2.1 Prime Minister and Executive

EDEXCEL 9PL0 · about 50 minutes · Write-in edition

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. For levels-marked questions, write a well-structured, developed response using accurate political knowledge, named examples and precise terminology. This pack forms part of Edexcel Paper 2 (9PL0/02), Section A: UK Government.

1 This question is about the Prime Minister's patronage powers.

(a) Explain two patronage powers available to the Prime Minister. **(4)**

(b) State one constitutional constraint on the Prime Minister's patronage over senior judicial appointments. **(3)**

(Total for Question 1 is 7 marks)

2 This question is about individual ministerial responsibility.

(a) State the constitutional convention that holds a minister individually accountable to Parliament for the conduct of their own department. **(2)**

(b) Give one historical example of a minister resigning under individual ministerial responsibility, with the date. **(3)**

(Total for Question 2 is 5 marks)

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3 This question is about Cabinet committees.

(a) Explain the purpose of Cabinet committees. **(3)**

(b) State one advantage to the Prime Minister of using Cabinet committees rather than the full Cabinet to make a decision. **(2)**

(Total for Question 3 is 5 marks)

4 Explain, using one historical example, how backbench rebellion can constrain a Prime Minister's authority in the House of Commons.

(Total for Question 4 is 6 marks)

5 This question is about the power to call an early general election.

(a) Explain the process required for an early general election under the Fixed-term Parliaments Act 2011. **(3)**

(b) Explain how the Dissolution and Calling of Parliament Act 2022 changed this process. **(3)**

(Total for Question 5 is 6 marks)

6 Analyse the extent to which the Supreme Court's judgments in the Miller cases (2017 and 2019) limited the power of the Prime Minister.

(Total for Question 6 is 9 marks)

7 Analyse the extent to which the UK Prime Minister is more accurately described as 'presidential' than as 'first among equals' within the Cabinet.

(Total for Question 7 is 12 marks)

Mark scheme · 2.1 Prime Minister and Executive

Question 1

(a) identifies one accurate patronage power, e.g. appointing and dismissing ministers, including Cabinet ministers **B1**

(a) brief development of that power **B1**

(a) identifies a second accurate patronage power, e.g. nominating individuals for life peerages in the House of Lords **B1**

(a) brief development of that power **B1**

(a) Answer: The Prime Minister can appoint and dismiss ministers, including Cabinet ministers, giving them significant control over who holds senior government office and can be a powerful tool for rewarding loyalty or removing dissent. The Prime Minister can also nominate individuals for life peerages in the House of Lords, allowing them to shape the membership of the upper chamber over time.

(b) identifies the Judicial Appointments Commission (JAC) as the body that recommends senior judicial appointments **B1**

(b) correctly identifies the Constitutional Reform Act 2005 as the Act that established the JAC and the modern appointments process **B1**

(b) explains the effect, e.g. this significantly reduced the direct discretion the Prime Minister/Lord Chancellor previously had over who becomes a senior judge **B1**

(b) Answer: The Constitutional Reform Act 2005 established the Judicial Appointments Commission (JAC), an independent body that recommends candidates for senior judicial appointments; this significantly reduced the direct discretion the Prime Minister (and Lord Chancellor) previously had over senior judicial appointments, since ministers now act largely on the JAC's recommendations rather than exercising free personal patronage.

Question 2

(a) identifies individual ministerial responsibility cao **B1**

(a) brief accurate development, e.g. ministers may be expected to resign for serious personal or departmental failings **B1**

(a) Answer: The convention of individual ministerial responsibility, under which a minister may be expected to resign for a serious personal failing or a serious failure within their own department.

(b) names an accurate example, e.g. Lord Carrington **B1**

(b) correctly identifies the role/office and issue, e.g. Foreign Secretary, resigning after the Foreign Office failed to anticipate the Argentine invasion of the Falkland Islands **B1**

(b) correctly dates the resignation, April 1982 **B1**

(b) Answer: Lord Carrington resigned as Foreign Secretary in April 1982, accepting responsibility for the Foreign and Commonwealth Office's failure to anticipate Argentina's invasion of the Falkland Islands.

