

## **Paper 2 Question bank:**

### **Part A:**

#### **30 mark Source Questions:**

1)

If and when an MP fails to represent the electorate, we can get rid of them at the next election if we should so wish. If a peer does this, we have no choice but to stand idly by, and have our taxation pay for their upkeep. This is at the core of why some say the House of Lords needs to go. It is an archaic institution, and has been recognised as such for quite some time. In March 1649, right at the start of Britain's experiment in republicanism, the House of Lords was abolished. It was reinstated in 1660 for the purpose of assisting the man who would be crowned King Charles II. This cemented it as a symbol of elitist power, and has remained so ever since.

The House of Lords suits our political leaders very well indeed, allowing them to quite literally put friends in high places. Such a process makes a mockery of our electoral system, which we ironically call representative. We, the electorate, are reduced to only semi-participants in the democratic process, given just enough power so as we don't complain too loudly.

When the House of Lords was abolished, it was branded 'useless and dangerous to the people of England'. Over 350 years later, not much has changed. A symbol of filthy bureaucracy that is completely abhorrent and incomprehensible in today's society or testament to the history of British democracy, the House of Lords has divided opinions for many years.

Whatever you think of the House of Lords, though, you have to recognise that it has a crucial part to play in the law-making business of Britain. The 1999 House of Lords Act intended to remove most of the hereditary peers, also known as those who are only in there because of their rich and powerful ancestors who probably opened their wallets at the right time. Unfortunately, there are still ninety-two of them remaining.

While it is currently completely filled with those who do not represent this country, if reformed the Lords could be something great. Abolishing it would give governments too much power and we would most certainly run the risk of an oppressive government.

What the House of Lords needs is an independent committee to select worthy nominees based on experience, passion and their ability to do the work required. Real reform could deliver real results.

Even with these reservations, the House of Lords is ultimately a useful institution to have as a revising chamber, and as an important part of the system of balancing and checking power, particularly in the current state of affairs. With the Commons increasingly inhabited by politicians pushing daft policies like Brexit, a return to grammar schools and an authoritarian surveillance state, there needs to be a body which holds 'here today, gone tomorrow' politicians to account more than once every five-year general elections are able to.

**Source: <https://www.bbench.co.uk/single-post/2017/04/30/Head-to-Head-Should-the-House-of-Lords-be-abolished>**

**Using the source, evaluate the view that the House of Lords requires further reform.**

2)

When David Davis, secretary of state for Brexit, responded to the High Court's decision that only parliament has the authority to trigger article 50, he became unusually incoherent: "Parliament is sovereign," he said, "has been sovereign, but of course the people are sovereign." The "sovereignty of parliament" is a unique feature of Britain's once durable uncodified arrangements. From 1688, monarchical absolutism, aristocratic privilege and capitalist energy combined into a new form of rule: cabinet government accountable to a parliament of Commons and Lords under the crown. It created an engine of global conquest with built-in checks that protected the kingdom from would-be dictators and, especially, democracy. It rested on domestic consent. But consent was – and was seen as being – the opposite of allowing "government by the people".

This is why the outcome of the Brexit referendum is constitutional dynamite for Britain. The assumption was that it would confirm the status quo: that deference, self-interest and fear of the consequences would renew consent for the old regime with a remain vote.

Instead, consent was withdrawn. A new sovereign i.e. "the people", has now displaced the old i.e. "parliament". The Commons and Lords – both with "remain" majorities – must vote to leave the EU. By terminating the 1972 European Communities Act as a result of Brexit, "parliamentary sovereignty" will be restored only as a technicality: for in fact and in spirit the referendum drove a stake through its heart. The "will of the people" must now prevail.

Those who resist are "enemies of the people", as the Daily Mail newspaper described the high court judges involved in determining whether Parliament should vote to act on the Brexit referendum outcome. This is the raw meat of dictatorship. A new and democratic constitution is now essential, one that rests on popular sovereignty but protects the rights of all.

Let's start with first principles. All constitutions do three things.

First, they establish the authority that different centres of power have, how they relate to one another, and how these relations can be changed. This is where the famous separation of powers (between the executive, the legislature and the judiciary) comes in; or, as is the case in the UK, does not come in.

Second, all constitutions define the powers and rights of citizens. Do individuals have the right to vote, to assemble, to free speech, and so on?

Third, all constitutions express the aspirations of the society.

The UK constitution was once the plaything of a privileged political elite. When he was head of the civil service and secretary to the cabinet, Robin Butler was asked by a student what the constitution was. He replied: "It is something we make up as we go along." His "we" was not the "we" of "we, the people". He meant those like him.

The irony is that by leaving the EU, we now find ourselves in even more need of grownup, European-style arrangements. What is clear now is that our country must bury its arbitrary, hyper-centralised empire-state. For even a newfangled supreme court cannot preserve the uncodified constitution that is being shredded by Brexit.

