**A Level Politics**

**Unit 2 Revision Booklet**

**This booklet contains:**

**Advice on answering exam questions (p.2)**

**Structure of the Unit 2 exam paper (p. 3)**

**Planning advice for the source based question (p. 5)**

**Planning advice for the non-source based question (p. 7)**

**Past Questions from the old specification (p. 8)**

**The Constitution (p.11)**

**Executive (p.27)**

**Relations between the branches (p.40)**

**Parliament (p.60)**

**Over the revision period we recommend**

* Read and sort through your file notes. Make sure that they are all complete, in the right part of your file, in the right order and understandable.
* Go back to the McNaughton textbook and clarify any parts that you don’t understand.
* Read through the revision notes in this pack and add your own notes to them where you think necessary. Plan your revision! Pick out questions, produce your own rough answer and then check your answers against the notes in this booklet.
* Produce your own charts and spider diagram to help you revise (e.g. on ‘The Functions of parliament or, ‘Models of Executive Power’). Your revision must be active and not passive!
* Look through the potential exam questions (past exam papers themselves are on Godalming Online but all the previous questions are here too at the start of each section). Get a feel for what sort of questions are being asked. Try to produce bullet point answers, or rough plans, for these questions. Check your answers against the mark schemes. Remember the more you practise the more likely it is that a similar question to one that you have already answered will appear in the exam.
* If you want to write out answers to time and e-mail them to us we will mark them and send them back to you.
* Good Luck!

**A Level Politics – Advice on answering exam questions for Unit 2 A Level Politics**

There are three assessment objectives for A Level politics.

**AO1**

Demonstrate knowledge and understanding of relevant institutions, processes, political concepts, theories and issues.

**AO2**

Analyse aspects of politics and political information, including in relation to parallels, connections, similarities and differences.

**AO3**

Evaluate aspects of politics and political information, including to construct arguments, make substantiated judgements and draw conclusions.

At A Level, 40% of all marks are for AO1 but **you will not** **achieve the highest marks if you do not also score highly on AO2 and AO3.**

You will see these three objectives referred to on the right hand side of the examiner’s mark scheme.

**General Advice**

* **In source questions, it clearly states ‘Using the source…’.** If you fail to refer to the source, you will be limited to 12/30 marks, no matter how excellent your answer it! It is best to make this very clear to the examiner by quoting from the source or using the phrase ‘the source suggests that’.
* **Make sure that you obey the command word in the question.**

For example, you need to know how to ‘evaluate’. To evaluate means to analyse a range of arguments, weighing up the strengths and weaknesses of each and reaching a conclusion.

* Each point you make should be backed up with a **relevant and up to date example**. You should build up a bank of examples for each topic you study (e.g on good example cases for the Judiciary topic).
* **Always give definitions for any key terms mentioned in a 30 mark essay question**. So, if a question asks for the advantages of the Core Executive model of Executive power, make sure you can define the Core Executive.
* **Get your timing right**! (see below) If you find yourself going over the time limit for any section of the question you should stop writing and move on to the next question. It would be a disaster to leave yourself short of time for the other essay question. It is better to write bullet points than run over time.
* **Explain & Evaluate your points**. The general pattern should be **(‘PEEL’)**:

1. Make the **P**oint.

2. **E**xplain it.

3. Give an **E**xample.

4. **L**ink it back to the question

**The Structure of the Unit 2 Paper**

* There are 4 topics that you need to revise. These are: Constitution, Parliament, Executive, & Relations between the Branches.
* There are 3 sections to the Paper (but for your year 12 mock, you will only be examined on 2 sections as the third is an ideology question). You must answer one question from section A and one non source based question from section B. Section A is compulsory question and section B there is a choice of two. You should spend 45 minutes on each question.

**Question 1 – the source based essay question**

* This is worth 30 marks and you should spend 45 minutes on this question.
* **Read the source carefully and highlight any main quotes** that might summarise the two sides of the debate. You may wish to use two highlighter pens.
* **Highlight the other arguments ‘for’ and ‘against’** the subject that you need to evaluate.
* Use these to **create a plan**. It is best to draw up a quick table, with your ideas in bullet points.
* From this, **develop argument and counter argument pairs**. They must be logical and naturally go together. You may add your own counter argument, but the initial argument must ALWAYS come from the source.
* **Decide your ‘answer’ before you begin writing.** You will need to state your opinion in the introduction, so you need to decide! Judgement is expected, so be decisive, but you can give a judgement that is based on ‘it depends’. Essays are NOT murder mysteries: tell the examiner that it was Mrs Peacock, with the lead piping, in the conservatory, at the beginning of the essay, not the end!
* **Do not write in the first-person** e.g, ‘I think’ or ‘In my opinion.’ Instead, use phrases like, ‘it can be argued that…’ or ‘an alternative viewpoint is…’
* Your introduction should be brief, starting with the controversy of the topic and a definition of any concept. It should give a summary of the arguments and at the end of this paragraph you should state your opinion or answer to the question (**signposting your view**).
* You should include at least 3 argument pairs, 4 if aiming for a top grade.
* Use **quotes from the source** to make a point and develop your argument from this.
* **Keep returning back to the question**. Make sure every paragraph you write is question-focused. You can make the examiner aware of this by regularly referring to key words in the question in your answer.
* **Include interim conclusions** at the end of each paragraph pair, referring back to the key words in the question.
* **Refer to topics studied in other parts of the course, even Unit 1.** This is called a synoptic link and is an essential requirement for A\*/ A grades. For example, if you are discussing Parliament, you could refer to the fact that there is a lack of representation of minor parties due to the system of FPTP (which is part of your Unit 1, electoral system work!), or the fact that MPs have different pressures on them, they can represent their constituents, pressure groups, parties or follow their own conscience, as theorist Burke described (these are different theories of representation, which is unit 1!) If discussing the power of the PM, you could refer to Blair’s ability to pass legislation for the Iraq war, despite the largest anti-war demonstration taking place in the weeks before the vote (pressure groups, unit 1). Synoptic comments need only be short and precise, but they must be there in order to get the top marks**. As you revise each topic, think about how you would connect it to a unit 1 topic**. How ‘democratic’ something is (and consider the type of democracy it is too) could probably connect to many topics!’
* **Remember to ‘PEEL’ each paragraph (Point-Explain-Example-Link to Question). Always, Always give examples!** Your examples need to demonstrate the point that you are making, so explain this connection before moving on.
* **Make a judgement**. Your opinion should be clear from the outset and reinforced as you go along with your interim conclusions. However, summarise your argument in the conclusion. You need to take an opinion, but there may be variability as sometimes factors change in different circumstances (eg PM Power). You are evaluating the extent of an issue, therefore it is ok to have an element of ‘it depends’ in your answer.

**Question 2: the non-source-based Essay**

One 30-mark question from a choice of two, which assesses AO1, AO2 and AO3.

* Spend **45/50 minutes** on this
* You will be asked to evaluate a view or the extent of one particular issue, eg, the dominance of the executive over Parliament.
* You will need to provide 3 points arguing in favour and 3 points arguing against.
* **Write a plan** to order your thoughts, by selecting that key words of the question (eg Dominance of the PM) drawing up a table of points for and against. Spend 5 minutes on your plan.
* In your plan, create argument and counter-argument pairs. These must be logical and naturally go together.
* **Decide your ‘answer’ before you begin writing.** You will need to state your opinion in the introduction so you need to decide! Judgement is expected, so be decisive, but you can give a judgement that is based on ‘it depends’
* Follow a point vs counterpoint (mini-judgment) X 3 structure. (Use this structure when planning questions too – **see below for examples**)
* Make sure that the counter argument is directly linked to the argument you have just made, e.g. a codified constitution clarifies and enshrines citizens’ rights, however, an uncodified constitution provides necessary flexibility and is easily adaptable.
* You will need an introduction which defines key terms, lays out the points on either side and signposts your overall answer to the question
* You will need a conclusion which sums up the points you’ve made on both sides and **justifies your judgement.**
* **Use the wording of the question** – address the statement given to you in the question directly. Yes, it’s correct or no it isn’t. There may be a level of variability or ‘it depends’ on certain factors.
* **You should refer to other parts of the course, including Unit 1 topics**. This is called SYNOPTICITY and you need to do this in order to get the highest grades. For example, if you are discussing Parliament, you could refer to the fact that there is a lack of representation of minor parties due to the system of FPTP (which is part of your Unit 1, electoral system work!), or the fact that MPs have different pressures on the them, they can represent their constituents, pressure groups, parties or follow their own conscience, as theorist Burke described (these are different theories of representation, which is unit 1!). If discussing the power of the PM, you could refer to Blair’s ability to pass legislation for the Iraq war, despite the largest anti-war demonstration taking place in the weeks before the vote (pressure groups, unit 1). Synoptic comments need only be short and precise, but they must be there in order to get the top marks. As you revise each topic, think about how you would connect it to a unit 1 topic. How ‘democratic’ something is (and consider the type of democracy it is too) could probably connect to many topics!’
* **Remember to ‘PEEL’ each paragraph (Point-Explain-Example-Link to Question). Always, Always give examples!**

**Planning advice for the Source based question:**

**HOW TO PLAN**: When planning a source question, read it through first and underline anything you could use as a point, you are looking for **three points on each side of the argument**, see below as an example. Points/evidence to suggest the PM is dominant are highlighted in **Blue** below. Points/Evidence suggesting ‘are not dominant ’ are highlighted in red below. Any key quotes from the source are highlighted in Green.

Use the issues raised in source 1 to indicate the areas you need to cover.

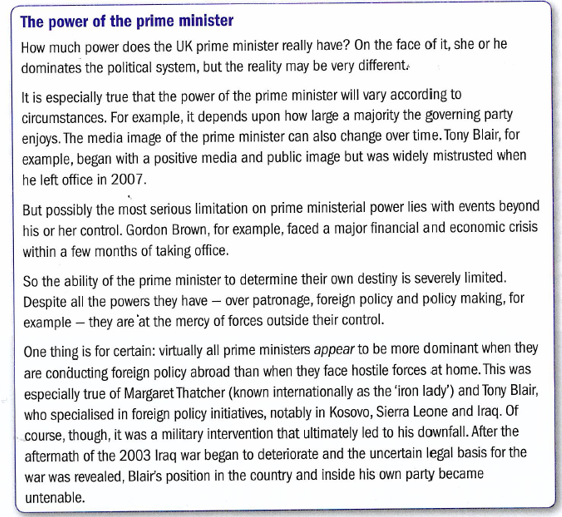
**Using the source below, evaluate the extent to which Prime Ministers dominate the UK political system.** In your response you must:

• compare the different opinions in the source

• consider the view and the alternative view in a **balanced** way

• use a balance of knowledge and understanding both arising from the source and beyond the source to help you to analyse and evaluate. (Total for Question = 30 marks)

**Source -**



Key quotes that summarise two sides:

* He or she really dominates
* The reality is very different

Points that suggest ‘dominance’:

* Pm powers over patronage
* Foreign policy
* Policy making powers

Points that suggest lack of dominance:

* Depends on how large a majority
* Events beyond their control
* Face hostile forces at home
* Media image can change over time

**30 Mark Source Essay Plan**

**Introduction:** - Set out the debate. What do we know about Prime Ministerial power, is it formal or informal? Is it affected by factors outside of their control? Indicate the PM’s you will talk about in your answer. Signpost your answer.

**Main body of the essay:** Use the **source** to find evidence (eithers powers or factors) for either side of the dominates/doesn’t debate. You should aim for between 3-4 points for either side. Use a variety of PM’s and your notes on PM power to help you add detail to the source points:

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| **Dominate** | **Doesn’t dominate** | **Strongest argument?**  **Judgement** |
| **Patronage and Collective Responsibility** | **Lack of Party support** |  |
| **Strong Majority** (Parliamentary dominance) | **Weak Majority** |  |
| **Chief Foreign Policy maker** | **The Electorate** (maybe influenced by foreign policy) |  |
| **Events** | **Media image** (influenced by negative handling of events) |  |

**Conclusion:** A judgement – which side seems stronger. You cannot sit on the fence – the arguments must show that one side is stronger than the other. A really strong answer will consider how some of the points on the side that the PM doesn’t dominate link together. Try to mention the source in your conclusion

**Planning advice for the 30-mark non source-based question**

With the 25 markers from the old specification below, and the essay plans outlined in the different sections below, it would be a good idea to plan them out yourself using the 30-mark structure we have taught you in class, outlined below. Make sure your points and counterpoints are linked as closely to each other as possible, and make sure to include mini-judgements so your essays have an argument.

**Introduction:** Set out the debate. Lay out your points on either side and signpost your answer.

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| **Point For** | **Point Against** | **Mini-Judgement (which side is stronger?)** |
| First point | First counterpoint |  |
| Second point | Second counterpoint |  |
| Third point | Third Counterpoint |  |
| Optional fourth point | Optional fourth counterpoint |  |

**Conclusion:** Summarise your argument, explaining why the side you have picked is stronger or more convincing than the other side.

**Finally, some dos and don’ts for exam success:**

**Do:**

* Get your **timing right**
* Use **up-to-date examples** and, if you can, try to use examples that are a bit different (e.g. if possible comment on the results of the current election. This could be relevant for all 4 Unit 2 topics!).
* **Do not use examples in isolation**. They are used best when they help to illustrate a point you are making.
* **Obey command words** and focus like a laser on the question. Try to repeat key words in the question in your own answer so that the examiner is aware that you have the question in mind. In the best answers we have seen the one thing they all have in common is that they have addressed the question directly and conclude with a specific answer to the question (believe it or not, not all candidates do this!).
* **Study past papers and mark schemes**. Even if you’re not sitting at your desk you can still run through potential questions in your head. It all helps!
* **Practise questions** under exam conditions (your teacher will always be happy to look through your work).
* **Answer the question on the paper** and not the one you hoped for!

**Don’t:**

* Use out-of-date examples and when you do use examples make sure that they relate to the point you are making and are ‘woven in’ to your answer.
* Write down all you know about a topic – instead, apply what you know to answer the question you have been asked. ***Be a ‘laser guided missile’ rather than a ‘carpet bomber’!***
* Use prepared answers. Examiners never ask exactly the same question twice.

**Previous Exam Questions (out of date)**

**BE AWARE:** These 10 mark and 25 mark questions are from the old specification (no longer the format used in the exam you will sit) but have been included here to show you the type of questions you could be asked – but are still useful for you to look at when it comes to the issues being examined on, and plan them as non-source based 30 markers.

**June 2015**

1. With reference to the source, describe three of the sources which make up the UK constitution
2. With reference to the source and your own knowledge, explain the features of parliamentary sovereignty.
3. To what extent does Parliament remain sovereign?

**May 2014**

1. With reference to the source outline why the UK constitution is easy to change.
2. With reference to the source and your own knowledge, explain how an uncodified constitution differs from a codified constitution.
3. Assess the significance of the constitutional reforms introduced since 1997? (25)

**May 2013**

a) With reference to the source, outline two features of the UK constitution (5)

b) With reference to the source and your own knowledge, explain the sources of the UK constitution. (10)

c) Assess the strengths of the UK constitution (25)

**May 2012**

a) With reference to the source, outline two constitutional reforms proposed by David Miliband (5)

b) With reference to the source and your own knowledge, explain the arguments in favour of introducing a codified constitution (10)

c) To what extent have the coalition government’s proposals to reform the UK constitution been controversial? (25)

**May 2010**

1. With reference to the source, describe **three** sources of the UK constitution (5)
2. With reference to the source, and your own knowledge, explain the arguments in favour of a codified constitution for the UK (10)
3. Make out a case against the adoption of a codified constitution for the UK (25)

**Set 1**

1. What is an uncodified constitution? (5)
2. Explain **three** principles of the UK constitution (10)
3. Assess the arguments in favour of a codified constitution (25)

**Set 2**

1. Distinguish between a federal constitution and a unitary constitution (5)
2. Where, in the UK constitutional system, is sovereignty located? (10)
3. Assess the arguments against codified constitutions?

**Previous 40 mark questions – useful for Section C essay question planning**:

**June 2016:** ‘Arguments in favour of further constitutional reform are more convincing than those

against.’ Discuss.

**January 2013**‘To what extent have constitutional reforms introduced since 1997 made the UK more democratic? (40)

**January 2012** ‘To what extent have constitutional reforms since 1997 reduced the powers of UK governments? (40)

**June 2011** ‘To what extent has the location of sovereignty in the UK changed in recent years?’ (40)

**January 2011** ‘The UK constitution is no longer fit for purpose.’ Discuss (40)

**January 2010** ‘The advantages of a codified constitution now outweigh the disadvantages.’ Discuss (40)

**June 2009** ‘Constitutional reform since 1997 has not gone far enough’ Discuss (40)

How and why has pressure for constitutional reform grown in recent years? (40)

**The Constitution**

**What do I need to know?**

* What is a political constitution and what forms can it take?
* What is the nature of the UK constitution and what are its sources?
* What are the strengths and weaknesses of the UK constitution?
* How the UK constitution developed through history?
* Why and how has the constitution been reformed since 1997 and how effective have these reforms been?

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| **Basic vocabulary** | **Higher level vocab.** | **A\* vocabulary** |
| * *constitution* * *codified / uncodified* * *unitary / federal* * *rigid / flexible* * *entrenched* * *Statute Law* * *Common Law* * *Royal Prerogative* * *Authoritarian writing* * *Conventions* * *Devolution* * *Sovereignty* * *Rule of law* | * *Limited Government* * *Popular sovereignty* * *Pooled sovereignty* * *Elective dictatorship* * *Bicameralism* * *Separation of powers* * *Parliamentary Govt* * *Cabinet Govt* | * *‘dignified’ / ‘efficient’ parts of the constitution* * *judicial tyranny* * *‘piecemeal’ reforms* |

**Key concepts and definitions**

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| **Defining a constitution**   * A constitution details the **working arrangements of government** in a country and the collection of rules, written and unwritten which regulate the government and inform the relationship between the government and the people. * **In most cases the Constitution is a written document**. Such constitutions are usually described as codified. However, a few countries such as the UK operate without a specific codified constitution * Constitutions can specify what the **different powers of respective branches**, and levels of government, are, as well as the relations between them. * A constitution normally **states the limits of governmental powers**. E.g. in America government is limited by a strict separation of powers laid down in the constitution. * A constitution also **specifies the relations between the citizen and the state**. Famously, the first ten amendments to the US constitution are known as the Bill of Rights, and include the right to free speech, bear arms, etc. * Constitutions often **establish the rules by which nationality is established** i.e. who is entitled to be a citizen and how you can become a citizen. |

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| **Features of a codified constitution**   * The roles of different branches and levels of government and the relations between the citizen and the state are brought together in a **single document**. * **Codification implies entrenchment**, i.e. it is a higher law and requires a special procedure for amendment. |

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| **Sovereignty**   * Sovereignty refers to **absolute power**, i.e. the exclusive right to control of governance. * In the case of the UK, **sovereignty in legal terms is said to reside in Westminster** since “Parliament has the sole right to make or unmake any law” (Dicey). * The concept of popular sovereignty suggests that real power is merely on loan to legislators since the people exercise popular sovereignty every 4 or 5 years via the ballot box. |

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| **What is ‘elective dictatorship’?**   * In the UK this refers to the supreme power of the Prime Minister and Cabinet, once elected. * It occurs for as a result of the following:-  1. Parliament has sovereign power due to the lack of a codified constitution 2. The subordinate status of the Lords means that the sovereign power of Parliament is, in practice, exercised by the Commons. 3. The FPFP voting system means that the Commons is usually dominated by a single majority party. 4. Tight party discipline means that the government has majority control over the Commons, and so can use parliamentary sovereignty for its own ends. |

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| **The differences between a federal and a unitary constitution**  A **federal constitution** **entails separate spheres of sovereignty** between national and sub-national levels and each level is, in theory, autonomous. In the USA, for instance, federal government in Washington DC is supreme in areas such as foreign trade, but states are supreme in areas such as crime (e.g. some states have the death penalty, others don’t). This usually occurs where a country contains strong regional differences and identities ( e.g. Spain)  A **unitary constitution, on the other hand, draws all power into a central source**. In the UK all legal power resides in Westminster since “Parliament can make or unmake any law” (Dicey). It is possible that some power may be distributed to regions and local government (e.g. Devolution) but this is NOT sovereignty. |

