2.7 The Judiciary: Independence, Neutrality and the Supreme Court: Test Pack

EDEXCEL 9PL0 · about 20 minutes

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. Short answer questions may be answered in short sentences; extended answers and the two levels-marked questions must be answered in full sentences with developed explanation and evidence.

1 Define judicial independence as it is discussed in UK constitutional contexts, naming the basic idea.

(Total for Question 1 is 1 mark)

2 State one practical mechanism that supports judicial independence in the UK, naming the mechanism.

(Total for Question 2 is 1 mark)

3 State the primary statutory body responsible for recommending candidates to most judicial posts in England and Wales, naming it.

(Total for Question 3 is 1 mark)

4 Explain the sub judice rule as it applies to UK Parliament and public comment while a legal case is ongoing.

(Total for Question 4 is 3 marks)

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5 State the year the Constitutional Reform Act received Royal Assent and the year the UK Supreme Court became operational, naming both years.

(Total for Question 5 is 1 mark)

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6 Explain what is meant by judicial neutrality and give one example of how it is maintained in practice in the UK.

(Total for Question 6 is 4 marks)

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7 Explain two distinct roles performed by the UK Supreme Court under the Constitutional Reform Act 2005 and since 2009.

(a) Explain one role of the Supreme Court relating to appellate jurisdiction. **(2)**

(b) Explain one constitutional role of the Supreme Court in relation to the separation of powers. **(1)**

(Total for Question 7 is 3 marks)

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8 Explain the doctrine of separation of powers as it applies in the UK constitution, and note one way the UK system departs from a strict tripartite model.

(Total for Question 8 is 4 marks)

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Mark scheme · 2.7 The Judiciary: Independence, Neutrality and the Supreme Court: Test Pack

Question 1

a concise definition, that judges must be able to decide cases free from improper influence by government, Parliament, parties or private interests **B1**

Answer: Judicial independence means judges decide cases free from improper influence by the executive, the legislature, political parties or private interests.

Question 2

names one mechanism, e.g. security of tenure for judges **B1**

Answer: Security of tenure for judges.

Question 3

names the Judicial Appointments Commission cao **B1**

Answer: The Judicial Appointments Commission.

Question 4

identifies that sub judice limits public commentary that could prejudice ongoing legal proceedings **B1**

explains that it is a convention and parliamentary practice restricting debate or media reporting that might influence jurors or the court **B1**

explains the purpose, to protect the fairness of trials and uphold judicial independence from outside pressure **B1**

Answer: The sub judice rule restricts public and parliamentary commentary that could prejudice ongoing legal proceedings; it operates as a convention and parliamentary practice to limit debate or media reporting likely to influence jurors or judges, thereby protecting the fairness of trials and helping to keep the judiciary independent from outside pressure.

Question 5

states 2005 for the Constitutional Reform Act and 2009 for the Supreme Court becoming operational cao **B1**

Answer: The Constitutional Reform Act received Royal Assent in 2005, and the UK Supreme Court became operational in 2009.

Question 6

defines judicial neutrality as judges deciding cases impartially according to the law and facts, without bias or political partisanship **B1**

identifies one practical example, e.g. restrictions on political activity by judges or sitting judges not voting in elections **B1**

explains how the example supports neutrality, e.g. limits on political activity reduce appearance of bias **B1**

offers brief further development, e.g. guidance from the judiciary on public comment and recusal rules for conflicts of interest **B1**

Answer: Judicial neutrality means judges decide cases impartially according to law and facts, without partisan bias. It is maintained by measures such as restrictions on political activity by serving judges and expectations about recusal where there is a conflict of interest; these steps reduce the appearance and risk of bias and help preserve public confidence.

Question 7

(a) identifies appellate jurisdiction as hearing appeals on points of law of the greatest public importance **B1**

(a) explains the effect, e.g. it provides a final court of appeal for civil cases across the UK and for criminal cases in England, Wales and Northern Ireland **B1**

(a) Answer: The Supreme Court hears appeals on points of law of the greatest public importance; it is the final court of appeal for civil cases across the UK and for criminal cases in England, Wales and Northern Ireland, providing authoritative legal rulings.

(b) identifies that the Court provides an institutional separation of the judiciary from Parliament and the executive, replacing the Law Lords' former role within the House of Lords **B1**

(b) Answer: The Supreme Court provides an institutional separation of the judiciary from Parliament and the executive by removing the senior judges from the legislative chamber, ensuring clearer constitutional separation of powers.

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Question 8

defines separation of powers as the idea that legislative, executive and judicial powers should be held by separate institutions	**B1**
explains the purpose, to prevent concentration of power and provide checks and balances	**B1**
identifies a UK departure, e.g. the executive is drawn from the legislature since ministers are MPs	**B1**
explains the consequence of that departure, e.g. it creates overlap but constitutional conventions and institutions such as the Supreme Court act to constrain abuses	**B1**

Answer: The separation of powers is the constitutional principle that legislative, executive and judicial powers should be held by separate institutions to prevent concentration of power and to provide checks and balances. The UK departs from a strict tripartite model because the executive is drawn from the legislature, with ministers typically being MPs; this overlap is managed by conventions and by institutions such as the Supreme Court, which help to constrain potential abuses and preserve judicial independence.

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