Source:<https://www.theguardian.com/commentisfree/2016/nov/30/why-britain-needs-written-constitution>

**Using the source, evaluate the view that the UK is in need of a codified constitution.**

3)

Mike Emmerich, the former civil servant who has played a key role in negotiating Greater Manchester's devolution deal with Whitehall, says that central government should not be able to take back control of devolved services without the backing of two-thirds of MPs.

The Greater Manchester deal created a mayor for the city's combined authority, with powers over devolved housing budgets, transport planning powers, and responsibility for skills spending. However, Emmerich, who worked in both the Treasury and 10 Downing St between 1997 and 2002, said these powers were 'small beer' and would not be enough to tackle the economic underperformance of urban areas in England. Emmerich has calculated that the deficit between what the 10 biggest cities outside London earn from taxation and what they spend every year amounts to £53.5bn. The funding attached to the mayoral devolution deals amounts to just £7.4bn over 30 years, or £246.5m annually. He argued that in order to close this gap between spending and revenue, there should be a presumption towards devolution for many more policy areas.

For example, he highlighted that only Greater Manchester has so far taken on further devolved responsibility for health spending, but major cities should be free to seek devolution of any area of public spending that is not judged inherently national in nature. Government intervention in cases of service failure should be a last resort, and only possible with a supermajority of two-thirds of MPs backing the plan, he said, similar to the threshold for calling an unplanned general election in the Fixed Terms Parliament Act.

Emmerich said that current system means that "what parliament gives, so too parliament can take away". Devolved programmes and resources promised and agreed when Osborne was Chancellor of the Exchequer have already been abolished or reduced, he said. In order to better fund services, cities should have tax-raising powers, especially business, property and sales based taxes, and the ability to increase them as long as participation in mayoral elections was high. However, local taxation powers would need to be balanced by the existing redistribution of tax revenues from rich and thriving areas to poorer, smaller ones.

However, one of the arguments against further devolution is cost. Devolving decision making from a central system, which has been doing this effectively for a long time, increases the time taken for decisions to be made and implemented. And there is a possibility of constitutional instability. What happens if the city or regional government clashes with national government? How does this get resolved? Who do we appeal to? National government?

Also, uneven devolved decision making can lead to a "postcode lottery". One of the starkest examples of this is university tuition fees, where a student in England looks at debts in excess of £27k for fees, while Scotland has not introduced them.

Source: <https://www.civilserviceworld.com/articles/news/supermajority-mps-'shouldbe-required-reverse-city-devolution'> and <https://www.opendemocracy.net/ourkingdom/rebecca-riley/devolution-for-and-against-tale-of-many-cities>

Using the source, evaluate the view that there should be further devolution to regional assemblies.

**4. Page 159 of the textbook:** using the source, evaluate the view that the UK constitution should be codified.

**5. Page 187 of the textbook:** Using the source evaluate the view that the House of Lords provides a useful parliamentary function.

**6. Page 213 of the textbook:** Using the source, evaluate the view that the prime minister is the dominant force in British politics.

**7. Page 242 of the textbook:** using the source evaluate the view that the Westminster Parliament exercises full sovereignty in the UK. 4)

## **Part 2: 30 mark evaluate the view questions**

### **Unit 1: The Constitution.**

1. Evaluate the view that there are more advantages to having a codified constitution than remaining with an uncodified constitution.
2. Evaluate the view that the logical next step after devolution to Scotland, Wales and Northern Ireland is the devolution of further power to England.
3. Evaluate the view that Constitutional reforms in the UK since 1997 have been weak, incomplete and require further change.

### **Unit 2: Parliament**

4. Evaluate the view that parliament is effective in carrying out its various functions.
5. Evaluate the view that Prime Ministers Questions should be abolished and replaced by other forms of parliamentary scrutiny of the executive.
6. Evaluate the view that the House of Lords needs further reform.

### **Unit 3: The Prime Minister**

7. Evaluate the view that Prime Ministers can successfully control Parliament.
8. Evaluate the extent to which the cabinet can act as a check on prime ministerial power.
9. Evaluate the view that the conventions of ministerial responsibility no longer adequately account for the actions of ministers.
10. Evaluate the extent to which the UK government's control over Parliament has reduced in recent years.

### **Unit 4: Relations between the Branches**

11. Evaluate the view that Parliament can sufficiently limit the power of the prime minister.
12. Evaluate the view that judges should not exercise control over the power of government.
13. Evaluate how far Parliament retains sole sovereignty within the UK political system.
14. Evaluate the view that the 'four freedoms' and the single market have brought positive benefits to the UK.
15. Evaluate the view that the Supreme Court is neutral and independent of the UK government.