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| **The difference between a codified and an uncodified constitution**   * In a codified constitution the roles of different branches and levels of government and the relations between the citizen and the state are brought together in a single document. Conversely an uncodified constitution, as found in the UK does no such thing and instead draws upon multiple sources. * Codification implies entrenchment, i.e. it is a higher law and requires a special procedure for amendment compared to normal law. In the UK our constitutional furniture can be rearranged by the same means by which the rules about what breed of dog a person can own are changed. * Codification usually implies that the document is judicable, i.e. it is left to the highest court in that nation to determine ultimately what is and isn’t ‘constitutional’. UK courts meanwhile, in the absence of a written constitution, determine cases only in relation to Acts of Parliament. Even the introduction of the Human Rights Act does not permit judges to declare actions unconstitutional, merely incompatible with the European Convention on Human Rights. |

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| **The main features of the UK constitution**  The UK constitution is **uncodified.** It is drawn from a number of sources, much of which is written, and is not contained in a single authoritative document.   * Another core feature is that the UK operates according to the **rule of law**. This is a principle which states that law is applied equally to all citizens throughout the UK. Discussion in recent months about the possible introduction of Sharia/Islamic law in the UK highlighted how this would be incompatible. * Another feature is that it is **unitary,** i.e. it draws all power into a central source. In the UK all legal power resides in Westminster since “*Parliament can make or unmake any law*” (Dicey) |

**Useful Information**

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| **The sources of the UK constitution**  (Mnemonically these can be listed as ‘**SCREWC’**)  **Statute.** Acts of Parliament such as the House of Lords Act 1999 (cutting the number of hereditary peers to a rump of 92), or the Terrorism Act 2005 (28 day detention), account for a great deal of the rules of governance in the UK. The Human Rights Act and the Parliament Act (1949) limiting the powers of the Lords.  **Common law.** Sometimes referred to as ‘case law’ or ‘judge made law’ since the decisions of judges in court form the basis of law, and precedent determines how the law is applied in subsequent cases. Much of criminal law in England and Wales is derived from common law, as is divorce law.  **Royal Prerogative**. It is now customary that the Prime Minister exercises powers which are theoretically the preserve of the monarch, e.g. hiring and firing ministers, calling elections, etc.  **European law**. Accession to the EEC (now EU) has had a considerable impact on the shape of the UK constitution. Many laws relating to employment rights (such as the restrictions on the length of the working week) derive from EU law.  **Works of authority**. e.g. *Dicey* established the twin pillars of the constitution: rule of law and parliamentary sovereignty. *Bagehot* outlined the principle of Cabinet government. *Erskine May –* parliamentary rule book.  **Conventions**. That the most senior members of government departments shall form a Cabinet, or that the Prime Minister should be the leader of a party that commands a majority in the Commons is not to be found in any statute law, neither is the principle of Collective Responsibility. We can add to this the Salisbury Convention that guides the Lords not to reject any bill which was a manifesto commitment of the government. |
| **Where sovereignty is located in the UK**   * **Legal sovereignty is located in Parliament**. Dicey stated: “Parliament has the sole power to make or unmake any law.” This means that it has ultimate legal power and its actions cannot be over-ridden by any other body. * **Some power has been transferred downwards to the new devolved structures, and upwards to the supranational EU** – remember, we haven’t left the EU – yet! * **Political sovereignty can be said to be located elsewhere**. The doctrine of popular sovereignty suggests that the people hold ultimate power and that they lend it to MPs between elections. Although the UK does not operate a system of recall elections, politicians must remain sensitive to the needs and wishes of the electorate (either locally or nationally) lest they get ejected. * **One could also argue that the use of referendums (Scotland/Wales 1997, London/NI 1998, Scotland 2014, EU referendum 2016) saw popular sovereignty triumph over parliamentary sovereignty.** * It would be difficult to argue that parliament is sovereign when **so much power has flowed to the Executive in recent years.** Centralisation by modern Prime Ministers like Tony Blair, exaggerated by the growth in personality politics, suggests real power, in terms of political sovereignty, lies at No. 10. |
| **Ways in which Parliament is sovereign**   * Dicey stated: **“Parliament has the sole power to make or unmake any law.”** This means that it has ultimate legal power and its actions cannot be over-ridden by any other body. This can be variously illustrated. * **Power which has been transferred either upwards or downwards can be reversed**. Devolution can be repealed by a simple Act of Parliament. Law from Brussels/Strasbourg/Luxembourg may take precedence over UK law in certain policy areas, but the UK could withdraw from the EU at any time. * **No parliament can bind its successors**. This applies not just to the constitutional changes outlined above, but to any Act of Parliament. Thus a future Conservative government could, if it so wished, repeal the ban on hunting with hounds. * Much has been made about the erosion of sovereignty by the judiciary, principally in relation to the passage of the Human Rights Act and the creation of a new Supreme Court, which ended the function of the House of Lords as the final court of appeal. But in each case, these **changes do not give power to the judicial branch to strike down actions of Parliament**. In the highly controversial Belmarsh case, for instance, Parliament could have ignored the judgement declaring indefinite detention for foreign nationals. Hence the HRA has provided a moral rather than legal check on the legislature. * In the absence of a written constitution detailing the outcome of a referendum as binding on our legislators, **Parliament could ignore the so called will of the people**. Technically, Parliament could ignore the Brexit result. |

**30 mark non-source Questions**

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| **Evaluate the view that the strengths of the UK constitution outweigh the weaknesses (30)**  **Strengths**   * **Flexibility**. Governments with a mandate are not limited in their ability to change governing arrangements by having to go through lengthy and complex procedures. As a result, the Labour government were able to incorporate the European Convention on Human Rights into UK law via a simple Act of Parliament. * The UK constitution **provides strong government**. Whilst not everyone agreed with the reforms to the UK economy of the Thatcher era, it was possible for her to undertake massive change to such things as employment laws. * The constitution, although uncodified, **cannot be ignored**. E.g there is no special procedure for amending the governing apparatus but any future government would be unwise to attempt to reverse devolution without recourse to a referendum. * **The constitution is organic** and has been allowed to adapt with time. Its uncodified nature has meant that we are not encumbered with relics of the past, like the right to bear arms, as is the case in America with the 2nd Amendment. * **Extensive personal freedoms are afforded to UK political citizens without the need for codification or entrenchment**. We have only minor restrictions on freedom of speech such as libel, incitement to racial hatred etc. Are rights any better protected in the USA, for instance?      * **Awareness of the fundamental principles that underpin liberal democracies any higher in those countries with codified constitutions and bills of rights?** UK citizens are not ignorant of habeas corpus, or the rule of law. * **The UK judiciary has not been overtly politicised** since they do not have to act as final arbiters of the constitution. It would be undesirable to have judges enter the political thicket in relation to controversial issues such as abortion or the death penalty, as they do in the USA. Instead it is left to our legislators to make political decisions. * **For all its faults, the UK electoral system seems to operate effectively and has the consent of the people**. For instance, in 1997 a relatively small swing of support away from the Tories swept a new government with fresh ideas into power. Usually the party with the largest share of the votes wins and thus there is clear accountability. * **The raft of constitutional reforms carried out since 1997 makes the UK a more open and responsive democracy**. The Scottish Parliament, established in 1999, brings government closer to the people of that nation and has permitted the introduction of more region sensitive policies, e.g. the abolition of up-front tuition fees and then the decision not to introduce variable fees for Scottish undergraduates. The new election systems in the devolved regions afford greater representation in a number of ways. * **Codification would undermine the principle of parliamentary sovereignty** and upset the nature and balance of government. This historical principle has stood the test of time, so it would seem foolish to tamper with it. * **Who would write a codified constitution?** The debate would be unnecessarily divisive (as was the case in 1911 over the House of Lords) and political consensus would be impossible. * With the future condition of the UK’s relationship with European Union unclear as of April 2019, codifying our new relationship would clarify it for future parliaments.   **Weaknesses**   * The lack of codification and the need for special procedures to amend the constitution make it **too easy to change** e.g. the government ignored public demand for a vote on the Lisbon Treaty.      * Despite introduction of the HRA **rights are still not adequately protected** since they lack entrenchment in our political system. That governments elected by just 1 in 5 of the electorate can alter the rights of the people on a whim underlines the need for codification. * **Since most of the constitution is unwritten it is unknowable**. This means that citizens rely on government to play by largely unwritten rules. It would be far safer and far more democratic if our constitutional arrangements and procedures were defined and limited by law. * Unlike citizens in the USA, who are able to buy a copy of the US constitution from almost any bookshop, **since** **UK citizens lack a constitution which can be read and understood, they are less likely to claim their rights.** * **The election system used for Westminster distorts representation politically and socially**. In 2005 Labour were awarded 55% of the seats with only 35% of the national vote. Concerns are that there is very little consent for the government. Since turnout was just 61.3% it meant that only 21.6% of the entire electorate voted for the government. In 2010 the Conservatives achieved 47% of the seats on 37% of the vote. * **The constitution is imbalanced, with the executive holding far too much power**. Parliament is a toothless body, i.e. it is unable to effectively hold government to account. Thus there is no effective legal restraint against a party with a majority in the Commons between elections. * Since we have no codified constitution detailing what issues are put to a direct vote by the people, **what the people vote on is decided by the government of the day**. That there are no clear rules governing when referendums should be held is illustrated by the case of the Brown non-referendum on the EU Reform Treaty. * **The reforms to the House of Lords in 1999 have not made it more democratic.** The hereditary element is indefensible, and the appointment process is corrupted. ‘Cash for peerages’ has brought into question the shady nature of life peer appointments. Our constitutional system has been seriously discredited since there is an inference that a seat in the legislature is not obtained on merit but by a desire to get political parties out of financial difficulty. * **Due to the UK’s current uncodified constitution, the legal process of leaving the EU has been relatively simple,** with the process revolving around the repeal of statute law through parliament, and signing new laws which don’t possess EU law within them. This is much more legally simplistic than amending an entrenched, codified constitution.   ***Evaluation:*** As with many questions of reform in the UK the question of reform is difficult and complex. It is often argued that there is little desire for reform and that the current constitutional arrangements seem to work; Britain has not suffered from a violent revolution (since the Civil War) or major political unrest and government can act decisively. However, this is to ignore the fact that improvements can still be made and that there seems to be an increasing level of discontent with the political system, with declining participation and lack of respect for politics and large scale concerns about human rights abuses. Changes to the constitution, in particular changes to the election system and more use of referenda could see increased political participation. |
| **Evaluate the view that the Parliament has lost sovereignty in recent years. (30)**    **Introduction** (Terms defined, signposted the major points)  The doctrine of Parliamentary sovereignty is the cornerstone of the UK constitution. It basically states that the Westminster Parliament is the supreme law-making body in the UK. Parliament is the ultimate law making authority and this legislative supremacy is constructed around 3 propositions; legislation cannot be overturned by any higher authority, the Westminster Parliament can legislate on any subject of its choosing and no Parliament can bind its successors. These propositions theoretically give Parliament great power in the UK. In practice Parliamentary power has always been curtailed by a number of factors. Parliament has always been under significant executive control, influenced by external groups, the electorate and even other countries. In recent years there have been other factors that have seemed to curtail parliamentary sovereignty even further; the growing power of the EU and membership of supranational organisations and the post 1997 Constitutional reforms.In attempting to examine how Parliamentary sovereignty has changed a careful examination needs to be made of how far there has been a decline and which factors have contributed most strongly to any decline.  Remember **‘THE PRED’** and write paragraphs on the following (*fill in revision notes here*…):-  **T**reaties – Entering into treaties with foreign governments or international organisations has arguably undermined the sovereignty of the UK parliament, as they require the UK government and parliament to commit funds, abide by international rules and adhere to international law. An example of this would be the 2% of GDP that Britain has to spend on defence to maintain it’s membership of NATO, the commitments Britain has made to the Paris Climate Change Agreement in 2015. **However, parliament** does have the power to repeal these treaties if it so wishes, and it is not bound by it’s predecessors.  **H** uman Rights Act – The 1998 Human Rights Act has arguably challenged the sovereignty of parliament in recent years. The Act signed the European Convention of Human Rights into law and has given UK judges to issue ‘declarations of incompatibility’ when UK law breaks the ECHR. This was shown by the case of the Belmarsh Nine in 2004, when the Supreme Court ruled that the Terrorism, Crime and Security Act was incompatible with the ECHR. **However,** ultimately Parliament retains the principle of ‘Parliamentary Sovereignty’ because it is in fact Parliament that has the final say on whether legislation is reformed to be compatible with Convention  **E** uropean Union - the growing power of the EU since the signing of the Lisbon Treaty in 2009 has led to increasing numbers of areas falling under EU control. An example of this is that Britain has lost rights over its territorial sovereignty due to the EU’s Common Fisheries Policy, in place since 1970, which allows European fishing vessels to fish in British waters. **However,** as of April 2019, Britain is still set to leave the EU, withdrawing from it’s rules, including the common market.  **P** ressure Groups – Pressure Group activity in the UK could be seen as undermining parliamentary sovereignty by giving undue influence to narrow and elitist sectional interests. Groups such as the CBI and the Institute of Directors have strong financial influence within political parties and could be seen as undemocratically undermining parliament’s sovereign right to legislate independently. PGs with broader popular support may also force issues to parliament’s attention diverting them away from issues which are more pressing. **However,** it is still ultimately parliament which decides to pass a new law, regardless of the wishing of pressure groups, as shown by the failure of Hacked Off to achieve meaningful new legislation on press strandards during the Cameron era.  **R** eferenda – The increasing user of referenda to solve constitutional questions in British in politics undermines the sovereignty of parliament by challenging the fundamental basis of it’s omnicompetence. When decision making is outsourced to the electorate, parliament loses its right to make all decisions and decide new laws. In the words of David Davis MP, “the people are now sovereign.” MPs lose their purpose of representatives if the people make decisions.  **Executive** – The power of the government of the UK has grown considerably in recent years, and the government traditionally dominates parliament. The government dominates the legislative process, controls the payroll vote, and usually has a majority in the Commons. The gradual increase in government power has led to a transfer of political but not legal sovereignty from parliament to the Executive. **However,** the lack of a strong majority, and the landmark Gina Miller Supreme Court case in 2017 has enabled parliament to regain some power from the Executive. The Lords also act as a weaker but important check on government power.  **D** evolution – Finally, Devolution has essentially been a gradual process of diffusing sovereignty from Westminster down to lower legislatures and assemblies across the UK, including the Northern Irish Assembly, the Welsh Assembly, the Scottish Parliament and the Greater London Assembly. This has resulted in independent powers for the devolved regions, including the ability to set their own income tax rates in Scotland, since 2016.    **Conclusion** (answers the question and picks out 2 major points to back it up) |

**Evaluate the view that the arguments for a written constitution are stronger than those against (30)**

**Introduction**

Both major political parties have tended to avoid the issue of codification, the Conservatives have been particularly strongly opposed but Labour governments have on the whole tended to avoid the issue. Labour has tended to prefer incremental changes, via the introduction of new legislation such as the HRA, Devolution acts and H of L reform.

The Liberal Democrats on the other hand are pro codification, to bring the UK into line with modern democracies and in particular they are concerned with the need to for robust protection of human right, weakening executive power, modernisation and providing clarity.

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| **FOR** | **AGAINST** |
| **Clear rules** which would be more clearly defined in a written constitution thereby creating less confusion generally. | **Rigidity**. Written constitutions are harder to change so can easily become outdated and fail to respond to an ever-changing political environment. |
| **Limited Government.** A written constitution would cut government down to size and safeguard the constitution from interference by the government of the day. | **Judicial tyranny**. Are judges the best people to police the constitution? They are unelected and socially unrepresentative (Griffith Thesis). |
| **Neutral interpretation**. A codified constitution would be policed by senior judges. Because they are ‘above’ politics they would act as neutral and impartial constitutional arbiters. | **Legalistic.** Codified constitutions can be overly legalistic, dry and not understood by the general public. Unwritten constitutions, on the other hand, have been endorsed by history and have an organic character. |
| **Protecting Rights**. Individual rights would be more clearly defined and they would be easier to enforce. | **Political Bias**. Codified constitutions can never be ‘above’ politics. They may therefore precipitate more conflict than they resolve. |
| **Education and citizenship**. A constitution has educational value because it highlights the central values and goals of the political system. | **Unnecessary.** Improving democracy or strengthening checks and balances might be a better way of preventing over-mighty government than a codified constitution. |

**Evaluate the view that the advantages of a codified constitution now outweigh the disadvantages (30).**

**Define the key terms:** A codified constitution is one in which key constitutional provisions are collected together within a single legal document, popularly known as a written constitution. The UK is unusual in that it is one of only three liberal democracies (the others being Israel and New Zealand) with no codified constitution. **Why is the Q being asked?** Fears of the growth in executive power in recent years have resulted in many commentators suggesting that the UK constitution should be codified, **with this becoming a high profile issue recently with Alex Salmond’s declaration prior to the Scottish Independence referendum, that should independence be achieved, Scotland would have a codified constitution.** **Signpost your answer:** Certainly there are a number of advantages to codification, including a greater protection of civil liberties, clarity, and providing a check on the executive. While each of these advantages has been open to criticism, it is clear that the case for a codified constitution is a strong one.

**Firstly, a codified constitution would provide clear, written rules about how our country should be run.**  As most of our uncodified constitution is unwritten, derived from multiple sources including conventions, it is unknowable. This means citizens rely on government to play by largely unwritten rules. A codified constitution would collect all the rules into a single document, which would mean that they were more clearly defined and there would be less confusion. This may also provide an educative function, increasing engagement with politics. **For example, in the USA, you can walk into a bookshop and buy a copy of the constitution, and it is taught in schools from an early age.** **However, who would write the constitution?** It would be almost impossible to reach a consensus, and a codified constitution would inevitably reflect the political bias of the governing party. **Recently a commission on a British bill of rights set up by the coalition to resolve political rows over the future of human rights in the UK failed to reach unanimous conclusions, revealing the difficulty of reaching consensus.** Furthermore, a codified constitution would be dry and legalistic and therefore only properly understood by judges, undermining the educative argument, which may be better achieved by, for example, reforming the electoral system used to elect Westminster. **Nevertheless, the greater clarity achieved by a codified constitution certainly represents a major advantage.**

**Secondly, a codified constitution would protect human rights.** Individual liberty would be more securely protected by a codified constitution because it would define the relationship between the state and the citizens. Despite the introduction of the Human Rights Act, rights in the UK are still not adequately protected as they lack entrenchment. The HRA cannot be used to overturn Acts of Parliament. **This enabled Blair to pass a series of acts in the aftermath of 9/11 and 7/7, which expanded the powers of the state by allowing the government to detain people without trial.** A codified constitution, or bill of rights, would prevent this from happening. **Indeed, the Conservatives favour a British bill of rights to replace the HRA, although it is unclear whether this would enjoy entrenched status. However, arguably in the UK we have extensive personal freedoms without need for codification or entrenchment**, for example we have only minor restrictions on freedom of speech. The Human Rights Act has also been shown to have ‘teeth’, and has increased access to the European courts, and so arguably is sufficient protection of our civil liberties. **For example, the Belmarsh case demonstrated the HRA cannot be ignored by the government; nine terrorist suspects held without trial in Belmarsh prison were released. More recently, and controversially, the deportation of Abu Qatada to Jordan has been blocked on the grounds that evidence gathered by torture could be used against him.** **Nevertheless, an entrenched constitution would serve to constrain Parliament and protect the liberty of the individual against the power of the state, and therefore this argument for codification is strong.**

**Thirdly, a codified constitution would introduce systems of checks and balances.** A codified constitution would cut government down to size, and prevent elective dictatorships, a constitutional imbalance in which executive power is checked only by the need of governments to win elections. Once elected, UK governments can more or less act as they please until they come up for election. Parliament is ‘toothless’, i.e. unable to hold the executive to account, due to the fact that the governing party holds a majority in the Commons. **This means that decisions can be made without full reference to Parliament or the public – for example, Blair’s decision to go to Iraq in 2003. However, a codified constitution may paralyse government.** For example, in the USA, a complex system of checks and balances means that government decisions can be slow. Due to the separation of powers, the President may not have control over Congress. **Trump has struggled to get his version of healthcare or plans to build a wall through Congress and his only significant legislative success in Congress is for tax cuts for the wealthy. His plans for the wall are being stalled by Congress who want to protect so-called DREAMERS, children of immigrants who were born in the USA.** By contrast, in the UK we have strong, decisive governments able to implement change. **Yet the lack of accountability of the executive between elections suggests that codification would be an advantage.**

**A codified constitution would ensure that the constitution is interpreted by neutral judges.** A codified constitution would be ‘policed’ by senior judges who would be expert in their field. This would ensure that the provisions of the constitution are upheld by other public bodies and as judges as above politics they would act as neutral arbiters. **However, judges are unelected and unrepresentative (for example, in 2018, there are only 2 female Supreme Court judges)** and so a codified constitution may result in judicial tyranny; the constitution may end up reflecting the preferences and values of senior judges. **In the USA interpretation by senior judges results in the politicisation of the judiciary who make decisions on controversial issues like abortion and the death penalty. This suggests that the UK constitution should not be codified.**

**Finally, a codified constitution would guarantee that the constitution cannot simply be changed at will by the government of the day,** as it would enjoy the status of ‘higher law’.The lack of codification makes the constitution easy to change. **For example, the government ignored public demand for a vote on the Lisbon Treaty. More recently, the Coalition introduced fixed term Parliaments, criticised because they extend the life of Parliament, meaning that government is less responsive to the electorate and enable government to shape their policy programme to ensure that at the end of their term in office circumstances are as favourable as possible to their re-election.** **However, this flexibility may be seen as an advantage because it means that the constitution is able to ‘go with the times’ and remain up-to-date.** The rigidity of codified constitutions can be a drawback. **For example, the right to bear arms, a key feature of the US constitution, consistently causes discord and issues in America.** An uncodified constitution enables a country to adapt and dispose of relics of the past. **This certainly seems a persuasive argument for dismissing the idea of codification.**

In conclusion, the case for a codified constitution in the UK is a strong one, and it can be seen that the advantages do now outweigh the disadvantages. The flexibility of the current uncodified constitution, particularly in the context of the problems in the USA, may be seen as a key strength. However, this does enable the constitution to be simply changed at a whim by the government of the day even when this is in conflict with public opinion, and this may threaten the relationship between the state and the people. By introducing entrenched civil liberties, a codified constitution would remove this threat. Furthermore, the weakening of Parliament and strengthening of the executive in recent years due to party discipline has given rise to ‘elective dictatorship’, meaning that the executive is not accountable in between elections. A codified constitution would introduce a system of checks and balances on the different branches of government, clearly outlining their roles, and this would serve to prevent overmighty government – central to a liberal democracy such as the UK.