Question 3

(a) identifies that Cabinet committees are smaller groups of ministers dealing with a specific policy area (e.g. economic policy, national security) **B1**

(a) identifies that they allow detailed policy discussion and decision-making without requiring the full Cabinet to consider every issue **B1**

(a) identifies that their decisions normally carry the same authority as full Cabinet decisions, unless referred upwards **B1**

(a) Answer: Cabinet committees are smaller groups of ministers, each focused on a specific policy area (such as economic policy or national security), allowing detailed policy discussion and decision-making without needing the full Cabinet to consider every issue individually; their decisions normally carry the same formal authority as a full Cabinet decision unless the matter is referred upwards to the full Cabinet.

(b) identifies a valid advantage **B1**

(b) brief accurate development of that advantage **B1**

(b) Answer: The Prime Minister can shape the membership of a committee (choosing which ministers sit on it), which can make it easier to secure a decision closer to their own preferred outcome than might be reached by the full, more politically varied Cabinet.

Question 4

Level 0 No relevant content. **0**

Level 1 Identifies a relevant point about backbench rebellion with limited or undeveloped explanation, or an inaccurate/unspecific example. **1-3**

Level 2 Clear, developed explanation of how backbench rebellion can constrain prime ministerial authority, using an accurate, specific historical example, and considering the limits of this constraint. **4-6**

Indicative content:

- A sufficiently large group of a Prime Minister's own backbench MPs voting against, or abstaining on, government business can defeat or force changes to legislation, particularly where the government's Commons majority is small.
- Historical example: the Conservative Party's backbench rebellions over the Maastricht Treaty (ratifying the UK's involvement in the European Union) in 1993 repeatedly narrowed the government's Commons majority on the issue and forced concessions, illustrating how sustained rebellion by a significant faction can constrain even a Prime Minister with a nominal majority.
- This constraint operates alongside, and is limited by, the government's payroll vote (ministers and parliamentary private secretaries expected to support the government) and the whip system, which together mean a rebellion usually needs to be large and sustained to succeed rather than a handful of dissenting votes.
- A strong answer notes rebellion is most constraining when a government's majority is small or non-existent, and least constraining when a government holds a large majority, since a larger buffer of loyal MPs can absorb a similar-sized rebellion without changing the outcome.

Question 5

(a) identifies that the Act set fixed five-year Parliamentary terms **B1**

(a) identifies that an early election required either a two-thirds vote of the whole House of Commons in favour **B1**

(a) identifies the alternative route, a vote of no confidence in the government not followed within 14 days by a vote of confidence in a (new or the same) government **B1**

(a) Answer: The Fixed-term Parliaments Act 2011 set fixed five-year terms for the UK Parliament. An early general election could only be triggered in one of two ways: a motion for an early election passed by a two-thirds majority of the whole House of Commons, or a successful vote of no confidence in the government that was not followed, within 14 days, by a vote of confidence in a new or reconstituted government.

(b) identifies that this Act repealed the Fixed-term Parliaments Act 2011 **B1**

(b) identifies that it revived the prerogative power for the Prime Minister to request that the monarch dissolve Parliament **B1**

(b) correctly dates the Act (received Royal Assent in March 2022) and/or notes it included a clause intended to prevent judicial review of dissolution decisions **B1**

(b) Answer: The Dissolution and Calling of Parliament Act 2022 (which received Royal Assent in March 2022) repealed the Fixed-term Parliaments Act 2011 and revived the prerogative power under which the Prime Minister can request that the monarch dissolve Parliament and call an early general election, without needing a two-thirds Commons vote or a no-confidence vote. The Act also included a clause intended to prevent the courts from reviewing the lawfulness of a dissolution decision.

