2.9 Parliamentary Sovereignty and the Impact of Devolution: 30-minute Pack

EDEXCEL 9PL0 · about 30 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 four features of the devolution settlements created after 1997 that change how political power is exercised within the UK, naming the devolved nation in each case.

(Total for Question 1 is 4 marks)

© Revision Library | revisionlibrary.co.uk

2 Evaluate the extent to which parliamentary sovereignty still exists in the United Kingdom today.

(Total for Question 2 is 30 marks)

© Revision Library | revisionlibrary.co.uk

Mark scheme · 2.9 Parliamentary Sovereignty and the Impact of Devolution: 30-minute Pack

Question 1

one accurate feature with named nation, e.g. Scotland has a devolved Parliament with primary legislative powers in specified areas	**B1**
a second accurate feature with named nation, e.g. Wales has a Senedd which gained primary law-making powers incrementally, especially after 2011 and 2017	**B1**
a third accurate feature with named nation, e.g. Northern Ireland Assembly has power-sharing institutions with cross-community consent requirements	**B1**
a fourth accurate feature, e.g. devolved powers are statutory and can be altered by the UK Parliament	**B1**

Answer: Examples include: Scotland has a devolved Parliament with primary legislative powers in specified domestic areas; Wales has the Senedd which gained primary law-making powers especially after the 2011 referendum and the Wales Act 2017; Northern Ireland has an Assembly based on power sharing and cross-community consent; all devolved powers are statutory and in principle subject to alteration by the UK Parliament.

Question 2

Level 0 No relevant content.	**0**
Level 1 Basic, limited knowledge of parliamentary sovereignty and devolution, with minimal analysis or evaluation. Claims may be asserted without evidence or development.	**1-6**
Level 2 Clear knowledge of parliamentary sovereignty and devolution with some analysis and limited evaluation. Uses some accurate examples but may not fully consider opposing arguments.	**7-12**
Level 3 Detailed knowledge and balanced analysis that considers how legal principles and political practice interact. Uses well-selected examples to support evaluation and begins to reach a substantiated judgement.	**13-18**
Level 4 Wide-ranging and accurate knowledge applied to a sustained evaluation. Argument is well structured, engages with multiple perspectives including legal and political limits, and reaches a clear, reasoned judgement on the extent of parliamentary sovereignty.	**19-24**
Level 5 Sophisticated, incisive and wide-ranging evaluation that integrates authoritative exemplars and theoretical understanding. Demonstrates nuanced distinctions between legal sovereignty, practical sovereignty and political reality, and reaches a clearly supported, balanced conclusion about the extent and limits of parliamentary sovereignty today.	**25-30**

Indicative content:

- Definition and Diceyan account: Parliament can make or unmake any law and no other body can set aside an Act of Parliament, the foundational legal position.
- Legal restoration after Brexit: the European Union (Withdrawal) Act 2018 and the repeal of the European Communities Act 1972 restored formal legal primacy of Parliament over EU law.
- Statutory basis of devolution: devolved legislatures derive powers from Acts of Parliament, so legally sovereignty is retained by Westminster which could in principle amend or revoke devolved competence.
- Political and practical limits: electoral backlash, nationalist sentiment in Scotland, institutional complexity and administrative cost make revocation politically unviable in practice, constraining Westminster despite its legal power.
- Conventions and political commitments: the Sewel Convention and intergovernmental working shape behaviour, but are not legally binding and therefore do not eliminate legal sovereignty.
- Examples of Parliament asserting authority: the Withdrawal Act 2018 enacted despite devolved opposition, showing Parliament can legislate on fundamental constitutional matters.
- Examples of practical dispersion: the day to day policy autonomy of the Scottish Parliament and the Senedd in areas like health and education, and the West Lothian Question or EVEL debate showing parliamentary arithmetic and legitimacy issues.
- Judicial role and limits: courts interpret Acts and can review ministerial exercise of power, but cannot invalidate primary legislation on the ground it breaches parliamentary sovereignty; judicial review does not equate to overruling Acts.
- International law and treaties: Parliament remains free to legislate contrary to international commitments, though doing so may have diplomatic or economic costs that influence political choices.
- A reasoned conclusion might argue parliamentary sovereignty remains the UK's legal constitutional foundation, but its effective scope is qualified by political realities and devolved practice, so sovereignty exists legally but is constrained in practice; answers taking either position should be credited if well argued and evidenced.

© Revision Library | revisionlibrary.co.uk