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| **Evaluate the extent to which the constitutional reforms since 1997 have been successful in meeting their objectives (30)**  ***Structure advice:*** *Judge this based on the four aims of Blair’s reforms, Democraticatisation, Modernisation, Decentralisation and the Protection of Rights.*   1. *‘To* ***enhance democracy*** *and ensure that all votes carry equal weight’*  |  |  | | --- | --- | | **Yes, the demand has been met and here’s how…** | **No, the demands have not been met yet and here’s why…** | | * The Coalition put electoral reform back on the agenda with the AV referendum in May 2011 (although a big majority against!) * The only place currently, where the desire for votes all carry equal weight is in the European election which uses a totally proportional system (Closed List). * Fairer electoral systems have also been introduced for voting in the London mayor (SV) and in the devolved Scottish Parliament (AMS) + Assemblies in Wales (AMS) and Northern Ireland (STV) * Plans to equalise the size of constituencies and reduce the number of MPs * Elected Police and Crime Commissioners since 2012 has democratised the police forces of England and Wales, increasing democratic accountability. | * As far as electoral reform is concerned, the general election still uses the discredited First Past the Post. Votes here do not carry equal weight. The big parties are advantaged, and current boundaries actually favour Labour. * There are many safe seats under the present system so there are a large number of wasted votes. * When Labour came into power they examined this and the Jenkins report advised switching to AV Plus, but these recommendations were ignored. * Plans stalled to reduce MPs. * Electing PCCs cost millinos of pounds and turnout was very low in many of the electoral regions, at just 15% nationally in 2012. |  1. *To strengthen the protection of rights*  |  |  | | --- | --- | | **Yes, the demand has been met and here’s how…** | **No, the demand has not been met yet and here’s why…** | | * The Human Rights Act 1998 incorporated the terms of the European Convention of Human Rights into UK law. This makes it easier for UK citizens to challenge any breach of rights. It came into effect in 2000. * The Freedom of Information Act 2000 and the Data Protection Act 1998. The recent revelations about MP’s expenses came about because of the FOI, so it can be said to be doing the job of making MPs more accountable and obtaining increased transparency. * The Constitutional Reform Act 2005 has led to greater independence of the judiciary. | * There are still loopholes relating to FoI e.g. over national security matters and an exemption for the Royal Family! It is considered too weak. * The HRA can be set aside by parliament and falls short of a fully entrenched Bill of Rights. * There is much evidence to suggest the judiciary is still not fully independent (see below) |  1. *‘To achieve legislative changes that* ***modernise*** *our governance’*  |  |  | | --- | --- | | **Yes, the demands have been met and here’s how…** | **No, the demands have not been met yet and here’s why…** | | * The number of hereditary peers was reduced to ninety two, although since then reforms have stalled. * Some minor reforms to the Commons relating to more family-friendly hours etc. | * The House of Lords remains an almost wholly appointed house and the atmosphere of the Commons still remains somewhat like a nineteenth century gentlemen’s club with few women or ethnic minorities. * Voting in the House of Commons is still archaic and time consuming, requiring the physical presence of MPs. |  1. ***Decentralisation:*** *‘To ensure that power is exercised as close to the people as is practicable’ + ‘To empower individuals and their communities to have a greater say over the decisions that affect them’*  |  |  | | --- | --- | | **Yes, the demands have been met and here’s how…** | **No, the demands have not been met yet and here’s why…** | | * Scotland, Wales and Northern Ireland now have far greater control over their own affairs and they no longer complain of everything being done at Westminster. ‘Yes’ vote in Wales (early March 2011) to devolving further Westminster powers to the Welsh Assembly. Scotland has had further devolved powers since the referendum, including tax varying powers. * London Mayor and Assembly. City Mayors (‘Metro Mayors’) established in Manchester, Liverpool and the West Midlands. * The media kept government to account before 1997 to a very large extent, it is still the main body doing so now. * The HRA (1998) has introduced a more rights-based culture into the UK * More referenda since 1997 (on devolved assemblies, London Mayor and on electoral reform) – including on leaving the EU. Referendum in May 2011 on AV. Referendum on Scottish independence (for Scots only) in 2014. Referendum on Exiting the EU 2016. | * The *West Lothian Question* has still not been resolved. The English now have less representation than their Celtic counterparts. * The potential for an ‘Elective Dictatorship’ still exists! * Devolution has not been an equal process for all of the devolved regions, as it has been more extreme in Scotland, which is now achieved ‘Devo-Max’ as of 2016, compared to limited powers in both Wales and Northern Ireland. * The media has not experienced increasing scrutiny and better regulations, following the failure of Cameron’s government to enact the recommendations of the Leveson inquiry. * Due to the …disruptive… outcome of the 2016 EU referendum, it is unlikely for the regular use of referenda since 2011 to continue (barring a 2nd EU ref). |  1. *‘For* ***democratic accountability*** *of all elected representatives, government and public bodies’*  |  |  | | --- | --- | | **Yes, the demand has been met and here’s how…** | **No, the demand has not been met yet and here’s why…** | | * ‘Right of recall’ of the MP if enough constituents demand it since 2015 – used for Ian Paisley Jr. in 2018. * Devolution has led to better representation for the devolved regions, with more representatives in more legislatures. | * FPTP still allows many MPs to hide behind safe seats. With this, the petition for a by-election on Paisley Jr. did not reach required 10% of constituents. * Many voters do not pay much attention to what their elected representatives do, especially in the case of MEPs. |   **Conclusion** *Make a judgement on the question, picking a side and explaining your own judgement (but avoiding using “I”):* |

**Evaluate the view that the British Constitution is outdated (30)**

Intro should consider **what is meant by outdated**. Remember Blair’s intention originally to modernize, decentralize, democratise and ensure people’s rights were firmly protected.

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| **Outdated** | **Democratic, fair and modern** |
| 1. Uncodified 2. FPTP – leads to unfair representation 3. London centred government 4. An unelected second chamber and monarchy. 5. Prime Minister has royal prerogative which gives them substantial powers of patronage. | Important aspects are codified. HRA protects civil rights.  There was a **referendum on AV in 2011** with >60% voting to keep FPTP. The UK uses electoral systems which deliver fairer representation for European elections and those for devolved parliaments and to elect the London Mayor.  This has been amended with devolution and local mayoral elections. It would have been extended but the North East voted so overwhelmingly against a parliament that the idea was scrapped.  The monarchy is constrained by the constitution. The second chamber has been very hard to reform because there are valuable aspects to the way it is now and the parties have failed to agree a way forward.  This has been reduced now the head of select committees are elected by MPs. The PM also no longer sets the date of elections with fixed term elections.  The Freedom of Information Act and the Constitutional Reform Act have also contributed to a modernisation of the constitution giving more transparency and separation of powers. |

**Evaluate the Extent to which Devolution has been beneficial for the United Kingdom (30)**

**Introduction**: Define key terms such as devolution itself, Federalism, Quasi-Federalism, Asymmetric Devolution. Signpost your answer.

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| **Beneficial (A success)** | **Not beneficial (unsuccessful)** |
| Despite the fears of many who campaigned against it, Devolution (particularly in Scotland, has **not led to the break up of the United Kingdom.** The referendum in 2014 on Scottish Independence saw the prospect rejected by 55% to 45% of voters. | **Scottish nationalism has not declined since 2014**, and the fact that Scotland voted to remain in the EU in 2016, and is subsequently being dragged out against her will has reignited calls for independence. |
| The **successful introduction of a Northern Irish Assembly and a Northern Irish government since 1998 has helped to maintain the peace** in the region, allowing for the two sides, Republican and Unionist to work together. | The **introduction of proportional representation systems has inhibited strong and decisive governance** in the devolved regions, and the need for power-sharing in Northern Ireland has left NI without a functioning government since 2016. |
| In all three devolved regions, it has led to **serious policy differences from the Westminster parliament**. In Scotland, university tuition fees are free. In Wales, there are no published school League tables, whilst in Northern Ireland there are far greater restrictions on abortion. This reflects the political and cultural differences in the devolved regions. | All three regions **receive a subsidy from the UK Treasury decided by the Barnett Formula**, which means they are not financially independent and self-sustaining, this has actually left England receiving less money per head of population for healthcare and education than other regions. |
| There **remains widespread support for continued devolution in Scotland, Wales and Northern Ireland** and no serious attempts have been made to reverse it. This shows the strength of allowing diversity of opinion and governance in a liberal democracy. | **Turnout in elections for the devolved regions is quite low,** suggesting a level of political apathy for the prospect of increased power regionally. Turnout in the Welsh Devolution Referendum in 2011 was 35%. |

**Conclusion:** Write your own conclusion on the benefits of Devolution below:

**Evaluate the arguments in favour of extending Devolution to the English regions (30)**

**Introduction:** Provide context – devolution since 1997 and why arguably England has been left with less representation than Scotland, Wales and Northern Ireland. Lay out arguments, then signpost your answer.

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| Arguments in Favour | Arguments Against |
| The creation of an English parliament would **increase democracy and improve democratic accountability**, bringing communities closer to the decision-making process. Scotland, Wales and Northern Ireland have far more representatives per head of population than England. An English parliament would redress the imbalance. | An **English Parliament would still not solve the tensions caused by the asymmetrical nature of devolution.** An English Parliament can’t solve the English question, as if you had an English Parliament, it would hugely dominate UK governance, and potentially erode the authority of Westminster. |
| It may lead to **increase in political participation across England,** reversing long-term decline in voter turnout. | There is **no correlation between the need for more elections and an increase in voter turnout.** Turnout for the elections for the Welsh Assembly in 2016 was only 45%, suggesting a lack of accountability and legitimacy. |
| * It **may help to address excessive differences in living standards across the English regions.** According to the Office of National Statistics The 50 local areas with lowest life expectancy at birth were in the North East and the North West. The top 50 local areas with the highest male life expectancy at birth were in the South East, East of England, South West, London and East Midlands. | There **does not appear to be any great demand for devolution across the English regions.** Although it is a passion project for some politicians such as John Prescott, public perception is apathetic. In a referendum on a North East of England Assembly in 2004, voters in the North East rejected the proposal, in an all-postal ballot, by 77.9% to 22.1%, on a turnout of 48%. Every council area in the region had a majority for "no". EVEL has largely resolved the West Lothian Question. |
| Devolved governments **can better work to improve on the specific issues** facing their local areas. This could include specific issues regarding healthcare, policing or education policy. | It would **create a new layer of government, and class of representative in the UK which would be highly expensive.** The cost of building the Scottish parliament was £414 million pounds alone. |

**Conclusion:** Outline your judgement on this below.

**The Executive**

**What do I need to know?**

* Role of the Prime Minister
* Functions of Cabinet
* Structure of Government
* The meaning of Ministerial Responsibility
* Why ministers are hired and fired
* Constraints on the Prime Minister
* Whether the PM is becoming more presidential

**Key Vocab**

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| Cabinet committees | Prerogative Powers | Presidentialism |
| Cabinet Government | Reshuffle | Patronage |
| The Cabinet | Royal Prerogative | Primus inter pares (‘first among equals’) |
| Civil Servant/Civil Service | Secondary Legislation | Kitchen Cabinet |
| Coalition | Sofa Politics | Transactional leaders |
| Commander-in-chief | Traditional Authority | Transformational leaders |
| Core Executive | Ministers | Spatial Leadership |
| Government department | Collective Responsibility | ‘Big Beasts’ |
| Hung Parliament | Ministerial Responsibility | Patronage |
| Inner Cabinet | Core Executive Model | Vote of Confidence |

**Key concepts and definitions**

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| **The functions of the Prime Minister**   * **Making governments** (hiring and firing ministers) * **Directing government policy** (and defining strategic goals) * **Managing the cabinet system** (chairing meetings and staffing committees) * **Organising government** (setting up and abolishing government departments) * **Controlling Parliament** (as leader of the largest party in the Commons) * **Providing national leadership** **and de facto Head of State** (especially at times of national crisis) * **Calling elections** (Thatcher and Blair used this successfully by calling elections at favourable times. Gordon Brown arguably missed his best chance in October 2007 when he didn’t call one!) |

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| **The role of the Core Executive**   * Development of government policy * Conducting foreign policy & organising defence of country from external and internal threats * Managing the finances of the state * Responding to major crises such as armed conflict, security threats, economic difficulties or social disorder. * Controlling and managing forces of law and order, including the police, armed forces and intelligence services. * Drafting and securing legislation, organising the implementation of the legislation * Organising and managing the services of the state, eg NHS. |

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| **The role of a minister**   * The most senior ministers will be in charge of an entire department, such as Philip Hammond at the Treasury. * Junior ministers will be in charge of a more narrow range of policy, such as Damian Hinds, the minister for Education. As such they seek to develop policy and legislation in line with the government’s aims – which is usually outlined in the manifesto at the preceding election. * Accountability is visible when ministers face scrutiny by the legislature. This can either be via appearances before the relevant Departmental Select Committee in the Commons or in Questions to Ministers in either parliamentary chamber * In theory a Minister of State must assume responsibility for everything under their control. So if a mistake occurs in their department, ministers are expected to be held accountable * Increasingly ministers face trial by media, where they are expected to tour TV studios defending government mistakes, e.g. lost data, prison escapes, etc. * Ministers of State have an input into government policy making. They attend weekly Cabinet sessions and can voice opinions on issues beyond their brief. Ministers of all levels also staff Cabinet committees as directed by the Prime Minister. |

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| **The convention of Collective Ministerial Responsibility**   * CMR is a convention that can be described as the glue which holds Cabinet government together. * It is convention that all ministers publicly support decisions of Cabinet or its committees (even if they disagree in private) or resign. * Over the last 40 years or so, dozens of ministers have exited the government on the grounds of collective responsibility. Most famously, the dramatic resignation of Michael Heseltine over the Westland affair in 1986. More recently, Robin Cook, Clare Short and John Denham left the government over the Iraq invasion in 2003. Boris Johnson, Dominic Raab and Esther McVey have all resigned due to disagreements with May over her Brexit policy in 2018 and 2019. * Collective responsibility convention dictates that the government should resign if defeated on a vote of confidence in the Commons, for instance James Callaghan called for a dissolution on 28 March 1979 following a defeat in the Commons shortly after the government’s referendum proposals were rejected by the Scots and Welsh. |
| **The convention of Individual Ministerial Responsibility**   * A feature of parliamentary government is that the executive is drawn from the legislature and according to the constitution is directly answerable to it. The ministerial 'highway code' is laid out in the ministerial code of conduct, which is issued to all ministers. * It is very rare for a minister to resign as a result of an error of policy or administration, but we can point to the resignation of Estelle Morris over the A levels fiasco in 2002. * A personal mistake is by far the most common reason for ministers to resign (e.g. David Laws and his expenses, Huhne and his speeding ticket), but some ministers weather the media storm better than others (e.g. Theresa May as Home Secretary, over deportation of Abu Qatada) * Labour suffered a series of scandals, in particular Peter Mandelson who was forced to resign twice from the Cabinet over financial irregularities. David Blunkett survived the scandal over an affair with a married woman (Kimberley Quinn) but was forced to resign over allegations of attempting to speed up the visa application for Quinn’s nanny. |
| T**he main sources of prime ministerial power**   * **The powers of the Prime Minister derive principally from the Royal Prerogative**. Technically the monarch is Head of State, declares war etc, but in practice these powers reside with the Prime Minister. The PM’s power of patronage allows him/her to make appointments to a range of positions from Cabinet Ministers to the head of the civil service, to the director of the BBC, and the Archbishop of Canterbury. This **‘power of hire and fire’** allows the PM to wield enormous influence over their parliamentary colleagues. * The Prime Minister is by the far the most well-known politician in the government. **Manipulation of the media can be used to help secure a personal mandate.** PMs have exploited the media by, for instance, staging photo ops with foreign leaders (e.g. Brown & Obama at the G20). Blair took this a step further by introducing **presidential style monthly press conferences**. The most celebrated occasion when Blair adopted this ‘charismatic’ (or ‘presidential’) style of leadership was when he publicly emoted over the death of Princess Diana, naming her the “people’s princess”. * Constitutionally the Prime Minister is the person who can command a majority support in the House of Commons. As the **leader of the largest party**, the combined **influence of the power of patronage and the party whip** ensure that the **PM can exert a strong influence in the legislature**. When a PM enjoys a comfortable majority (as under Blair in ’97 & ’01) it can be argued that some MPs owe their jobs to the popularity of their leader and are therefore more likely to be loyal. |

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| **The limits on the power of the Prime Minister**  *It should be noted that the power of the PM is variable between as well as within premierships. Whilst we can argue that Thatcher was more powerful than Major, it can equally be argued that their respective powers waxed and waned during both of their tenures in Number 10. The elastic nature of the office is not just due to the way in which PMs use their powers, but also due to the wider political climate.*   * **The opposition**: The rise of Cameron checked Tony Blair’s power, and Gordon Brown’s too. The lack of unity of Labour under Corbyn has shown the opposite of this, although this has changed since 2017. * **The Party**: Related to this is the increased pressure PM’s can face from their own party. it was backbenchers who brought down Margaret Thatcher by putting up the ‘stalking horse’ candidate. The leftist ‘Campaign Group’ of MPs were far from slavishly loyal to Blair and backbenchers, nervous about the safety of their own seats, were a constant source of irritation to Gordon Brown. Europe was a constant strain on Cameron. Theresa May is hampered by splits between Remainers and Brexiteers. * **‘Events, dear boy, events’:** The single most important reason that Blair became a liability to his party is Iraq. Had circumstances unfolded differently after the invasion, voters may have been more willing to forgive Blair’s apparent tendency to toe the Bush line. Brexit did the same for Cameron and most likely will for May, too. * **Cabinet colleagues:** A PM cannot ignore his Cabinet forever. As Thatcher’s exit proved, a PM who rides roughshod over their Cabinet will pay the ultimate price (what Thatcher herself described as ‘regicide’). Even more the case in a Coalition which could always fragment at any point. * **The Media:** The press, and the rise in social media also has a role to play. Politicians are loath to make decisions which are unpopular with the public, and the presence of a strong and independent press helps to hold them to account. |

