2.9 Parliamentary Sovereignty and the Impact of Devolution: 10-minute Pack

EDEXCEL 9PL0 · about 10 minutes

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. Short answer questions may be written as bullet points but extended responses and the source-based question must use full sentences and developed explanation.

1 State two ways in which EU membership, prior to Brexit, affected parliamentary sovereignty in the UK legal order.

(Total for Question 1 is 2 marks)

2 Explain the West Lothian Question in the context of parliamentary sovereignty and devolution in the UK.

(Total for Question 2 is 4 marks)

3 Give one argument for why devolution does not legally end parliamentary sovereignty, using the statutory nature of devolved powers.

(Total for Question 3 is 5 marks)

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Mark scheme · 2.9 Parliamentary Sovereignty and the Impact of Devolution: 10-minute Pack

Question 1

one correct effect, e.g. supremacy of EU law in areas of EU competence requiring UK courts to give effect to EU law	**B1**
a second correct effect, e.g. the need for Parliament to pass the European Communities Act 1972 to give effect to EU law in domestic law	**B1**

Answer: Any two of: the supremacy of EU law in areas of EU competence meant UK courts gave effect to EU law; Parliament had enacted the European Communities Act 1972 to allow EU law effect in domestic law; EU membership limited Parliament's practical freedom to legislate in some policy areas while the UK was a member.

Question 2

identifies the West Lothian Question as the anomaly where MPs from devolved nations can vote on England-only matters in the UK Parliament	**B1**
identifies that this situation arises because devolution grants legislative power to devolved bodies but not equivalent removal of Westminster competence	**B1**
explains the constitutional tension it creates, e.g. perceived unfairness when English MPs cannot vote on devolved matters	**B1**
offers a consequence, e.g. prompted English Votes for English Laws (EVEL) procedures or debates over asymmetry	**B1**

Answer: The West Lothian Question highlights that MPs from Scotland, Wales or Northern Ireland can vote on UK-wide or England-only matters in Westminster while English MPs cannot vote on many devolved matters, creating a perceived democratic anomaly because devolution removed some powers from Westminster without removing the voting rights of non-English MPs on England-only issues. This tension prompted procedures such as English Votes for English Laws and debate about asymmetrical constitutional arrangements.

Question 3

identifies that devolution is based on Acts of Parliament and therefore Parliament can repeal or change devolved powers	**B1**
explains that this means ultimate legal sovereignty remains with Westminster	**B1**
adds supporting reasoning, e.g. no constitutionally entrenched limit prevents Parliament revoking devolved competence	**B1**
develops practical implication, e.g. the Sewel Convention is a political pledge, not a legally binding limit	**B1**
provides brief conclusion linking statutory origin to continued legal sovereignty	**B1**

Answer: Devolved institutions exist because Acts of the UK Parliament created them, so Parliament retains the legal power to amend or repeal devolved powers. There is no entrenched legal bar preventing Westminster from revoking competence, and conventions such as the Sewel Convention are political commitments rather than legally binding constraints, so legal parliamentary sovereignty remains intact.

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