reform: creating an elected or hybrid second chamber could improve democratic legitimacy and accountability, addressing criticisms that an unelected chamber lacks mandate, while also considering the value of expertise currently held by life peers.
 - Arguments about English governance: proposals include a separate English Parliament, regional devolution or permanent procedures like EVEL; these aim to resolve the West Lothian question and ensure English democratic accountability, but each has trade-offs.
 - Counterarguments to codification: risks include transferring unresolved political disputes into legal contests, reducing parliamentary sovereignty, and the difficulty of designing an acceptable entrenched text given diverse political views.
 - Counterarguments to Lords reform: practical obstacles of size, method of election, and the risk of politicising the chamber; elected second chambers may duplicate Commons politics and reduce the revising function.
 - Counterarguments to major English reform: creating an English Parliament could further weaken the Union, while EVEL procedures may be a pragmatic, less disruptive compromise; political will and intergovernmental cooperation are often lacking.
 - Political feasibility and incrementalism: realistic reform may require cross-party consensus and public support; some reforms like clearer statutory frameworks or improved intergovernmental bodies may be more achievable and effective than wholesale constitutional overhaul.
 - Consider principles: balancing democratic legitimacy, accountability, efficiency and the protection of rights; judge which defects are most pressing and which reforms are proportionate and practicable.
 - A reasoned conclusion should reach a clear judgement, for example that some targeted reforms are justified to reduce tensions and improve clarity, while wholesale codification or radical Lords overhaul may be politically risky and could produce unintended consequences.