**The functions of Cabinet**

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| **Formal Policy Approval** | Even if meaningful debate takes place elsewhere there must be a formal mechanism for approval: The Cabinet provides this – but not always. Under Blair at least 2 decisions (the Dome and Independence of Bank of England were not Cabinet approved). |
| **Policy Coordination** | Cabinet is usually the place where policies are prioritised. Key role – know what is going on in other departments. ‘Join Up’ govt and manage the media. |
| **Resolve Disputes** | If a disagreement between depts. emerges and cannot be solved this is the final place to settle it. Disputes usually involve the Treasury which ‘holds the purse strings’. |
| **Forum for Debate** | Less common than it used to be but some issues have been debated at Cabinet level - controversial issues like Libya, Syria, HS2, spending cuts. |
| **Dealing with crises** | When unexpected events arise Cabinet Ministers play a role in deciding policy. After Black Wednesday (1992) when the UK was forced out of the ERM the entire cabinet met and endorsed the Chancellors policy.  Blair called emergency cabinets to discuss the Iraq war. The members of the dramatic sounding ‘Cobra’ subcommittee vary according to the situation at hand. Cobra has convened in response to the September 2000 fuel protests, 9/11, 7/7, recent terror attacks in Manchester and London, plus the Salisbury poisoning in March 2018. |
| **Party Management** | How is the party doing – level of support – discuss election timing. Liaises with party whips to ‘feel the pulse’ of the parliamentary party. |
| **Symbol of Collective Govt** | Face of collective responsibility and of ‘the Government’. Cabinet Meetings are seen as big events in the press calendar, for the government and the press alike. |

**The factors a PM considers when appointing Cabinet Ministers**

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| **Reason** | **Examples** |
| **Reward Loyalty** | e.g. Cameron’s appointment of loyalists *such as Eric Pickles or George Osborne (also a personal friend).* |
| **Need for ‘Big Hitters’ or ‘big Beasts’** | e..g *Johnson’s* appointment to May government (US President, Lyndon Johnson said of his rivals that it was, *‘better to have them inside the tent pissing out, than outside the tent pissing in.’*) |
| **Need for a balanced Cabinet.** | Both ‘wings’ of the Party often need to be represented. E.g. within May’s government she is balancing off the Euro-sceptics and the pro-Europeans. There is also a need for a mix of men and women and for various regions of the country to be represented (and also backgrounds). |
| **Need to placate parliamentary party (or the ‘grassroots’)** | e.g. *John Prescott* was important for Blair as the ‘diplomatic envoy of the working classes to the Labour Party’. William Hague played a similar role for Cameron. |
| **Because they’re good at their job** (a novel idea!) | e.g. *Philip Hammond*  generally acknowledged as a proficient operator and safe pair of hands in the treasury |
| **Because they’re friends of the PM** (it does happen!). | This criticism was levelled at David Cameron’s ‘Chumocracy’. Theresa May has been a long-term friend of *Damian Green, formerly the Sec of State for Work and Pensions.* |

**The reasons why ministers resign**

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| **Reason** | **Examples** |
| **Collective Ministerial Responsibility: Policy Disagreements.** Ministers may resign if they feel unable to support government policy. | *Michael Heseltine* under Thatcher Government (the ‘Westland Affair’)  *Robin Cook, John Denham & Clare Short* from Blair Government (over Iraq War). James Purnell in 2009 from the Brown government. |
| **Individual Ministerial Responsibility: Ministerial Blunders** (or not being ‘up to the job) where a mistake is made for which the minister is personally responsible. | *Edwina Currie* in 1988 over her salmonella in eggs gaffe. *Estelle Morris* from Blair Government due to her struggles to perform in the Commons Chamber.  *Priti Patel* in 2017 due to her unofficial meetings with Israeli officials. |
| **Individual Ministerial Responsibility: Personal Scandals**. Where there are revelations about the personal behaviour or conduct of a minister. | *Damian Green,* 2017 over allegations of inappropriate use of ICT equipment and lying about this.  *Peter Mandelson* from Blair Government (twice). Once for a house loan from another minister and another time over granting a passport.  *David Laws,* one of the 5 Lib Dem Cabinet members was the first to go from the Cameron cabinet over his expenses. Chris Huhne followed in February 2012 over his transferred speeding points’ controversy. |
| **Personal/Family Reasons**. | *Ruth Kelly* resigned from the Brown Government to spend more time with her young family. |

**30 Mark non-source essay questions**

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| **Evaluate the extent to which the PM’s personality and leadership style is the main factor affecting their power. (30)**  **Introduction**. It should be noted that the power of the PM is variable between, as well as within, premierships. Whilst we can argue that Thatcher was more powerful than Major, it can equally be argued that their respective powers waxed and waned during both of their tenures in Number 10. The elastic nature of the office is not just due to the way in which PMs use their powers, but also due to the wider political climate. Theresa May’s personality is very different from Blair or Thatcher.  **Personality & Leadership Style**   * Thatcher & Blair were ‘charismatic’ conviction politicians. Even accused of having a ‘messiah complex’. * Ability to perform on TV, in the Commons, in interviews and delivering speeches are crucial. Both Thatcher & Blair considered to be excellent in all four of these areas. * They were ‘transformational leaders’ and arguably achieved a lot as a result. * Major & Brown were more ‘transactional leaders’ neither being as strong or charismatic in the media or in the Commons. May does not have charisma despite attempts to portray her as ‘strong’. * Cameron probably would have liked to be a transformational leader but was restrained by the framework of the coalition. May is also constrained by her minority government.   However, it would be wrong to conclude that personality is the major factor impacting their power:  **Other factors which affect a PM’s power**   * **The opposition**: The rise of Cameron checked Tony Blair’s power, and Gordon Brown’s too. The lack of unity of Labour under Corbyn has shown the opposite of this, although since the election of 2017, Corbyn has led a more united party. * **The Party**: Related to this is the increased pressure PM’s can face from their own party. it was backbenchers who brought down Margaret Thatcher by putting up the ‘stalking horse’ candidate. The leftist ‘Campaign Group’ of MPs were far from slavishly loyal to Blair and backbenchers, nervous about the safety of their own seats, were a constant source of irritation to Gordon Brown. Europe was a constant strain on Cameron and continues to be for May. * **‘Events, dear boy, events’:** The single most important reason that Blair became a liability to his party is Iraq. Had circumstances unfolded differently after the invasion, voters may have been more willing to forgive Blair’s apparent tendency to toe the Bush line. Brexit did the same for Cameron and most likely will for May, too. * **Cabinet colleagues:** A PM cannot ignore his Cabinet forever. As Thatcher’s exit proved, a PM who rides roughshod over their Cabinet will pay the ultimate price (what Thatcher herself described as ‘regicide’). * **The Media**: also have a role to play. Stories regarding Cabinet splits between Blair & Brown weakened the Blair Government. |

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| **Revising where Power lies**    **The Core Executive. Prime Ministerial Government, Cabinet Government & Presidential Government**  This idea about where power lies, mentions the whole operation that includes SPADs, Civil servants, senior military, and Pressure Groups etc. This is a concept that suggests the leader of the governing party is just one player in the whole operation of government. He needs the support of the ‘establishment.  If on the other hand you were going to do these concentric circles to show Prime Ministerial Government where would the Cabinet be? Where would special advisors be? I suggest as good revision you do a similar design to show   1. Prime Ministerial Government 2. Cabinet Government 3. Core Executive Government   **You could also draw a timeline** to show which model of government is relevant for which PM. Start with Callaghan in 1976 and continue until today. |

***There are two main types of questions concerned with where power lies*** *within the core executive. The first asks whether Prime Ministers have become more ‘powerful’, the second asks whether they have become more ‘presidential’. Both ask you to consider whether the traditional model of Cabinet government now no longer applies since the Prime Minister is individually able to exert control over government, with the presidential thesis suggesting that the PM does not simply dominate Cabinet, he is separate from it. With a couple of exceptions, there are few differences between the two types of responses, since* ***they both ultimately depend on consideration of the personality and circumstances of the office holder.***

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| **Evaluate the view that the UK PM is now more presidential. (30)**  *The following points suggest that Prime Ministers have become more powerful/more like presidents.*  **The role of Cabinet declined dramatically under Thatcher / Blair but has arguably revived under Cameron/May.**  There have been some blips in this trend (Major’s accession following Thatcher’s regicide, and Blair post Iraq), but **the pattern is one of less frequent meetings of the full Cabinet**, coupled with a shortening of their length. In the 1960s meetings of Cabinet were biweekly, lasting upwards of 90 minutes. In Blair’s first term, they were once a week and went on for as little as 40 minutes. The demands of the Coalition brought cabinet back to the fore but it is still not the arena it was in the 1960s. May continues to have to work with her cabinet over Europe.  **Increasing importance of Bilaterals between the PM and the relevant minister,** (or smaller ‘kitchen’ cabinets, are where real decisions are made). Although Blair refused to recognise the description, Lord Butler (the former Cabinet Secretary) was critical of Blair’s preference for **‘sofa government’**. **‘Denocracy’** is how Seldon describes this Blairite process of decision making in small, informal groups. In the Cameron government the ‘Quad’ (Cameron, Osborne, Clegg & Alexander) became a crucial decision making body.  **Increasing reliance on the advice of non elected, special advisers**. Jonathan Powell, Blair’s Chief of Staff, played a key role in the Good Friday negotiations (Northern Ireland). In particular, there has been an expansion of the media machinery. Blair created the Strategic Communication Unit, headed by a political appointee, Alastair Campbell, a man some dubbed ‘the real Deputy Prime Minister’. Cameron, too, relied on Spads.  **Personalisation of Politics.** Related to the previous point, is the emergence of a phenomenon whereby the electorate focus on the head of the government rather than the government as a collective. Blair had much higher approval ratings than the Labour government as a whole, and in his first term whips often reminded MPs that they gained their place in the Commons by riding on their leader’s coat-tails. Another feature was Blair’s introduction of monthly Downing Street press conferences - a presidential-style move by a PM who spent little time in the House of Commons. Cameron has done the same and his personal popularity exceeded that of his party (although not to the same degree as Blair’s).  **The quasi-Head of State thesis**. Peter Oborne criticised the Blair government’s attempt to portray the PM, not the Queen, as head of state. The increasing foreign policy focus (Britain was involved in more wars than under any other leader during the Blair decade) allowed Blair to adopt a presidential pose. Cameron tried to follow. It’s early days, but May also seems to be doing the same.  **Increasing tendency for PM to control other department’s affairs** Norton says that Blair, *‘ saw himself as the white knight, charging in to solve problems, rather than leaving it to the relevant minister’* . Brown’s alleged control of his Chancellor’s brief seem to run with the recent trend and Cameron seemed to intervene in certain areas more than others (e.g. NHS, Education and anything connected to the Big Society).  ***The following points suggest that Prime Ministers have not become more powerful/more like presidents***  **The office of Prime Minister is too much for one person** They possess collective oversight and may choose to take an active interest in particular areas of policy (e.g. Thatcher and local government finance, Blair and City Academies), but they lack time, institutional support, interest, or even knowledge to intervene in everything – Blair and Cameron both did this on the economy.  **Some PMs can be blocked in key areas which impedes their exercise of power**. Under Blair, Gordon Brown carved out a measure of autonomy hardly ever achieved by a minister. Certain departments were regarded as ‘Brown preserves’  **Any Prime Minister would be unwise to disregard Cabinet** (especially so in a Coalition Government)   * They must keep some sort of balance politically in order to appease wings of the party. Blair was mindful of the need to keep John Prescott onside as a channel between himself and old Labour.   Cameron obviously needed Nick Clegg on side at all times. Hence the need to ‘coalitionise all major decisions’. Some have referred to the present style of government as a ‘dual Presidential model’ (although, interestingly, some put Osborne in the vice-presidential role rather than Clegg!). Theresa May keeps a careful balance of Brexiteers and Remainers.   * It remains the case that resignations can cause untold damage. (A US President meanwhile is embarrassed by departures from his Cabinet, not mortally wounded.)   **The Prime Minister’s Office is no West Wing**. Whilst there has been a growth in the Downing Street apparatus, little realistic comparison can be made between the resources and staff available to the Prime Minister and the Executive Office of the President. The number of presidential aides in the White House Office alone (i.e. the West Wing) is nearly 400. The number of personal staff available to the PM is closer to 30.  **The power a PM can wield, or the capacity to act in a presidential manner, is one which fluctuates.** This ebb and flow is visible not only between premiers but within premierships. George Jones has compared the PM’s power to an elastic band, which stretches depending on personality and circumstances. Thatcher & Blair were charismatic and both came to office on a wave of popularity. The same was not true for Major & Brown.  **‘All political careers end in failure’** Power inevitably wanes when a once powerful group becomes decadent and decays. This happened under Major’s various ‘sleaze scandals’ near the end of the Conservatives’ 18 years in Government. The same could be true of New Labour which seemed to be mired in various expenses scandals as well as the economic crises which played into Cameron’s hands. Certainly, whoever came to power after Blair’s 10 years was always going to face a more difficult period in office and not benefit from the ‘honeymoon effect’ that most new leaders have.  *It is advised that the following point is used to support the argument that the Prime Minister has become more* ***presidential****.*  Michael Foley developed the theory of **spatial leadership** (based on his study of how US Presidents attempt to overcome the limited formal powers they have domestically) in order to explain how UK premiers have adapted and adopted techniques used by American presidents in order to overcome the constitutional limitations on their power. These tactics are:   * **Outsider: Blair presented himself as separate from Labour**; * **Heavy focus on media usage**, and communication tools as part of a permanent campaign; * **Individual dominance**: using force of personality (‘populist outreach’) to intervene in departmental affairs, e.g. Blair’s personal involvement in health, schools, Northern Ireland. Cameron’s in ‘The Big Society’, the NHS, Education and foreign affairs. |

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| **Evaluate the view that the UK still has collective cabinet government. (30)**  **Introduction**  **Set the context:** Debate about the location of executive power has been one of the recurrent themes of UK politics. Different views are fashionable at different times and they also tend to vary as the power and personality of the Prime Minister shifts as well. With a minority government, Theresa May has less power than recent PMs. **Define key terms:** Collective cabinet government is the traditional view of where power lies in the executive. It emphasises that power is collective not personal and is located in the cabinet rather than the prime minister. **Outline of argument:** However, over the last 20 years and with the advent of ‘conviction politicians’ such as Margaret Thatcher and Tony Blair there has been much debate regarding the validity of this model. Some commentators have argued that other models such as those more focused on around the PM or Core Executive now have greater relevance.  **Cabinet Government**  The idea behind Cabinet Government is that power is located in the Cabinet as a whole and that each member of cabinet, supposedly, has the power to shape government policy. Such a view has clear implications for the prime minister who is regarded as simply ‘first among equals’.  **Point:** Certainly, the Coalition had an impact here. In this instance it was coalition politics and the need to ‘coalitionise’ all key decisions that had ushered in a return to collective decision making and of cabinet government. Cameron has to be seen to be listening to his cabinet if he is to hold his coalition together. May has had to keep to this, to a certain extent, with her minority government and reliance on the DUP and divisions over Brexit. Strength in Cabinet is currently displayed by the retention of ‘Brexiteers’ and big beast such as Boris Johnson, plus May’s inability to reshuffle cabinet in the mould that she would like. It is a convincing model of executive power due to May’s vulnerabilities.  **Counterpoint:** However, this would not be to deny that the trend within recent prime ministers is for cabinet government to have become less relevant. Tony Blair and Margaret Thatcher had famously short cabinet meetings and Blair made a number of policy decisions where he simply did not consult cabinet at all (Millennium Dome, Independence of the Bank of England and some foreign policy decisions). Margaret Thatcher famously said of her cabinet ministers that she did not mind how much her ministers talked, “as long as they simply do what I say.’ Cameron, whenever he could, did try to act Presidentially.  Interim Conclusion: Cabinet Government is more valid in current times.  **Prime-ministerial / Presidential Government**  With the advent of Thatcher and her predecessors increasing concerns were made about the traditional theory of cabinet government. There was a growing awareness of the increasing power of the prime minister and it seemed spurious to describe them any longer as simply, ‘first among equals’. This has led to the assertion that cabinet government has been replaced by ‘prime ministerial’ government or even ‘presidential’ government.  **Point:** The essence of these theories are that it is the PM who now dominates both the Executive and Parliament. This happens because the PM is both head of the Civil Service and the leader of the largest party in the Commons. Since the 1990s there is evidence that the PM’s power has grown even further as s/he has been able to take advantage of the increasing ‘presidentialism’ of the office. This has manifested itself in the appointment of special advisers (such as Alistair Campbell) replacing career civil servants, the growth of the Prime Minister’s Office and the boom in the number of media outlets hungry for stories. Prime Ministers such as Thatcher and Blair have taken advantage of their popular appeal to carve a niche for themselves above their own parties and reach out directly to the voters as if they themselves had been directly elected by them. In this way they set themselves very much apart from their cabinets. This is sometimes known as ‘spatial leadership’ and perhaps most clearly manifested itself during the various election campaigns when Thatcher, Blair and Cameron all became the ‘face’ of their party at the expense of its other members. Certainly both Thatcher and Blair perceived themselves as having a popular, personal mandate, even developing their own ideological stances (‘Thatcherism’ and ‘Blairism’).  **Counterpoint:** Despite the attractiveness of this theory it would be difficult to argue that it fits Theresa May, Gordon Brown and Cameron as well as it did Thatcher and Blair. While Brown tried to present himself as a ‘conviction politician’ in the mould of a Thatcher or Blair – indeed Margaret Thatcher was one of his first visitors to Downing Street – he lacked the charisma, personal mandate and large parliamentary majorities of his two long-serving predecessors. Cameron certainly had more charisma than Brown and is more easy before the media but his failure to secure a majority at the 2010 election meant that he could not follow a ‘Presidential’ style of government from 2010-2015. Given May’s decision to boost her mandate in 2017 and it’s spectacular backfire, she cannot be said to be in the same mould as Thatcher or Blair.  **Core Executive Model**  It can be argued that the framing of the question demands us to look at the issue too simplistically – simply as ‘Cabinet versus Prime Minister’. Certainly in David Cameron’s case he seemed to fall somewhere between the two - he was an aspiring ‘conviction politician’ but constrained by the large number of limitations on him. Theresa May is constrained in a similar way. In this instance the Core Executive model may be of greatest relevance. This suggests that neither PM nor Cabinet is an independent actor and that they are bound up within a complex network of relationships.  **Point:** Certainly it can be argued that this model fits the more recent incumbents of Downing Street. May, Cameron and Brown were not just restricted by cabinet but by a number of other actors too. The Credit Crunch has left little money at the Treasury and spending rounds in the foreseeable future look to be very tight. May is constrained by her parliamentary minority and she will face defeat if either wing of the Conservative party revolt. She is reliant on the goodwill of the DUP. Therefore, May’s relationships with the institutions that surround her (including cabinet, the cabinet office, the DPM and the Office of the Prime Minister) are of paramount importance and just as important as her own personal authority.  **Conclusion**  **‘In conclusion’ statement:** In conclusion it can be argued that while the theory of collective cabinet government has been in steady decline this does not mean it is entirely defunct, in fact it could be argued that it has begun to return under May. **Summary of main points:** Whilst there was an undoubted ‘presidentialisation’ of UK politics under Thatcher and Blair it is difficult to make the case that May’s premiership fits this mould. She is highly dependent on the unified support of cabinet and therefore a strong argument can be made that collective cabinet government (along with other institutions in the core executive) is still highly relevant in explaining how the UK executive operates. | | |
| **Evaluate the extent to which Prime Ministers dominate the UK political system (30)**  **Introduction:** - Set out the debate. What do we know about Prime Ministerial power, is it formal or informal? Is it affected by factors outside of their control? Indicate the PM’s you will talk about in your answer. Signpost your answer.   |  |  | | --- | --- | | **Dominate** | **Doesn’t dominate** | | **Patronage and Collective Responsibility**  The PM has the power to hire and fire ministers from his or her government, allowing them to command the loyalty of ambitious junior MPs who wish to become ministers. This will ensure they vote with the governments in key votes. Collective Responsibility also ensures loyalty from cabinet and junior ministers, as they risk dismissal if they speak out against the PM. This is known as the payroll vote. | **Lack of Party support**  If the PM has lost the support of his/her party in the House of Commons due to poor leadership, they lose the ability to effectively whip their MPs to support them in key votes, as the MPs become more willing to rebel. This is evident under Theresa May’s government from 2017 onwards on the issue of Brexit. | | **Strong Majority** (Parliamentary dominance)  When a Prime Minister enjoys a strong majority, they dominate all aspects of the legislative process in parliament, including the public Bill Committees and the final tallies for the vote at the 3rd reading stage. Thatcher only lost one vote on a bill during her time as from 1979 to 1990. Blair only lost two votes on bills in his time as PM, all after 2005. | **Weak Majority**  With a weak or non-existent majority in the Commons, PMs lose the ability to dominate the legislative process, and in extreme cases, lose the power to determine the legislative agenda, as happened to Theresa May in March 2019, when parliament voted to take control of the Brexit process. Since losing her majority in 2017, May has lost over 20 key votes in parliament as of April 2019. | | **Chief Foreign Policy maker**  The PM has inherited the Prerogative powers traditionally held by the monarch in the UK constitution. This essentially makes them the commander-in-chief of the UK armed forces, allowing to deploy the UK military anywhere around the world. This is evidenced by Thatcher’s engagement in the Falklands war in 1982, as well as Blair’s interventions in the 1990s. | **The Electorate** (maybe influenced by foreign policy)  Since the highly controversial decision to invade Iraq under Blair in 2003, the convention has been to hold a parliamentary vote on the use of UK armed forces, and parliament actually rejected bombing the Assad regime in Syria in 2013, showing this power is not exclusively held by the PM. This decision may have been influenced by the anti-intervention sentiment held by the electorate (also a legacy of Iraq) as the coalition did see a large number of MPs rebel in the issue. | | **Events** (could be used on either side)  A Prime Minister with a strong personality and a good media instinct can exploit events to enhance their own popularity and power. Blair’s popularity soared after he channelled the national mood of mourning after death of Princess Diana in 1997 – ‘She was the People’s princess.’ | **Media image** (influenced by negative handling of events)  Harold Macmillan famously said that it was ‘events dear boy, events’ when asked by a journalist about what was most likely to blow a government off course. Theresa May’s bad mishandling of the Grenfell Tower tragedy in June 2017 badly damaged her already dwindling popularity with the electorate, making her seem out of touch. Brown’s ‘bigot-gate’ gaffe in 2010, badly damaged his media image. |   **Conclusion:** A judgement – which side seems stronger. You cannot sit on the fence – the arguments must show that one side is stronger than the other. A really strong answer will consider how some of the points on the side that the PM doesn’t dominate link together.  **Evaluate the view that the appointment of ministers is the Prime Minister’s most important role. (30)**  *This style of essay asks you to compare the importance of one factor with others. It is best to start with this factor (in this case the power of appointment/patronage), evaluate it by considering the weaknesses of this factor, then offer alternative factors and why these may be considered more important.* ***As you evaluate each factor, compare its importance with the original factor, in this case the ‘appointment of ministers’.*** *You need to reach a conclusion as to whether it is the most important factor.*  **Introduction**: Define key terms:: The Prime Minister is the most significant figure in the UK’s political system and as the head of the executive branch of government, the role he or she plays is subject to close scrutiny. Set the context: This role has been created over time and under an uncodified constitution is one that has been shaped by events and circumstances rather than a formal set of rules. One key role is that of appointing ministers and Cabinet reshuffles are eagerly watched by political observers as the PM ‘shuffles the pack’ of ministerial posts. Outline of argument: However, this is not the only significant role a PM in the modern world has and it will be argued that under the Core Executive model of PM power, the PM must also direct governmentpolicy, manage the cabinet, control Parliament as party leader, and provide national leadership. A strong PM cannot afford to ignore these other important roles but patronage underpins everything that a PM is able to do. | | | |
| **Appointment of Ministers is the most important role**  **PM has power to appoint or dismiss all government ministers**, whether in the Cabinet or outside. Ability to ‘hire and fire’. Patronage can strengthen a PM in two ways. Firstly, **it can allow a PM to appoint loyal supporters**,especially if they support theideological stance of the PM. In the same way, the PM can control rivals by either keeping them silenced in the cabinet by the convention of Collective cabinet Responsibility, or remove them from the cabinet entirely. Secondly, **the power of patronage enables the PM to control the careers of backbench MPs** who aspire to Cabinet level, which therefore creates a loyalty among backbench MPs. There is a large payroll vote of MPs who serve as junior ministers and PPS. Party loyalty amongst backbench MPs enables the PM to pass legislation in Parliament.  ***However….***The ability of the PM to hire and fire as they wish can be limited by political constraints – by the need for balance of different factions in the party; representing different groups in Cabinet; keeping enemies within the cabinet or under Coalition government. | **Other roles are more important**  **Direct government policy**  As a central figure in the core executive, the PM sets the direction of policy and sets the core goals. They have developed institutional supports to help direct their role as PM, such as the Prime Minister’s Office, the Cabinet Office and the appointment of many special advisers.  ***However….*** This role is hampered by the relative small size of these departments compared with other government departments, and the ability of Ministers or the Treasury to work against the PM.  **Manage the Cabinet**  PMs have the role of managing the Cabinet and cabinet system. This is through chairing Cabinet meetings and deciding when and how long they will be, plus their nature. In the 1960s and 1970s, Cabinet meetings were lengthy affairs. Under Blair and Cameron they would often last 30 minutes. Blair preferred the informal ‘sofa government’ of bilateral meetings. Management of the Cabinet is important as it allows the PM to harness the decision making process and authority of Cabinet to their own ends, and therefore is as important as patronage (link to question) as they are able to get their policy agenda through.  ***However***… the ability to manage the cabinet is conditional on the support a PM has within the Cabinet and in the wider party (which may connect to the power of patronage!). Ministerial resignations may damage their ability to fulfil their role.  **Control Parliament as party leader**  The role of Party leader underpins all other roles and powers of the PM. As party leader, the PM gains authority as ministers recognise that loyalty is with the PM, not them. Party members recognise that the opinion of the party rests with the individual impression of the PM, therefore they will be loyal. Backbench MPs recognise this too and thus the PM is able to command a disciplined majority in Parliament. ***However,….*** Party leadership role is dependent on economic and electoral success. It can easily be removed, (as Thatcher and Blair found out and as May is struggling post 2017 election) no PM can survive without party support. A PM must focus on this role due to the dire consequences of not, however party support may be helped by patronage (connect to question).  **National leader**  The PM is elected by the people to represent the nation on the world stage and at times of crisis or in response to major events. May has demonstrated that this can work either against her or for her with Grenfell Tower and the Salisbury poisonings. | | |
| ***In conclusion***, it can be argued that whilst the PM has a wide range of roles under the Core executive model of power, including the managing of the Cabinet , the direction of government policy and representing the nation on the world stage or at times of crisis domestically, ultimately, the power of patronage is key to success as a PM and therefore an essential role. A PM must have a loyal Cabinet and patronage is vital to this. They must be able to draw upon loyalty in the Commons to pass legislation and ensure the survival of the Government. | |  | |

