2.9 Parliamentary Sovereignty and the Impact of Devolution: Test Pack

EDEXCEL 9PL0 · about 15 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 Define the doctrine of parliamentary sovereignty as set out by A V Dicey, in the context of the UK constitution.

(Total for Question 1 is 1 mark)

2 State one constitutional implication of parliamentary sovereignty for the authority of the UK judiciary, as taught on the Edexcel 9PL0 specification.

(Total for Question 2 is 2 marks)

3 Explain briefly one historical example where a UK Parliament acted in a way that shows parliamentary sovereignty was effective despite political pressure from devolved governments or public opinion, naming the Act and year.

(Total for Question 3 is 3 marks)

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4 Explain briefly how the European Union (Withdrawal) Act 2018 altered the relationship between EU law and Acts of Parliament after Brexit.

(Total for Question 4 is 3 marks)

5 Explain three political or practical limits on Parliament's ability to remove devolved powers despite its legal ability to do so, citing relevant political realities.

(Total for Question 5 is 6 marks)

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Mark scheme · 2.9 Parliamentary Sovereignty and the Impact of Devolution: Test Pack

Question 1

a concise definition that Parliament can make or unmake any law and no person or body can override or set aside an Act of Parliament **B1**

Answer: Parliamentary sovereignty is Dicey's claim that Parliament can make or unmake any law, and that no person or body, including the courts, can override or set aside an Act of Parliament.

Question 2

identifies that the judiciary must apply Acts of Parliament even if they conflict with common law principles **B1**

or identifies that courts cannot invalidate primary legislation on grounds of unconstitutionality **B1**

Answer: The judiciary must apply Acts of Parliament even where they conflict with common law principles, and cannot invalidate primary legislation as unconstitutional.

Question 3

names a relevant Act with year, e.g. the European Union (Withdrawal) Act 2018 **B1**

explains briefly how the Act demonstrates parliamentary legal authority to change key constitutional arrangements **B1**

links to political pressure context, e.g. despite Scottish Government opposition to Brexit, Parliament legislated for withdrawal **B1**

Answer: The European Union (Withdrawal) Act 2018 shows Parliament exercising legal authority to repeal the 1972 Act and prepare for Brexit, despite opposition from devolved governments such as the Scottish Government who campaigned to remain in the EU.

Question 4

identifies that the Act repealed the European Communities Act 1972 with effect on exit day **B1**

identifies that it converted most EU law into domestic statute known as retained EU law **B1**

explains the consequence, e.g. restored formal parliamentary supremacy while preserving existing rules unless Parliament later changed them **B1**

Answer: The European Union (Withdrawal) Act 2018 repealed the European Communities Act 1972 on exit, converted most directly applicable EU law into domestic retained EU law, and so restored formal parliamentary supremacy while keeping the substantive rules in place until Parliament chose to amend or repeal them.

Question 5

identifies one practical limit, e.g. strong electoral backlash in devolved nations that would be politically costly **B1**

develops this with reasoning about party politics and nationalist movements **B1**

identifies a second practical limit, e.g. international and diplomatic consequences, such as trade or treaty complications **B1**

develops this with reasoning about intergovernmental relations and reputational cost **B1**

identifies institutional limits, e.g. the complexity of dismantling long-established administrative systems **B1**

develops this with a practical example, e.g. devolved health or education systems requiring major reorganisation **B1**

Answer: Practical limits include the likelihood of severe electoral backlash in Scotland or Wales if Parliament attempted to revoke devolved powers, strengthening nationalist parties and destabilising UK politics; international and reputational costs could follow, complicating trade and intergovernmental relations. Institutional limits include the complexity and cost of unwinding devolved administrative systems in areas such as health or education, making repeal politically risky despite being legally possible.

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