Question 6

Level 0 No relevant content. **0**

Level 1 Basic, limited knowledge of the Miller cases, with little or no developed analysis of their effect on prime ministerial power. **1-3**

Level 2 Clear, accurate knowledge of at least one Miller case with some developed analysis, though the argument may be one-sided or the link to prime ministerial power may be underdeveloped. **4-6**

Level 3 Detailed, accurate knowledge of both Miller cases used to construct a sustained, balanced analysis of the extent to which prime ministerial power was limited, reaching a supported judgement. **7-9**

Indicative content:

- R (Miller) v Secretary of State for Exiting the European Union [2017] UKSC 5: the Supreme Court ruled that the government could not use prerogative power alone to trigger Article 50 and begin the formal process of leaving the EU; an Act of Parliament was required first, reinforcing that the executive cannot use prerogative powers to remove rights or obligations established by statute without Parliament's authorisation.
- R (Miller) v The Prime Minister; Cherry v Advocate General for Scotland [2019] UKSC 41: the Supreme Court ruled that the August-September 2019 prorogation of Parliament was unlawful, void and of no effect, because it had the effect of preventing Parliament from carrying out its constitutional functions without reasonable justification.
- Case for significant limitation: both rulings show UK courts are willing to review and, where necessary, constrain the executive's use of prerogative power, reinforcing the principle of parliamentary sovereignty and the rule of law even without a codified constitution.
- Case for limited effect: both rulings were narrow and fact-specific (tied to the particular circumstances of triggering Article 50, and of a particular prorogation), rather than establishing a broad, general limitation on prerogative power in all circumstances; the government retains extensive prerogative powers in areas such as making treaties, deploying the armed forces, and (following the 2022 Act) dissolving Parliament.
- Case for limited effect: the Dissolution and Calling of Parliament Act 2022 included a clause intended to prevent judicial review of dissolution decisions specifically, suggesting Parliament and the executive can, and did, act to narrow the scope for judicial intervention in a related area following the Miller rulings.
- A balanced conclusion might argue the Miller cases meaningfully reinforced the principle that prerogative power is not unlimited and is reviewable by the courts where it conflicts with Parliament's constitutional role, while noting their practical effect was confined to the specific circumstances involved, and did not permanently or generally curtail the Prime Minister's wider prerogative powers.

Question 7

Level 0 No relevant content.	**0**
Level 1 Basic, limited knowledge of the presidentialisation debate, with little or no developed analysis.	**1-4**
Level 2 Clear, accurate knowledge with some developed analysis of both the 'presidential' and 'first among equals' descriptions, though the comparison may be incomplete.	**5-8**
Level 3 Detailed, accurate knowledge used to construct a sustained, balanced analysis weighing both descriptions against each other, reaching a supported judgement on the extent of the claim.	**9-12**

Indicative content:

- Case for 'presidential': the personalisation of election campaigns around party leaders, a Prime Minister's high public visibility in foreign policy and national crises, and reliance on special advisers (SpAds) and Downing Street policy units rather than full Cabinet discussion, are commonly cited as evidence of a shift towards more personalised, prime-minister-centred government, an argument associated with commentators such as Michael Foley's 'British Presidency' thesis.
- Case for 'presidential': the use of bilateral meetings between the Prime Minister and individual ministers, rather than full Cabinet debate, to settle major decisions, is often cited as evidence that formal collective Cabinet government has been supplemented, or in practice partly displaced, by more centralised decision-making.
- Case for 'first among equals': the Prime Minister remains dependent on their parliamentary party for a Commons majority and has, historically, been forced to resign after losing the confidence of their own party, unlike a US President who serves a fixed term regardless of their party's support in Congress.
- Case for 'first among equals': the convention of collective responsibility formally requires Cabinet agreement (or at least public unity) on major decisions, and a Prime Minister who repeatedly bypasses Cabinet risks resignations or a loss of support that can itself become destabilising.
- Case for 'first among equals': the Prime Minister has no separate personal mandate distinct from their party (unlike a directly elected US President), and holds office only because they command the confidence of the Commons as leader of the largest party or a viable coalition.
- A balanced conclusion might argue that the description which fits best depends on context and individual style: some Prime Ministers have governed in a more personalised, centralised way (supporting the 'presidential' label) while remaining constitutionally, and ultimately practically, dependent on their party and Parliament in a way no fixed-term President is (supporting 'first among equals'), so neither label alone fully captures the office.