**Relations between the Branches**

**What do I need to know?**

* The Supreme Court and its interactions with, and influence over the legislative and policy-making processes.
* The relationship between the Executive and Parliament.
* The aims, role and impact of the European Union (EU) on UK government.
* The location of sovereignty in the UK political system.

**Key Vocab**

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| ***Basic Vocabulary***  *Judiciary*  *Rule of Law*  *Supreme Court*  *Judicial Neutrality*  *Judicial Independence*  *Judicial Review*  *Human Rights*  *Legislative*  *Executive*  *Sovereignty*  *European Union*  *Common Law* | ***Higher Level Vocabulary***  *Elective Dictatorship*  *Omnicompetence*  *Constitutional Reform Act (2005)*  *Human Rights Act (1998)*  *Detention without trial*  *Security of Tenure*  *Legal Redress*  *Judicial Review*  *Ultra Vires*  *Declaration of Incompatibility*  *Four Fundamentals of the EU* | **‘*A’ Grade Vocabulary***  *Due Process*  *Ultra Vires*  *Ombudsman*  *Authoritarianism*  *Mandatory Sentences*  *Minimum Sentences*  *‘Dictators in wigs’*  *The ‘Court of Public Opinion’*  *Judicial Voices of Opinion*  *Habeas Corpus*  *Formal Equality* |

Key concepts and definitions:

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| **Rule of Law:** is one of the fundamental principles of the UK’s unwritten constitution. Best explained as a series of subprinciples:   * No one is ‘above’ the law * Equality before the law * The law is always applied * Legal redress is available through the courts |

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| Civil Liberties:Mark out the ‘private sphere’ of existence which belongs to the citizen, not the state.  * **Are ‘negative’** in the sense that they demand non-interference from the government * **The classic civil liberties are: Freedom of Speech, Freedom of the Press, Freedom of Religion and Freedom of Association**. * Civil liberties are **often confused with Civil Rights**. The former are freedoms from government; the latter are generally ‘positive’ rights (e.g. rights to vote etc) |

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| **Human Rights**   * These are rights to which people are entitled by virtue of being human. * They are *universal* in that they belong to humans everywhere. * They are *fundamental* in that they are inalienable. * They are *absolute* in that they can’t be qualified (i.e. they must be fully upheld in all circumstances). * They have formed part of international law (e.g. UN Declaration on Human Rights & European Convention on Human Rights). |

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| Judicial Neutrality:   * This refers to the impartiality of judges, both politically and personally in the way that they conduct themselves in the courtroom. * Neutrality is the absence of any form of partisanship or commitment. * In the case of the judiciary it implies the absence of political sympathies or ideological leanings. * In practice this means that judges must ensure that their own views and beliefs do not affect their professional behaviour. * Judicial neutrality is essential if the Rule of Law is to act properly. |

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| What is Judicial Independence?   * Means independence from the executive and parliament in accordance with Montesquieu’s Separation of Powers doctrine. * Judges can then apply the law as their own experience and legal training dictates, rather than as ministers, civil servants or parliamentarians would wish. * Judicial independence is therefore a vital guarantee of the rule of law. * In most liberal democracies the independence of the judiciary is protected by their security of tenure (the fact that they cannot be sacked) and through restrictions on the criticism of judges and court decisions. |

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| What is Judicial Review?  This is the power of the judiciary to ‘review’ and possibly invalidate laws, decrees and the actions of other branches of government, notably the legislature and executive. It uses the principles of *Ultra Vires* (beyond the powers) and *Natural Justice* to do this. |

Useful information

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| **The role of the judiciary**   * The judiciary is the branch of government that is empowered to decide legal disputes. The central function of judges is therefore to adjudicate on the meaning of law and to dispense justice. * Judges interpret and apply the law. Although, in theory, judges apply ‘the letter of the law’, they are able to exercise some discretion in the way they interpret statutes. * Sometimes judges also construct law through precedent. Judge made law is called Common Law. * 12 judges sit in the Supreme Court and are the top judges. * Judges are also frequently used to head up Public Inquiries e.g. the death of David Kelly (Lord Hutton) and the death of Stephen Lawrence (Lord MacPherson). * Judges are involved in the process of Judicial review which is when they review decisions by the state or any public body in relation to its citizens (e.g. Herceptin Case). |

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| **How judicial independence is maintained**   * Judges enjoy **security of tenure**. This principle says that judges cannot be removed from office on the grounds of the kind of decisions they make (except in cases of corruption). It follows, therefore, that judges are free to make decisions without fear of dismissal even if such decisions offend the government. * There are **conventions which protect the criticism of judges** by any servant of the government (‘contempt of court’). This rule is designed to prevent any political pressure being placed upon judges. * **Judges are drawn from an independent pool of expertise**. All senior judges must have enjoyed a lengthy career as courtroom lawyers which means that they are accustomed to the principle that cases must be judged on the strict basis of law. * Since April 2006 **the head of the judiciary has been the Lord Chief Justice and not the Lord Chancellor**. This ends the Lord Chancellor’s unique role of having a foot in all three branches of government. * The **state does not play any role in training judges**. * The **role of the Lord Chancellor in appointing judges** ceased altogether in April 2007. The **Judicial Appointments Commission is now responsible for the vast majority of appointments**. * A **Supreme Court has been operational since October 2009**. This ended the fusion of powers brought about by the practice of the Law Lords playing a legislative role in the House of Lords. |

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| How judicial neutrality is preserved  Neutrality is the absence of any form or partisanship or commitment. It is a *state of mind*. (N.B ‘PLAN’)   1. Political Restrictions. Judges are not supposed to engage in open political activity. 2. Legal Training. The extensive process of legal training is designed to enable judges to focus entirely on legal considerations. 3. Accountability. Senior judges must explain their rulings, highlighting, in the process, the points of law that have affected them. 4. Not Public Figures. Judges have traditionally been discouraged from speaking out on political matters and from being involved in public controversy. |

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| How judges protect civil liberties  Civil liberties are the freedoms that are or should be guaranteed to individuals in a state to protect them against harsh treatment.  How do judges protect them?   1. *Judicial Review*. This is the power of the judiciary to ‘review’ and possibly invalidate laws, decrees and the actions of other branches of government. The most high profile JR case in recent years has been that of Anne-Marie Rogers and her challenge to Swindon PCT to be given the breast cancer drug, Herceptin. 2. *Human Rights Act*. Judges are becoming increasingly active in using the   HRA to protect citizens’ rights. E.g. Catherine Zeta-Jones and Sara Cox privacy cases.   1. *Judicial Inquiries and reports* (e.g. Macpherson Inquiry into death of Stephen Lawrence and Leveson Inquiry into abuses of privacy by the press and phone-hacking) 2. *‘Voices of Concern’* e.g. over Mandatory Sentencing in 2007 and through the Sentencing Guidelines Council. 3. *Interpretation of existing anti-discrimination legislation* (e.g. Equal Pay Act, Sex Discrimination Act, Disability Discrimination Act etc). |
| **The institutions of the EU**   * The European Commission – the executive-bureaucratic branch of the EU. Headed by 28 commissioners (one from each member state) and a president. It proposes legislation, is a watchdog to ensure that EU treaties are respected and responsible for policy implementation. * The Council (formerly called the Council of Ministers) – decision making branch. It is actually a series of councils that deal with one policy area each. Ministers from each member state attend the council. They negotiate final legislation and ratify new laws. They are legally sovereign body of the EU. * The European Council (or the Council of the European Union) – this is where the heads of government discuss the overall direction of the Union’s work. * The European Parliament – MEPs are elected from the different member states. There are 751 (73 from the UK). They are directly elected every 5 years. It scrutinises, amends and can block legislation (but rarely does this). * The European Court of Justice – the highest court of appeal for EU Law. It deals with disputes between member states, interprets EU law. Its rulings are binding on all member states. |

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| **The functions of the EU**   * It is a customs union – member states can trade with each other without any tariffs. Tariffs are set on goods coming into the EU and cannot be set by any individual member state. * It is a single market – there is freedom of movement of goods, services, money, workers and people. There is regularity alignment -ie, the same regulations of goods in each country. * It is an economic union – economic development is considered across the union and there are systems of grants and subsidies from the EU budget. Many countries also use the same currency, the Euro. * It is a political union- the EU attempts to build a common foreign policy and negotiates with other powers as a single unit. |

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| **Significant EU policies**   * **Social policy:** The Social Chapter formed part of the 1991 Maastricht treaty, and significantly protects workers rights. Major initially arranged an opt out of the Social Chapter but this was reversed by the Blair government in 1997. Workers rights include: equal rights for part time and full time workers, parental leave, entitlement to paid annual holiday. * **The Common Fisheries Fisheries Policy:** From 1983, the EU regulated that the amount of deep sea fish needed to be regulated by a system of quotas. It allowed fishing boats from different member states to have equal access to other fishing areas. It was contentious: opponents argued that larger fleets from other countries would remove ‘their’ fish; and others argued that fish ended up being thrown back in the sea in order to meet quotas. It became part of the legal precedent that EU law is superior to UK law in the Factortame case, where the UK government passed the Merchant Shipping Act 1988 which limited foreign vessels fishing in UK waters. A Spanish company, Factortame, contested this in court and won. The UK government was in breach of EU Law. * **Common Agricultural Policy:** This is known as CAP, and is a system of subsidies paid to EU farmers. Its main purposes are to guarantee minimum levels of production, so that Europeans have enough food to eat, and to ensure a fair standard of living for those dependent on agriculture. It costs £30bn a year and is half of the EU budget. Critics say that it leads to overproduction in farming and the excess being sold to third world countries at low prices, thwarting local agriculture. |

30 mark non-source essay questions:

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| Evaluate the view that Judges have exercised greater independence in recent years. (30)  Intro: Judicial independence means independence from the executive and parliament in accordance with the Separation of Powers doctrine. It is a *physical issue.*  Greater independence in recent years:   * Establishment of Judicial Appointments Commission in 2006 took power *away* from the Prime Minister and Lord Chancellor in judicial appointments. * The Role of the Lord Chancellor has been substantially reduced. S/he was once a major threat to judicial independence , being both the head of the judiciary and a member of the cabinet. Since 2005 this role has been transferred to the Lord Chief Justice and the Lord Chancellor has to swear an oath to defend the independence of the judiciary. * The Law Lords moved to their own Supreme Court in October 2009. This finally broke the dual role of the Law Lords as both members of Judiciary and Legislature. * Evidence of greater judicial activism in recent years suggests a determination on the part of judges to develop their own ‘proper’ application of law. Therefore, increasingly common public clashes between ministers and judges provide evidence of the health of judicial independence.   Threats to judicial independence in recent years:   * Theresa May criticism of judges in 2013 (as Home Secretary) and telling them that Parliament would have to change the law seeing as they seemed to be wilfully misunderstanding the government’s intentions regarding not deporting criminals because of Section 8 of the HRA. * Jamie Bulger case and the interference of Michael Howard. * Asylum Act 2002 and the interference of Home Secretary, David Blunkett where he criticised the judiciary calling them ‘dictators in wigs’ for stating that his laws were not consistent with HRA. * Maxine Carr and the interference of David Blunkett where he stepped in to make sure she did not qualify for early release. * Attourney-General’s (Lord Goldsmith’s) advice on Iraq War which was arguably not impartial owing to his membership of the Cabinet (as revealed by the Chilcott Inquiry) * The PM appoints Judges to head up major inquiries. E.g. Tony Blair appointment a notoriously pro-establishment judge, Lord Hutton, to investigate events surrounding the death of David Kelly. * The decision to be able to keep terrorist suspects under detention without trial is authorised by the Home Secretary and not a judge. This too reflects a loss of judicial independence. * Charles Clarke’s criticism of the release of terrorist suspects from Belmarsh Prison (2005) * John Reid’s criticism of the decision not to deport the murderer of the London headmaster, Philip Lawrence, when released. * Interference of both Jack Straw (Justice Secretary) and Alan Johnson (Home Secretary) in the recent public interest surrounding the arrest of Jon Venables, one of the Bulger killers. |

**Evaluate the view that Judicial independence is the cornerstone of the UK constitution. (30)**

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| **Yes, it is independent and the cornerstone** | **No, it is still not completely independent and not a cornerstone** |
| * **Freedom from Criticism**. Convention dictates that MPs and Ministers do not criticise judges and the principle of *sub judice* during the case itself (which outlaws any public comment). * Independent legal profession. **Judges are trained independently of the state** (regulated by the Law Society). * **Role of Lord Chancellor has been downgraded (in Constitutional Reform Act 2005).** Lord Chief Justice (Lord Phillips) now heads the Judiciary. * **Security of Tenure makes Judiciary more independent** - they cannot be removed from post easily. * **Appointment Process now through JAC** who recommend appointments to the Lord Chancellor (he can only veto the first appointment). * **Pay set independently** by the SSRB and not by politicians who could manipulate it for political motives. * **We now have an independent Supreme Court** (as of October 2009 the Law Lords no longer sat in the House of Lords) so this part of the judiciary is physically separated from the legislature. * **The Lord Chief Justice heads up the JAC** (Judicial Appointments Commission) which is responsible for appointing judges and, as of late, has had an agenda to try and create a more diverse judiciary. * **Judges are almost entirely immune from being prosecuted themselves**. | * **The judiciary does still play a legislative role** in the making of Common Law (this is law set by precedent by Judges). Therefore it is difficult to argue that the judiciary is completely independent. * **Politicians appoint judges to head up Judicial Inquiries** which often examine the functioning of government! (e.g. Tony Blair appointed Lord Hutton to head up the inquiry into the death of scientist, David Kelly + Chilcott Inquiry). The Lord Chancellor also still formally appoints Judges. * **The HRA has brought the Judiciary into conflict with the Government illustrating a lack of independence again.** Especially in cases where judges use the HRA to overrule acts of parliament (e.g. deeming house arrest to be a deprivation of liberty and also effectively creating ‘new privacy laws’ with respect to super injunctions. * **There are several members of the Executive (the government) that play judicial roles.**  1. **The Attorney-General (**Jeremy Wright) is the government’s legal adviser. He is supposed to provide independent legal advice but is also a member of the Cabinet (c.f. Iraq War advice in 2003). 2. **The Home Secretary is responsible for law and order**. This can lead them into judicial territory. For example, s/he has the power to detain suspected terrorists under house arrest for 28 days without trial. 3. **The Justice Secretary is responsible for the smooth running of the court system**. This can lead him into judicial territory. e.g. under the last Labour Govt when Jack Straw wavered about releasing details of Jon Venables’ trial.  * Some good recent examples of politicians interfering in judicial matters:  1. **Theresa May** 2013 criticising judges for not deporting more foreign criminals. 2. **Michael Howard** as a Conservative Home Secretary criticised the sentences of the Bulger killers. 3. **David Blunkett** criticised the potential early release of Maxine Carr. 4. **Lib Dem MP John Hemming outs Ryan Giggs** in May 2011 in connection with the superinjunction, thereby flouting judicial independence. |

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| **Evaluate the view the extent to which Judges are always politically neutral and impartial (30)**  Neutrality is the absence of any form of partisanship or commitment; a refusal to ‘take sides.’  **Arguments that judges are neutral:**   * There are a number of conventions in place which preserve neutrality:   Political Restrictions. Judges are not supposed to engage in open political activity.  Legal Training. The extensive process of legal training is designed to enable judges to focus entirely on legal considerations.  Accountability. Senior judges must explain their rulings, highlighting, in the process, the points of law that have affected them.  Not Public Figures. Judges have traditionally been discouraged from speaking out on political matters and from being involved in public controversy.  **Arguments that judges are not neutral:**   * **Not representative of society as a whole.** 70% of judges were privately educated and 78% went to Oxbridge. Also mention the ‘Griffith Thesis’ which argues that their background makes it impossible for the judiciary to be truly neutral. * **Growing support for human rights and civil liberties.** As evidenced by the Law Lords ruling to extradite the Chilean dictator, General Pinochet. * **Recent Lord Chief Justices have at times launched outspoken attacks on government.** Lord Phillips (the last LCJ) criticised the wider use of mandatory sentences in 2007. * **Alleged male bias of the Judiciary.** With regard to the series of super injunctions in 2011 (Jeremy Clarkson, Ryan Giggs, Andrew Marr etc) an argument was put forward that male judges overly protective of male celebrities by awarding the super injunctions. |

**Evaluate the extent to which the UK Parliament is totally under the control of the executive today. (30)**

**Intro:** what does ‘control’ of Parliament by the executive mean? You could refer to the idea of ‘elective dictatorship’ which was the situation in the past, plus the idea that it is Parliament that holds sovereignty. ‘Today’ implies that the relationship between the two institutions in variable.

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| **Parliament is under control of the Executive** | **Parliament maintains independence from the executive** |
| When a government is fragile, its supports tend to be more disciplined in order to stay in power. MPs do not like the idea of an early general election. | Recently, **Parliament has shown signs of a growing independence from the executive.**  Since 2010, the executive has lacked a decisive majority.  If the government lacks a majority, or has a small majority, they are vulnerable to rebellions or obstructions. Due to May’s minority government, she is very vulnerable to backbench rebellion. The threat of a backbench rebellions has meant that government policies have been dropped (eg, removal of grammar schools policy and dropping of social care plans from 2017 manifesto).  Backbench rebellions are increasingly common, the coalition government faced the most rebellious parliament since 1945, with 37% of divisions facing a rebellion. In August 2013, Cameron faced a rebellion on military intervention, over Syria. In May 2013, 37% of the Conservative party staged a rebellion on the Queen’s speech, supporting an amendment regretting the absence of a commitment to an EU referendum. |
| **Governments still usually enjoy a Commons majority**. May is able to rely on the DUP to obtain a Commons majority. | The House of Lords has become more proactive and willing to obstruct.  Whilst the Blair government faced no defeats in the HoC during its first two terms in office, it faced 353 defeats in the HoL.. This was an increase on the pre-1997 rate of 13 per year and demonstrated the impact of the HoL reforms. The coalition government was defeated over 100 times. |
| Governments control the legislative process and enjoy a majority on the Public Bill Committees.  Party whips ensure loyalty of backbench MPs. MPs are just ‘lobby fodder’ | Parliament has the **reserve power of vote of no confidence**. They also have the reserve power of defeating government legislation. |
| **PM patronage** is able to create loyalty among MPs, the payroll vote. | Parliament may amend legislation. |
| **The Government has an advantage of resources over parliament –** it has government departments and Civil Service support, which Parliament lacks. | **Select Committees are increasingly powerful** and are able to force the government to reconsider issues such as bank regulation, tax avoidance, the procurement of equipment for the armed forces. The leaders of the Select committees have high status and increased salaries (eg, Margaret Hodge, Public Accounts Committee, 2010-2015). The Public Accounts Committee has become highly influential. The Liaison Committee calls the PM increasingly to account.  The Backbench Business Committee now controsl part of parliamentary agenda and can order debates which may criticise the government. |
| **The House of Lords, despite being more active, can only delay legislation for a year** (Salisbury Convention). It lacks democratic legitimacy. The government has an electoral mandate**.** | **Parliament was able to influence the executive over foreign and military powers** over Syria. Since then, Parliament has demanded that it approves major military adventures abroad. |
| **Collective responsibility means that the government presents a united front.** |  |

**Evaluate the view that the Executive dominates Parliament. (30)**

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| **How the Executive dominates Parliament.** | **How Parliament has some power** |
| * Payroll Vote * Parliament Acts of 1911 & 1949 * Party Whips * Parliamentary Majority * Power of Dissolution (not at the moment under a Fixed Term Parliament, but could be returned) * Power of Patronage * Party Loyalty * Power of the Civil Service | * Rebellions (e.g. Third runway at HTR) * When the parliamentary majority is small * They can make backroom deals (e.g. over tuition fees) * When the PM is weak * Opposition Days (e.g. Ghurkha Vote which was successful & Bedroom Tax vote which wasn’t) * PMQs can be effective in revealing weaknesses in the Govt. * Select Committees can also be effective (e.g. on bankers’ bonuses) * Lords is increasingly vocal (Equality Bill, Stem cell research, Detention without trial). |

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| **Evaluate the view that the Executive dominates Parliament (30)**  Define key terms: The executive is the branch of government that is responsible for the implementation of laws and policies made by Parliament. Parliament forms the legislature, the law-making body, consisting of the sovereign, the House of Lords, and the House of Commons. Why is the Q being asked? During the time of Thatcher and Blair many people questioned the amount of power the executive had due to the government having huge majorities, resulting in Blair only being defeated only twice during his whole time as PM. During the Coalition, however, parliament become a lot better at checking the executive due to the coalition being made up of two parties with different ideologies and no party having a very big majority, and there has been a significant rise in the number of backbench rebellions. This trend has continued especially with a minority government from 2017 onwards. Indicate argument: It would appear, therefore, that Parliamentary power is in fact on the rise. Nevertheless, it remains rare for the Executive to be defeated in Parliament.  Firstly, Parliamentary power is greater than that of the executive because there are no official rules against MPs voting against the Government, with some rebellions resulting in a government defeat in the House of Commons. This happened in December 2017, when a group of backbench MPs tabled an amendment to the EU withdrawal Bill, seeking a meaningful vote in Parliament. They defeated the government 309-305 votes. It also happened in October 2012, when the Labour Party and a group of 50 Conservative MPs demanded real-time reductions in EU spending. The Government was defeated by 307 votes to 294, meaning that the Government was overruled by Parliament. These are examples of Parliamentary power being greater than Executive power. However, this is rare. Because of the Party Whip system, MPs looking for promotion or advancement within their Party will be forced to ‘toe the Party line’ by voting with the Government. Any MP looking for a successful career will be likely to vote for government policy. This was particularly evident during Blair’s premiership, where only two votes were lost by the Government. Consequently, Parliament is able to resist the Executive, but the occurrences of this are rare.  Secondly, Parliamentary power can be seen to be greater than that of the Executive because MPs are allowed free votes on certain issues in which case the whip is removed, allowing them to vote either way. An example of this is the Gay Marriage bill when half of the Conservative party during the free vote voted against the proposed legislation (136 MPS). **However,** the Government can usually rely on the ‘payroll’ vote. This means that government ministers such as Hunt and Hammond vote for government policy according to the convention of collective ministerial responsibility. Although, MPs can rebel against this payroll vote, and resign from their position in the government as protest. An example of this is when former foreign secretary Robin Cook resigned in disagreement to going to war in Iraq in 2003. Nevertheless, this is rare; overall, the ‘payroll’ vote helps the Executive dominate Parliament to a great extent as ministers will vote according to government policy.  Thirdly, party MPs do rebel against the government because they or their constituents do not agree with the executive’s policy, and this suggests that Parliamentary power is greater than that of the executive. An example of this is the Tuition fees increase in December 2010 when 21 Liberal Democrats along with a handful of conservative MPs and Labour voted against proposed government legislation. Although the motion was not defeated, this is a high profile, recent example of MPs vocalising their criticism of the government. Indeed, more MPs are now career politicians and better educated, making them more independent-minded, and the coalition suffered a huge number of backbench rebellions. **However,** most MPs have an eye on promotion and therefore will stay loyal to executive decisions in order to achieve promotion and higher pay. An example of this is Ed Balls who stayed loyal to Brown, and then became a member of the cabinet in the Brown years of 2008. Overall this indicates that the executive’s power over Parliament is diminishing. Nevertheless, despite the increase in rebellions this does not automatically result in a government defeat. Most MPs will be looking for promotion rather than risk demotion for rebelling.  Fourthly, Parliament is strong when the Government’s majority is small, because it takes fewer rebels to defeat a government proposal. The 1974-9 Labour government which had a majority of 4 at best was defeated in the House of Commons 41 times. Similarly, May is struggling to pass bills in the minority government. Her government suffered a defeat, with rebels passing an amendment to the EU Withdrawal Bill in December 2017, allowing Parliament to have a meaningful vote on Brexit (309-305 votes). She is reliant on the DUP as part of a ‘confidence and supply’ arrangement which means they will support her in any vote of no confidence and money bills (the Budget). May was reliant on DUP support a vote on cuts to free school meals in March 2018. However, when the majority is large Parliament is weak as it takes more rebel MPs to defeat the government. The larger the government’s majority, the weaker the backbenchers will be. In 2001 with a majority of 167, New Labour suffered no defeats. With a majority of 178 after the 1997 election, it would have taken 90 MP to defeat the government, assuming all other MPs voted against the government. With landslide victories, the Blair government suffered only 2 defeats in the Commons. To evaluate, it depends on the size of the government’s majority on how much the executive will dominate parliament. The weaker the government, the stronger the parliament and vice versa. The contrast between small and large majorities can be stark. Currently the balance in firmly in parliament’s favour.  Finally, Parliamentary power seems to be growing because the Lords are becoming more vocal due to party unity being more relaxed. This occurs because, being non-elected, peers do not need a party machine to remain in post. Once appointed, peers are there for life. This robs the government of its ability to discipline peers and so ‘enforce’ the whip. There is no guarantee of majority control. In particular, the removal of most hereditary peers under the Labour government has encouraged the Lords to be more assertive. For example, The Lords in the past have been vocal in opposing aspects of the government’s Health and Social Care Bill, particularly demanding that mental health should be a higher priority, and have also opposed plans to expand secret courts. However, the House of Lords remains the subordinate chamber, due to the Parliament Acts in 1911 and 1949, so they can only delay legislation rather than block it. In addition, arguably the Coalition has strengthened executive control over the Lords by appointing a substantial number of new peers (117 were appointed between May 2010 and January 2011 alone), the majority of these were Conservatives and Liberal Democrats. Nevertheless, it is clear to see that due in part to the reforms of the Labour government the Lords has become significantly more vocal and assertive and acts as a more significant check on executive power than the Commons.  In conclusion, it would appear that the executive does still dominate Parliament. Whilst there has certainly been a rise in the number of backbench rebellions suffered by the government since the formation of the Coalition, and the Lords have certainly becoming more vocal since the reforms of the Labour government, there have still been very few cases of the government being defeated (such as Tony Blair losing only 2 out of 3,000 votes during his ten years as PM). Ultimately, if there is a government with a large majority it is hard for them to be defeated, meaning that the Executive has does dominate Parliament. |

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| **Evaluate the view that Parliament no longer possesses sovereignty. (30)**  ***Intro***: define the different types of sovereignty: **Legal sovereignty** is a concept defined in law. It belongs to the person/body in a state with unlimited legal authority. In the distant past, this used to be the monarch, now it is Parliament. There is no higher legal authority than Parliament, it can legislate on any subject and no Parliament can bind its successors. **Political sovereignty** stands above legal sovereignty. In a democracy, the legal sovereign body derives its authority from the people. When the people elect a Parliament, they delegate their political authority to their representatives. Parliament is accountable to their electorate for the way in which it exercises its powers and the electorate has the right to elect a new parliament at intervals.  Therefore, Parliament has legal sovereignty, but is only able to make laws because the people (who possess the ultimate political power) allow them to do so,  **Challenges to Parliament possessing sovereignty:**  In reality, **authority has been passed to the EXECUTIVE**. A government with a secure majority can use the whipping system and control of the legislative timetable to assert its dominance. It can use the Parliament Acts to override the House of Lords. It has Royal Prerogative powers at its disposal.  **The Creation of the Supreme Court –** this ended the HoL’s role as the UK’s final court of appeal. However, the Supreme Court was established by Parliament and therefore can be abolished by Parliament.  **Devolution** – powers and functions were passed to the devolved bodies, giving them authority to make law on certain specified subjects. ***However***, we do not have a federal settlement and there is no formal, legal sharing of sovereignty. In theory, the UK Parliament can return these powers to Westminster.  **Referendums** – the increased use of referenda since 1997 is sometimes used as an example that sovereignty has been lost. Theoretically, referendums are only advisory and are not legally binding, therefore Parliament retains sovereignty. ***However***, political reality dictates that it would be unwise to ignore the reality of the result, eg, the Brexit result is unlikely to be overturned by Parliament. This shows the difference between legal sovereignty and political sovereignty.  **The Human Rights Act 1998** – The passing of this act has allowed judges to declare existing legislation incompatible with the HRA.  However, they are unable to compel Parliament to change the law. Parliament has refused to comply with the ECHR ruling on prisoner’s rights.  **EU membership** – supporters of the UK’s membership of the EU argue that sovereignty is not lost to the EU, it is ‘pooled’, meaning that member states voluntarily share some of their sovereignty for an agreed commone purpose. Hard-line Brexiteers argue that sovereignty was lost to the EU and thus Brexit will return it.  The **FACTORTAME CASE** illustrates the fact that EU law takes precedence over UK law.  However, it can be argued that Parliament agreed to the ‘loss’ of sovereignty in signing the 1972 European Communities Act and therefore retains the right to withdraw from the EU. It is Parliament, not the executive that will finally withdraw the UK from Europe (as clarified in the Miller case).  To summarise, arguments that **support Parliament being sovereign**:   * It remains the ultimate legal authority in the UK, with power to pass law on any subject and is not subordinate to any other body in law. * Parliament may dissolve the devolved bodies, to which it has transferred powers and functions, but not sovereignty. The UK is not a federal state. * Judges may recommend laws to be amended, but it is up to Parliament whether to amend them. * Parliament retained sovereignty when it joined the EU because it voluntarily gave up some sovereignty when it passed the 1972 European Communities Act 1972. This is why EU law is superior to UK law as shown in the Factortame case. However, Parliament is able to repeal the 1972 Act and end the UK’s membership of the EU.   **However, the counter arguments are:**   * Parliament derives its legal sovereignty from the political sovereignty that belongs to the people. * The steady growth of executive power means that Parliament is mostly controlled by the executive, which uses Parliament to pass its legislation. * Legal sovereignty is only a theoretical concept. The practical realities of politics means that there are constraints on what it can do, e.g. it is inconceivable that Westminster will abolish the Scottish Parliament against the will of the Scottish people. Also, it is impossible to ignore the results of a referendum. * Globalisation means that sovereignty is a less meaningful concept. Sovereignty is now shared with international bodies in order to maximise influence in the world. |

**Evaluate the view that the UK Judiciary is able to fully protect rights in the UK. (30)**

***Introduction:***

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| **Rights are fully protected** | **Rights are in danger** | **Strength of argument?** |
| ***The UK has developed its protection of Civil Liberties by extending ways to redress grievances.*** Alongside the ability to contact a MP/ go to Ombudsman citizens can go to the courts who will uphold the Human Rights Act 1998. | ***The UK has been traditionally reluctant to give basic rights***  (Note the introduction of the HRA does undermine this argument. However, do we have a codified constitution and US style Bill of Rights? What does Parliamentary Sovereignty mean for the judiciary?) |  |
| There is a ***growing use of Judicial Review*** (p.304, Heywood) | The ***use of Judicial Review can be controversial*** (p.306 Heywood) |  |
| ***Use of Ultra Vires*** to criticise action of the government or public body | The Government, through Parliament, ***can rewrite legislation to amend the law.***  Eg – Brown and Terrorist assets case. |  |
| ***The Human Rights Act 1998 and an increased willingness of the Judiciary to protect civil liberties.***  ***Declarations of Incompatibility*** against the executive | ***A growth of ‘authoritarianism’ in the UK*** A trend towards the government expanding own powers at the expense of civil liberties. |  |
| ***Use of Judicial Inquiries*** to highlight public concerns | Recommendations from ***Judicial Inquiries are easily ignored*** by the executive |  |
| Senior judges have become ***‘Voices of concern’***  This is where eminent judges (such as the Lord Chief Justice) use their elevated status within society to raise concern about a particular issue.  *For example:*  • Lord Woolf condemned David Blunkett (Labour Home Secretary) for prison overcrowding  • Lord Judge (2009) ‘The government is obsessed with passing too many laws, framed with too many words creating too many crimes’  • Judge Richard Bray condemned the government’s immigration laws | Conflict has grown in recent years between senior judges and the executive. There is a ***willingness of Ministers to criticise the judiciary.*** |  |

***Conclusion:***

**Judiciary – Examples Bank**

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| **Independence** |  |
| **Michael Howard & Jamie Bulger Case (+ Straw on Venables Case)** | Home Secretary, Michael Howard, criticises the sentences of the two children found guilty in the Bulger case.  Jack Straw decides not to inform the public on the recent offences committed by Jon Venables, one of the Bulger killers. |
| **Blunkett & Maxine Carr (2005)** | Blunkett, arguably in response to public pressure, intervenes in the debate as to whether Maxine Carr should be allowed early leave from her sentence. |
| **Theresa May & the HRA (Right to a Family Life (2013)** | Theresa May publicly criticised judge’s interpretation of the HRA which wrongly allowed (in her view) for some criminals to have the right to stay in the country (and not be deported) after they had served their sentence (due to their, ‘Right to a Family Life’ Art. 8). |
| **David Cameron & Nigella Lawson (2014)** | During the trial of Nigella Lawson’s housekeepers (accused of stealing) Cameron said that he was on ‘Team Nigella.’ |
| **Neutrality** |  |
| **Lord Hoffman & General Pinochet (1998)** | Lord Hoffman fails to disclose his links to human rights group, Amnesty International, and the Law Lords ruling to extradite Pinochet on grounds of war crimes is overturned. |
| **‘Griffith Thesis’** | The idea that judges have an inherent and tacit bias towards the establishment due to their conservative background (75% of judges are privately educated). |
| **Alleged bias of male judges to preserving the privacy of male celebrities’ infidelity.** | Series of super injunctions for the likes of Ryan Giggs and Andrew Marr in 2011 raised issues of a gender bias. |
| **Civil Liberties** |  |
| **Macpherson Inquiry into death of Stephen Lawrence.** | Lord Macpherson finds evidence of ‘institutionalised racism’ within the Metropolitan Police Force. They subsequently review all their procedures to do with dealing with ethnic minorities. |
| **Sara Cox v The People** | DJ Sara Cox awarded damages for a breach of her privacy when photos of her on a private beach are published by ‘The People.’ |

**Evaluate the impact the EU has had on the UK (30)**

***Intro:*** the UK joined the EEC in 1973, following the passing of the European Communities Act 1972. This was ratified in a referendum held in 1975. The EU has four main aims: it is a customs union, a free market, a partial political union and for some, an area of monetary union. Membership of the EU has always been controversial, during the first referendum in 1975, cabinet collective responsibility had to be removed due to the fact that it split opinion in political parties. Britain has always been the ‘sick man of Europe’ never wanting to get involved too deeply, emphasised by Thatcher’s famous ‘No, No, No’ to Jacques Delors in the face of increasing political integration. Following Britain’s decision to leave the EU in 2016, it will be argued that the EU has had made a very significant impact on the UK.

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| **Significant effect** | **Limited effect** |
| **Loss of political sovereignty**   * Membership of the EU meant the acceptance **that EU law is superior to UK law**, thus is a surrender of sovereignty to the EU. * The **Factortame case** highlighted this issue, whereby the provisions of the UK’s Merchant Shipping Act 1988 were overturned as it contradicted EU law. In 1988 the Conservative government passed laws intending to stop Spanish fisherman increasing their take of fish by the ploy of using British fishing quotas. The legislation was later found to have broken European law and the Law Lords directed the government to pay compensation to affected Spanish fishermen. | **Parliament chose to pool sovereignty**, it was pooled as part of a Parliamentary statute can be and is being returned through an Act of Parliament, the EU Withdrawal Bill. |
| **Impact on the Core Executive**   * Heightened profile of the PM, who annually attends the European Council meetings, plus heads of government meetings (eg Cameron sought meetings to get further opt outs prior to his decision to hold a referendum). * Ministers attend Council meetings for their policy area, eg the Chancellor attends the Council of Finance Ministers (Ecofin). Civil Servants are also involved in European work. * A Cabinet committee has been set up to develop UK policy towards the EU, Parliament also scrutinises new laws in the House of Commons European Scrutiny Committee. * Recently, the government has set up a new department to establish the exit process from the EU: the Department for Exiting the EU, headed by David Davis. |  |
| **Public Policy**   * The EU issues 12,000 regulations, directives and recommendations on an annual basis. The UK must implement these (and is part of the decision making process to create them). * Certain policy areas have seen significant changes, such as farming and fisheries, through the Common Agricultural Policy and the Common Fisheries policy. * Regional aid has been provided to many areas of the UK, through the European Regional development Fund, which has helped small businesses in Wales, Scotland and the North of England. * The EU is closely monitored environmental and consumer safety laws, e.g. regulating for cleaner beaches, pollution controls and protecting items such as the ‘Cornish’ pasty. * In 1997, a previous opt out of the Social Chapter was reversed and the UK became subject to regulations about working hours and rights. * There are also common foreign and defence policies within the EU. | Public policy in areas such **as health, education, social services and social security** have not been affected by membership of the EU in a significant way.  Britain maintains its independence in military matters and has membership of other supranational bodies such as the UN and NATO. |
| **Divided Political Parties**   * Parties have been split down the middle by Europe, as seen in the 1974 Wilson government, during Major’s premiership and now under May. * **New political parties have been formed:** UKIP and the Referendum Party (contested the 1997 election). UKIP won 27.5% of the vote in 2014 EU election and 14 MEPs. |  |
| **Divided Public opinion**   * Public opinion could be argued to have become increasingly strident in their opposition to the EU, encouraged by a right wing press that is outraged by ‘straight bananas’ and other regulations passed by the EU. This has culminated in the need for the referendum in 2016. | This has not changed. **The public have always been divided on the issue of Europe** and membership of EU has not made us more or less pro/anti. |
| **Led to greater use of referendums**   * Two national referendums have been held on the subject of the EU in recent decades, again suggesting a loss of sovereignty by Parliament. * 1973 and 2016. |  |
| * **Pressure Groups have changed their focus** and have begun to lobby the institutions of the EU, setting up offices in Brussels and Strasbourg. They have also joined forces with other like- minded pressure groups in Europe to pool resources and increase their lobbying success. Over 700 groups have been formed, eg the Committee of Professional Agricultural Organisations (where the NFU is a member) and the European Trade Union Confederation through which the TUC operates. |  |
| **Increased immigration**   * According to the ONS, ‘220,000 citizens from other EU countries immigrated to the UK in the year to September 2017, and about 130,000 emigrated abroad. So EU ‘net migration’ was around 90,000—the lowest level recorded since 2012.’ This is after the Brexit result and prior to this it was 189,000 net migration. | **The UK’s decision not to join the Schengen Agreement** (which provides free movement of people in the EU) means that the UK retains control of its borders. |
| **Economic effect**  A contentious topic in the EU referendum, the economic effects of freedom of movement of goods and services and tariff free trade have resulted in increased GDP for member states. Some estimates suggest an increase of up to 10% of GDP (Wiley Online Library).  Business groups argue that exit from the EU will lead to loss of jobs in the financial sector and difficulties trading once tariff free trade ends.  According to the ONS, “ In 2016, the EU accounted for 48% of goods exports from the UK, while goods imports from the EU were worth more than imports from the rest of the world combined.” | The **UK has other trading partners,** such as the USA and China.  According to the ONS ”The UK has a trade surplus (we export more than we import) with 67 territories, including Ireland, Switzerland, the United Arab Emirates, Saudi Arabia, Australia and Brazil.” |

***Conclusion:***

**Evaluate the argument that the ‘four freedoms’ and the single market have brought positive benefits to the UK (30)**

**Introduction:** Outline the Four Freedoms and the Single Market. Lay out your argument and signpost your answer.

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| **Positive Benefits** | **Negative Benefits** |
| EU workers are allowed to move freely between member states, to find work and to settle. This has benefited the UK economy by supplying the labour necessary to fill ‘skills gaps’ in the labour market e.g. the NHS and social care for the elderly. This has boosted economic growth in the UK and increased revenues from taxation. Therefore, the free movement of workers has brought positive benefits to the UK by boosting economic growth. | The freedom of movement of labour has limited the employment opportunities for some UK workers and put pressure on some public services. There have been concerns raised over the UK’s increasing population, leading to a lack of access to e.g. housing, education, and health. There have also been concerns that UK workers have been ‘priced’ out of some sectors of the economy. Therefore, arguably freedom of movement of labour has not brought positive benefits to the UK. |
| The **free movement of goods and services has allowed businesses in the UK to establish and provide services in other EU countries on an equal basis.** This has provided UK businesses with opportunities to provide goods and services across the EU. The service sector in the UK makes a significant contribution to the economy. Therefore, the free movement of goods and services has brought positive benefits to the UK, providing additional opportunities for UK businesses. | The **freedom of movement and goods and services has led to increased levels of regulation.** These high levels of EU regulation are a restriction on UK businesses and provide an additional burden on them, especially significant for small businesses. They may also discourage innovation. Therefore the freedom of movement for goods and services has not brought positive benefits to the UK as it has placed additional burdens on businesses. |
| **As a member of the EU, the UK has access to the single market,** which is one of the largest free trade areas in the world. The single market is based on the principle of ‘frictionless’ trade between member states. Access to the single market has been a driver for economic growth within the UK as a stimulus to UK companies’ exports to the EU, whilst also providing access to cheaper imports which can benefit UK consumers. Therefore, the UK’s access to the single market has brought positive benefits to the UK’s economy. | **As a member of the single market the UK cannot negotiate its own trade deals with non-EU countries.** The UK’s membership of the single market places a restriction on the country’s ability to grow its economy by negotiating free trade deals with non-EU countries. Trade deals have to be negotiated by the EU as a whole and apply to the EU as a whole. Therefore this limitation on trade deals means that membership of the single market has not brought positive benefits to the UK. |
| **The single market requires the free movement of capital between member states, providing investment in the UK.** This free movement of capital has allowed investment to flow more freely between member states. This has brought additional investment into the UK. London’s position as a key international finance centre, the ‘City’ has been strengthened. Therefore, the free movement of capital has brought positive benefits to the UK through additional investment. | **The freedom of movement of capital has had limited benefits for the UK.** The freedom of movement of capital can lead to largescale outward capital flows which may undermine the UK economy. It may also largely benefit the finance and banking sectors, who manage capital movements, rather than the UK’s manufacturing sector. Therefore, the freedom of movement of capital has not brought positive benefits to the UK. |

**Conclusion:** Lay out which side of the argument you believe is stronger and justify why.

**Evaluate the impact of the UK leaving the EU (30)**

**Intro:** On Thursday 23 June, 2016, a referendum was held to decide whether the UK should leave or remain in the European Union. This was a momentous vote, with both sides campaigning vigorously and participation levels high (more than 30million voted and turnout was 71.8%). The results shocked the world: Leave won by 51.9% to 48.1%. On 24th June, Cameron was forced to resign, the stock market plunged and Britain has embarked on an exit process from the EU. This vote will have significant repercussions (positive and negative) both constitutionally and politically.

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| **Impact** | **Significance of this?** |
| **Constitutional changes**   * **The UK will regain all of its national and legal sovereignty.** * EU laws will no longer be part of UK law and the UK will no longer be subject to EU treaties. * **The European Court of Justice will have no jurisdiction in the UK and will cease to be the highest court of appeal in UK matters** * **There will likely be conflict in UK government as to who should approve any new agreements with the EU, the PM, Parliament or the people in a referendum?** The Gina Miller case shows that conflict needed to be resolved by the Supreme Court. * **Constitutional impact on Scotland.** Scotland voted to remain by , yet is being asked to leave by the rest of the UK. Could this lead to a further independence referendum? * **Northern Ireland –** the border issue remains intractable. If a closed border, this could end the 1998 Good Friday Agreement. If an open border, this makes hard Brexit impossible. |  |
| **Political issues**  Each political party is divided over the following:   * the extent of Brexit and whether Britain should remain in the single market. * the extent of freedom of movement of labour into and out of the UK. * Both main parties are divided into ‘leave’ and ‘remain’ camps still. |  |
| **Immediate political impact**   * **Loss of power of PM –** David Cameron forced to resign on June 24th 2016. Theresa May appointed PM. |  |
| **Divided public opinion and the need for healing!**   * Deep divisions were revealed in 2016, between young and old, (18-24 voted 75% to remain, 65+ 61% leave) England (53%-47% Leave) and Scotland (63%-37% Remain) , urban areas and rural areas (Manchester and Brighton were solid Remain, whereas rural areas such as East of England, the Midlands and Kent were Leave), the well off and the poor, educational differences (degree level voted 66% remain, those with only GCSEs 66% leave) |  |

**Conclusion:**

**Parliament**

**What do I need to know?**

* The structure and role of the House of Commons and the House of Lords.
* The Comparative powers - How do their powers compare?
* What stages does a bill go through to become law?
* The interaction between Parliament and the executive?

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| **Basic Vocabulary** | **Higher level vocab** | **A\* vocabulary** |
| * *Parliament* * *House of Commons* * *House of Lords* * *Legislature* * *Monarchy* * *MPs* * *Life Peers* * *Hereditary Peers* * *Lords Spiritual* * *Law Lords* * *Question Time* * *Select Committees* * *Backbenchers* * *Manifesto* * *Mandate* * *Opposition* | * *Queen’s Speech* * *Royal Assent* * *Separation of Powers* * *Fusion of Powers* * *Backbench Revolt* * *Whips* * *Three Line Whip* * *Minority Govt* * *Elective Dictatorship* * *Parliament Act* * *Salisbury Convention* * *Public Bill committees* | * *Westminster model* * *Whitehall model* * *Transformative model* * *‘Lobby fodder’* * *‘Parliamentary ping pong’* * *Open Government* * *Gridlock* * *Executive tyranny* * *Partisanship* * *Liaison Committee* * *Bicameralism* * *Confidence and supply* |

Key concepts and definitions

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| **Parliamentary Government:**   * **Government governs in and through the assembly or parliament** * **‘Fusion’ of executive and legislative branches**. The Cabinet and PM are drawn from Parliament * Executive and Legislature bound together in a way that **violates the doctrine of Separation of Powers** * **Personnel of government formed as a result of assembly elections** * **Government is responsible to parliament** in the sense that it rests on the assembly’s confidence and can be removed by the parliament * **Government can dissolve the parliament** * Because the head of government is a parliamentary officer, there is a **separate head of state** (e.g. a constitutional monarch or non-executive president) |

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| **Presidential Government:**   * **Government office-holders are answerable to the president** and not directly to the legislature * **President is not dependent on a continuing majority in the legislature** and can only be removed by the process of impeachment * **President is accountable not to the legislature (the Congress in the USA), but is elected directly by the voters** * **Members of the cabinet are not drawn from the legislature** * **President has full executive power** * **Principle of Separation of Powers is more rigid** and there is no overlap of personnel in the three branches of Government |

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| **Separation of Powers:**  The doctrine of separation of powers proposes that each of the three functions of government (legislation, execution and adjudication) should be entrusted to separate branches of government (legislature, executive and judiciary). Its purpose is to fragment government power in such a way as to defend liberty and stem corruption. Separation of powers is applied most strictly in the USA. Based on the work of the French philosopher, Montesquieu. |

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| **Fusion of Powers:**  This occurs when the three key parts of the state – executive, legislature and judiciary – are all integrated, as they are in the UK. The prime minister and other ministers are all members of both the executive and legislature (i.e. they are ministers and MPs), while various members of the Judiciary are also involved with all three powers. Some writers argue that, because powers are fused, the UK is not a very democratic society. |

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| **Representative government:**  A system of government where the electorate has given an elected parliament the power to take the major decisions on its behalf. Under this system a decision, say, to legalise cannabis would be taken by MPs and peers, not by the electorate as a whole. |

**Useful information**

**The main functions of Parliament**

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| **Functions of the House of Commons:**   * Legitimation * Scrutiny of legislation * Accountability of the executive * Legislation * Law-making * Redress of Grievances * Deliberation * Representation of interests * Recruitment & Training * Debate | **Functions of the House of Lords**   * Scrutiny of legislation * Accountability of the executive * Legislating * Law-making * Delaying * Deliberation * Debate |

**The composition of …..**

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| **Composition of the Commons** | **Composition of the Lords** |
| * 650 democratically elected MPs representing geographical constituencies from across the UK * Approximately 16 different parties represented. * Comprises Frontbenchers and Backbenchers. * The Speaker | * 92 Hereditary Lords (elected from the ranks of hereditary peers and replaced by election when they die) * Approx 600 Appointed Lords – Life Peers. There are ‘people’s peers’ too. * 24 Church of England Bishops and 2 Archbishops * The Lord Speaker * Over 700 members! |

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| **The role of the Monarch**   * **Appointing a government** – the Queen chooses the PM, who in turn appoints the other members of the government. This is official only, as in reality the leader of the largest party in the House of Commons can only be the PM. * **Opening and dismissing Parliament** – Parliament is opened at the State Opening of Parliament usually in October/November. The Monarch dismisses Parliament at the request of the PM. * **The Queen’s speech** – this is delivered at the beginning of every session of Parliament and sets out the government’s legislative programme. The speech is written by the PM. * **The Royal Assent** – the final stage of the legislative process when the Monarch signs the bill to make it an Act. This is a formality as by convention the monarch never refuses to sign legislation**.** |

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| **The Powers of Parliament**   * The House of Commons has supreme legislative power. It has legal sovereignty * The House of Commons may remove the government of the day. It may defeat them in legislation or use the ‘reserve powers’ to pass a vote of no confidence. * The HoL can delay bills by the House of Lords up to a year (but not money bills or due to the Salisbury Convention, bills proposed in the election manifesto). * Parliament may delegate powers to devolved institutions or return them. |

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| **The process of passing legislation in Parliament**   * Before a bill is passed, its provisions are outlined in a White Paper or a Green Paper. These are scrutinised in Select Committees. * **First Reading** – it is introduced into Parliament as a formal reading of it’s title. No debate. * **Second Reading** – First substantive stage where there is a full debate on the principles (not detail) of the bill. This is the first point in which it can be defeated. * **Committee Stage** – details are scrutinised line by line in a **Public** Bill Committee. It may be considered by a Committee of the Whole House. Amendments are ususally made at this stage. * **Report Stage** – the Committee reports back to the House. The House may amend or reverse any changes made. * **Third reading** – this is a debate in the chamber of the House. No amendments are allowed at this stage and it is unusual for a bill to be defeated at this stage. * ‘**The other place’** – Major bills are considered first in the House of Commons, but others may start in the Lords. Once passed in once chamber, the bill follows the same process in the other chamber, before going to the Monarch for the **Royal Assent.** |

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| **Methods of scrutiny performed by Parliament**   * **Question Time**- PMQs takes place every Wednesday between 12.00 and 12.30. MPs ask on scripted question and one supplementary question. Ministerial Question Time takes place on other days with each department taking turns on a four week cycle. * **Select Committees** – these scrutinise government policy and its implementation. There are 19 departmental select Committees, one per government department, they were formed in 1979. There is also the Public Accounts Committee which examines public finances. They carry out inquiries and write reports. Each committee has a membership ranging from 11-14, the government has a majority on each committee, but the chairs are from any party and are elected by their peers. They are independent of party allegiance and produce unanimous reports. They can call witnesses to their meetings, including ministers, civil servants, experts or representatives from pressure groups. * **The Liaison Committee** – consists of all the chairs of the Departmental Select Committees. It oversees the work of the House of Commons and calls the PM to account. The PM must meet this committee twice a year. * **Backbench Business Committee** – set up as part of the Wright Reforms 2010. Determines what business should be debated on the day allocated to backbench interests. * **Debates and Ministerial Statements** – government policy can be examined through legislative and emergency debates that are held at the discretion of the Speaker. Ministers are expected to make formal statements to the house on matters of great importance. * **The Opposition** – ‘Her Majesty’s Opposition’ is given privilege in debates, Question Time and management of the House with ‘opposition days’ where they can choose the subject for debate. * **Written Questions and letters** |

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| **The role of the Backbench MP**   * 650 MPs in Parliament, each of which varies in effectiveness! * Representing constituents; representing different interests or party. Redress of grievances of constituents. * Legislation: taking part in debates on legislation, voting in divisions, writing and proposing amendments, membership of a Public Bill Committee. * Scrutinising government: through asking questions at Question Time, membership of a select Committee. * Speaking in general debates when national or constituency interests can be aired. |

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| **The role and powers of Select Committees**   * Role: to hold the government to account; scrutinise departmental policies and implemented policies. * Also consider matters of public interest, in hope that the government will change policy * Powers: come through independence of party chairs, prestige of role, members acting independently of party; unanimous conclusions in reports; high profile in the media. |

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| **The role of Her Majesty’s Opposition (10)**   * To force the government to explain & justify its policies and decisions * To highlight the shortcomings of the way the government is running the country * To present alternative proposals * To be a government in waiting |

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| **How does parliamentary government differs from presidential government?**   * In the parliamentary system members of government are generally drawn from the legislature (mainly the HoC but some from the Lords). In presidential systems the president has much greater freedom of action in selecting those who occupy government posts * Under the parliamentary system there is a ‘fusion’ of legislative and executive branches of power. Government in the UK is run through the parliament which means that any proposed legislation must be approved by parliament. In the presidential system the principle of the doctrine of separation of powers is applied and there is no overlap of personnel in the 3 branches of government. * In parliamentary systems the government is responsible to the legislature. It is held to account through questions and debates. Parliament also has the power to remove the government by holding a vote of no confidence. Under presidential systems government office-holders are answerable to the president and not directly to the legislature. Equally the president is answerable directly to the electorate and not to his parliament. * In the parliamentary system the PM is generally able to dissolve the legislature. In the presidential system the president is not dependent upon a continuing majority in the legislature (in fact in the US it is possible for Congress to be held by the opposite party to the president – this is known as ‘gridlock’ and is happening at the moment!) and can only be removed by a process called impeachment. * In the parliamentary system there is a symbolic head of state who will not be drawn into political decision-making. In the presidential system the head of state (the president) has full executive power.   The strength of the parliamentary system is that it supposedly delivers effective but responsible government. In this country the executive can pass its legislative programme so long as it retains the confidence of parliament. In Blair’s first 2 parliaments (as in the 1980s under Thatcher) the executive has ‘railroaded’ legislation through parliament due to its large majority. Thus, parliament is reduced to little more than a talking shop. This is because, while there is an appearance of conflict, the result of nearly every vote is inevitable |

**30 Mark non source-based questions**

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| *The following is useful summary information for questions along the lines of…*  **How effective is the House of Commons at scrutinising the Executive?**   1. **Questions to Ministers**   Departments take turns to answer parliamentary questions. Question Time takes place from Monday to Thursday for 1 hour each day. On Wednesdays, the prime minister answers questions for half of the hour-long slot.  MPs with questions submit their names to the speaker in advance. Ministers need to be well briefed on the topics likely to arise, especially if a relevant issue has arisen in the news in recent days.  There are oral questions and written questions. The idea of Question Time is that the opposition may seek out flaws in government policy, but also individual MPs may obtain useful information for their constituents.  **Effective?**   * Recently the opposition have had some success in pressing home public anger over the government’s welfare reforms and defeating Cameron over Leveson. Corbyn has been effective at utilising individual ‘complaints’ from normal people (eg ‘Mary from Northumberland has asked….’) * QT can also be effective for the opposition in outlining their ideas and giving them a platform to attract media and public attention (e.g. Ed Balls with his economic criticisms of George Osborne’s cuts). * Written questions to ministers can be fruitful. This may be to do with the fact that written questions tend not to open ministers to too much public attention and potential embarrassment.   **Ineffective?**   * Many commentators agree that QT can often generate *‘more heat than light’.* The tribal instincts of MPs make it more likely that they will rally around the party leadership, and it is rare for MPs to inflict damaging blows at Question Time. * PMQs in particular has been criticised for perpetuating the image of politics as a knockabout debating club (‘Punch & Judy Politics’ or ‘Yah-Boo Politics’) * Many of the questions the PM attracts at PMQs tend to be ‘softball’ questions from his own side. This is not effective scrutiny of the executive.  1. **Debates**   Debates are discussions, and in Parliament they are the method of putting views across as well as opening the government to criticism.  **Effective?**   * If legislation has not been well thought through or a lack of planning is evident in a government proposal, an exchange on the floor of the Commons or the Lords can make this plain for all to see. This was the case with the debate on the government’s proposals to sell-off some of the UK’s public forests in February 2011. Here the Opposition exposed an ill thought-through policy. * It is for this reason that the government employs large numbers of parliamentary draftsmen to ensure that legislation is in robust shape before going through its stages in the Commons and the Lords. * If an MP has specialist knowledge then s/he can sometimes be effective in criticising legislation. For example the Labour MP, Frank Field ( a former head of the Child Poverty Action Group), takes a keen interest in welfare matters and is skilled in the policy detail going through parliament.   **Ineffective?**   * When it comes to debating legislation many MPs lack the technical expertise or the interest to scrutinise adequately bills going through the Commons. Most MPs neither possess nor wish to possess such skills. * The purpose of debates is often not to change legislation (due to the Government’s majority this is difficult anyhow). More is the case that MPs use debates to make a name for themselves, impress constituents or to get noticed by the party leadership. Again, not effective scrutiny.  1. **Select Committees**   They are responsible for scrutinising the work of individual government departments. The committees are cross-party and selected from backbench MPs.  **Effective?**   * Cross-party so contains opposition members (members are voted in by their own parties, chairpersons are selected by the Commons as a whole). Act in independent manner. * Chairpersons have high status (Sarah Wollaston, chair of Health Select Committee, an ex GP of 20 years). * Protected by parliamentary privilege (which means witnesses can say whatever they like without fear of libel) * They can interview ministers, civil servants and other individuals who may help with their work (can request, ‘persons, papers and records’) * They publish reports and make recommendations to government (e.g. Public Accounts Committee on child obesity) * Their activities are reported widely in the media and reports received high attention. Margaret Hodge described her role as chair of the PAC as more effective than being a government minister and was reported 2000 times in the press in one year. * High profile individuals in many professions have been forced to apologise for their actions due to televised grillings from Select Committees, eg, Rupert Murdoch (‘most humble day of my life’), Philip Green, chief executive of large banks (Rona Fairclough was described as ‘totally incompetent by Margaret Hodge, chair of PAC), the director-general of the BBC due to Jimmy Saville.   **Ineffective?**   * Select Committees are composed in a way that reflects representation of the political parties in the Commons, i.e. an in-built government majority. * Whilst they can make findings they ‘lack the teeth’ to really make a difference. For example, issues on which there is a real need to unearth the truth (such as the Chilcott Inquiry into the Iraq War and the Leveson Inquiry into phone hacking are made the subject of Public Inquiries which are chaired by eminent Judges)  1. **Opposition Days & Backbench Business Days**   These are so-called because they are days which ‘belong’ to the Opposition or days which are specifically assigned to backbenchers to raise awareness on issues. Normally it is the government side of the Commons that determines the daily timetable in the chamber, and this is usually focused on moving legislation forwards via Government Bills.There are a limited number of days, however, that the official opposition can use.  **Effective?**   * The Opposition will usually try and reserve its days for issues that might be embarrassing to the government. This was the case for the Liberal Democrat Opposition Day under the last Parliament in April 2009. Here they proposed to reverse government policy on the Ghurkhas and the fact that they were refused the right to live in the UK after their armed forces service. With the support of the Conservatives and some rebel MPs this Opposition Bill was passed. * Another successful example of an Opposition Day motion was the one called in January 2012 to oppose the awarding of a large bonus to the Chief Executive of RBS, Stephen Hestor. The government did not want to be seen to be defending the ‘wrong side’ of this debate and pressure was put on Mr Hestor to waive his bonus before the debate even took place. * Backbench Business Days can be effective in holding government to account or maybe just embarrassing them (e.g. motion in favour of reducing the voting age at end of 2012)   **Ineffective?**   * Poor timing of Opposition Days may blunt their impact. * The chances of actually winning a vote are remote. * There is the temptation not to use up these days in case a major political controversy occurs. As a consequence, the opposition may come to the end of a parliamentary session and still have days to use, but no issue with which to stir up publicity and government discomfort. |

**Summary Comparison between the Lords and the Commons**

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| **House of Commons** | **House of Lords** |
| MPs elected to represent constituencies | Represent issues and Ideas, informed by their backgrounds (profession/experience) |
| 650 MPs (full time) | 792 peers (part-time) |
| Elected every 5 years | Appointed for Life |
| Paid salary, expenses, staff costs | Paid for attendance only. |
| Always have the final say as they are more powerful house. | Can only say ‘think again’ – will always lose in the battle of ping-pong if the Commons won’t listen. |
| Have sole power over taxation | Cannot delay Money Bills (bills dealing with tax) for more than a month & the Salisbury convention dictates that the Lords cannot block manifesto promises. |
| Constituency work plus committee work discourages MPs from having external jobs (usually) | Peers have openly declared external interests and most have other employment which contributes to their work in the House. |

**Evaluate the view that the House of Commons is a more important institution than the House of Lords (30)**

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| **The House of Commons is more important** | **The House of Lords is more important** |
| **Has democratic legitimacy – elected at a minimum of once every five years.** | Definitely less powerful Chamber. It is the ‘second’ chamber! Its powers have been limited by laws and convention. It lacks democratic legitimacy.  Parliament Acts of 1911 and 1949 restrain HoL (can nly delay legislation for 1 yr, cannot delay money bills).  Also restrained by the Salisbury Convention   * It is a revising chamber * Has the power of delay for one year |
| **The Commons can exercise power in ‘confidence and supply’ situations**, which can happen if there is a minority government (May, 2017) and where the party in power relies on a smaller party to back them on a vote of no confidence or a budget situation. Therefore a small party in the Commons is supporting the government. | Although its formal powers are limited, ***it has become more assertive in recent years.***  HoL reforms has meant that it is dominated by life peers, who have served in different walks of life and are experts in their field. This increases their legitimacy. They attend more frequently than hereditary peers and therefore are more active.  The Labour government of 1997-2005 faced 528 defeats in the House of Lords. The coalition government faced 60 defeats. |
| **The HoC has the exclusive power to give consent to taxation and public expenditure**. The Commons represent the taxpayers, therefore the Lords cannot interfere with money bills. The Chancellor fo the Exchequer must sit in the Commons and the budget will be presented in the Commons. | **Party control is weaker in the Lords.** They are life peers, therefore less swayed by electoral need to show party loyalty.  Lib Dem peers showed great independence in the Labour government of 2005. They argued that the Salisbury convention did not apply as the government had been elected in on 35.5% of the popular vote. They therefore voted against the Labour scheme for id cards (which was in the party manifesto). Peers were also emboldened by the Coalition government as they too felt that the Salisbury convention did not apply to the Coalition Agreement.  There are also a high number of **crossbench** peers who do not have a party loyalty. |
| As a last resort, the **Parliament Act** can be used (by the government, through the House of Commons) to force a bill through in the face of HoL opposition. This was used 3 times by the Blair government:   1. Changing the voting system for the EU parliament elections (1999) 2. Equalising the age of consent for gay and heterosexual people (2000) 3. Banning hunting with dogs (2004)   This is very rarely used and in reality, the HoL usually drops its opposition |  |

**How representative is Parliament? (note:** this will not come up as an essay on its own, it should be included in other essays where the role of parliament is considered)

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| **Yes, it is representative**   * **Constituency link** allows for redress of grievances etc * **Democratically elected** in regular free and fair elections. * **Voter choice** of different parties * **Private Members Bills** allow for some popular issues to be aired (e.g. Evan Harris and Bill to reform the monarchy) * **Parliament can be responsive to public opinion** (e.g. HBOS pensions) * **MPs are representatives** not delegates (e.g. London MPs against 3rd runway). * **Some pressure groups sponsor MPs** * **Lords offers a broad cross-section of opinion** (e.g. Lord Coe, Robert Winston) * **2017 Parliament is the most diverse yet:** 1st Sikh MP, highest number of female MPs elected (207), 45 LGBTQ MPs | **No, it is not representative**   * **Certain sections of society underrepresented** (8% of MPs are from ethnic minorities, compared with 14% of the population, 32% of MPs are women). * **FPTP** (*you know the arguments*…) * **Poor turnouts** (just over 65% at 2010 election). * **PMBs easily defeated** by government filibustering (making it run out of time). * **Whipping system** means MPs usually ‘toe the party line’ (very few free votes). * **Lords is not representative at all** (‘Cash for Honours’, 92 hereditary peers, 26 C of E Bishops etc) Only 26% of Lords are women. |

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| What problems does Parliament encounter in performing its various roles? / Has the UK Parliament become an irrelevant institution?  This question is similar to those on the dominance of the executive or the weakness of parliament.  The role of parliament is to:   * pass legislation * scrutinise the executive * represent the public * act as a recruiting ground for ministers * debate key issues   Factors preventing the performance of these include:   * The Prime Minister’s Power of Patronage (MPs may not want to ‘rock the boat’ if there is a chance of a government job down the line). * The Power of Government Whips (strong arm tactics to make MPs vote against their conscience or against the wishes of the voters). * The Power of Party loyalty. Even when tempted to vote against the Government an MP may not do so because of the depth of loyalty s/he may feel he owes the party (support at elections etc). * The Power of the Prime Minister to dissolve parliament (Are MPs really going to support dissolution at a time of unpopularity when they are likely to lose their seats?) * The Payroll Vote means the Government is always guaranteed the support of its 100 or so ministers (due to the principle of ‘collective responsibility’) even before it has to start worrying about backbench support. * The Poor Resources of the Committee system (lack of secretarial support, whipped, unpaid etc) * The weakness of the Question Time system (yah-boo politics, planted questions etc) * Parliament is not truly representative (especially not the Lords) * Most of the bills that are passed come from government and, under the Leader of the House, the Government can dictate the Parliamentary agenda. Very few PMBs. * Parliament Act (Bills can only be delayed for the Lords by for year) and Salisbury Convention (manifesto pledges must be passed) ensure that the power of the Lords is very limited.   BUT…..   * Backbench rebellions do still occur (e.g. Conservative MPs in December 2011 for an EU referendum) * Many deals are struck behind the scenes (e.g. arguably in tempering the tuition fees bill in 2010) * The Lords often gets legislation amended and has defeated the Government on its various Terrorism Bills and fox-hunting. * The Fixed Term Parliament Act has limited the power of the PM to call an election. |

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| **Evaluate the view that the UK should have a fully elected Second Chamber (30)**  **Why have a House of Lords or Second Chamber at all?**   1. Second chambers check the power of first chambers and prevent majoritarian rule. 2. Bicameral assemblies more effectively check the power of the executive, because there are two chambers to expose the failings of government. 3. Two chamber assemblies widen the basis of representation, allowing each house to articulate a different range of interests and respond to different groups of voters. 4. The existence of a second chamber can ensure that legislation is more thoroughly scrutinised, as it can relieve the legislative burden of the first chamber and rectify its mistakes and oversights. 5. Second Chambers can act as a constitutional safeguard, delaying the passage of controversial legislation and allowing time for discussion and public debate.   **Therefore, why change the House of Lords at all?**   1. It is ***undemocratic.*** There is a rump of 92 hereditary peers who owe their places in the chamber solely to their titles. Even the remaining members were all appointed by the power of patronage and there is still the stench of the ‘Cash for Honours’ scandal which surrounds many of them. 2. The Lords is ***unrepresentative*** of the country as a whole. Women and ethnic minority groups are poorly represented. 3. Despite New Labour’s appointment of a large number of Labour peers the HoL remains a conservative body. Many of the peers who claim no party allegiance and sit on the cross-benches are conservatively inclined even if not actual Conservatives. 4. Only a minority of peers are active in the House of Lords (although participation has improved since the bulk of the hereditaries lost their seats).   **What are the options?** An fully elected Second Chamber  * It is the most democratic solution. Election is the system that sustains the great majority of second chambers around the world * It would be a more effective and legitimate balance to the power of the Commons and Executive. If the electorate disapproved of the actions of members of the Upper House, it would have the power to dismiss them at the next election. * It would better safeguard the rights of individuals and minorities. * But, political parties would continue to dominate…As John Major said, *“If the answer to the second chamber question is more politicians then the question was wrong.”* Should a second chamber not complement rather than supplement the first house?  An appointed Second Chamber  * Appointment would enable the Lords to continue possessing the virtues of experience and expertise since appointments would be on the grounds of merit and judgment of the contribution they could make to the work of parliament. *(But is appointment really that much more democratic than heredity? It would increase the prime ministerial power of patronage and would open up the prospect of purely political appointments)* * There is a strong argument for a different sort of second chamber. Would an elected chamber not simply be a carbon copy of the Commons which could challenge the Commons’ authority and result in legislative gridlock? An appointed chamber could preserve the Lords’ unique status.  A hybrid solution – part appointed and part represented  * Proponents say that it gives the Lords a democratic legitimacy yet preserves the wealth of experience which could be lacking if all members were elected to the second chamber. Variations of this compromise were voted on in February 2003 but *all options were rejected by the Commons* therefore leaving Lords Reform still unresolved*.*  Outright abolition  * This would make the UK a unicameral parliamentary system, with just one House (like New Zealand and Israel) * This would streamline legislation , remove many of the uncertainties that now exist and save money. * Supporters of abolition argue that the HoC, and the government from which it is drawn, have a clear democratic mandate from the voters. As such they say a second chamber would interfere with the democratic process. |

**Evaluate the view that the UK should have a fully elected second chamber. (30)**

Here is a model answer for the above question

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| **Introduction**  At present the Lords contains a mix of appointed peers, hereditary peers and bishops. It is the second biggest legislature in the world (to the Chinese Politburo!) An elected Lords would do away with this mix of peers by replacing it with a smaller number of elected politicians probably for a single 15 year term. Supporters of an elected second chamber argue that the only legitimate basis for exercising political power is success in free and fair elections and that this would deliver a far more representative second chamber. They also say that full bicameralism would enable the Lords to better check the Commons and the ‘elective dictatorship’. On balance most of these points hold up to attack from defenders of the status quo although there is some concern about potential gridlock in a fully bicameral system.  An elected Lords would have a **democratic legitimacy** which the appointed Lords lacks at present. Indeed the ‘Cash for Honours’ scandal did great damage to any remaining pretence the Lords had of legitimate power. If the Lords were democratically elected it would probably use a system of proportional representation. This would achieve a wider basis of representation which would enhance its legitimacy even further thereby embodying the concept of popular consent. **However**, critics argue that there is a danger that an elected Lords might even acquire greater legitimacy than the Commons thereby creating unnecessary competition between the two chambers. Also whilst elected peers may have popular authority it is very difficult to make sure that they resemble the larger society, even through a system of PR. Supporters of the present system argue that this can better be achieved through a structured process of appointment that takes account of group representation. **On balance,** if a criticism of Lords Reform is that it could produce a ‘more legitimate’ Second Chamber then it is difficult to see how this should be a problem! Keeping the Lords unelected as it is at the moment simply because this casts the Commons in a better light should not really be an argument for not electing the Lords.  Supporters of an elected second chamber also argue that it would **improve the quality of legislation**. At present the Lords is restricted to a role of ‘revising chamber’. Andrew Adonis has argued that the Lords does not perform this role particularly well, allowing some poor legislation (such as the Poll Tax and Dangerous Dogs Act) to pass in recent years. This would change if professional politicians were elected to the Lords where it is argued that their popular authority and public policy expertise would result in better legislation. **However**, defenders of the status quo such as John Major have argued that ‘if more elected politicians are the answer then we have asked the wrong question.’ They argue that any elected chamber is going to be dominated, like the House of Commons, by party ‘hacks’, who rely on a party to get elected and to be re-elected and are obsessed with political point scoring rather than producing good legislation. They say that an appointed second chamber would continue to allow peers to think for themselves and retain its independence. **On balance** it is difficult to see how an elected Lords would not produce better legislation simply because it would have more experts and a wider remit to challenge the Commons legislation. Whilst the present Lords does contain many experts they are experts often in a very narrow field and have little to offer on the vast majority of legislation.  It is argued that an elected Lords is the only chamber that could **effectively check the Commons.** Only an elected chamber can check another elected chamber and, whilst the Commons alone has popular authority, the Lords will always defer to the first chamber at present due to the consent of the people which is embodied in the Commons. If the UK is to embrace full bicameralism then this requires two co-equal chambers. **However**, critics of an elected Lords argue that this is a recipe for government paralysis through institutionalised rivalry both between the two chambers and between the executive and Parliament. This is especially likely to occur if the two chambers are elected at different times or on the basis of different electoral systems. Of course if they are elected at the same time then there is a good chance they would be little more than a mirror image of each other which would also negate the purpose of an elected second chamber. **On balance** the threat of gridlock, as experienced frequently in the US system, is probably the strongest argument against an elected Lords.  Finally, it is argued that an elected Lords would help to **end executive tyranny**. At present the Executive dominates Parliament through its majority control of the Commons. The Salisbury Convention and the Parliament Act underpin this Executive control of the Lords making it unable to stand up to the Executive. This is what Lord Hailsham meant by the ‘elective dictatorship.’ An elected Lords would put an end to this and bring about a proper check on the Executive. **However**, critics argue that one of the best things about our constitution is that the Executive does have significant power to bring in its own policies and is always accountable every four or five years at the ballot box. They would also point to the fact that the Lords’ existing power of delay is often enough to make the Executive rethink certain bills. **On balance**, many consider that the Executive does need greater checks on it and an elected Lords would be a useful tool in achieving this.  **In conclusion** the arguments for an elected second chamber are certainly strong if not overwhelming. It is difficult to argue that an elected Lords would not be more democratically legitimate, achieve wider representation, produce better legislation and do away with certain archaic practices of the present system. However, there are undoubtedly concerns that an elected Lords could bring about gridlock and stifle some of the existing power of the Executive – something many commentators see as one of the strengths of the present system. The arguments for an elected Lords on balance do remain strong and the answer would seem to elect the Lords but with care taken to place certain restrictions on its powers thus retaining the Commons as the dominant chamber. |

**What are the arguments *against* an elected second chamber?**

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| **Specialist Knowledge:** The advantage of an appointed second chamber is that its members, like life peers, can be chosen on the basis of their experience, expertise and specialist knowledge. Elected politicians may be experts only in the arts of public speaking and campaigning. **However**, there is a strong argument that the expertise of the Lords is over-exaggerated. As Lord Adonis says, ‘it is often the most brilliant members who are the most absent.’ There is also the point that it is only in a relatively narrow area that the Lords possess expertise. The eminent scientist Lord Winston, for example, may not have much to say on foreign policy etc.  **Gridlocked Government**: Two co-equal chambers would be a recipe for government paralysis through institutionalised rivalry both between the chambers and between the executive and Parliament. This is most likely to occur if the two chambers are electecd at different times or on the basis of different electoral systems. **However,** advocates of an elected Lords argue this needn’t be the case. Lords could be elected simultaneously ‘indirectly’ and constitutional provision could be made to ensure that the Commons remained the dominant Chamber.  **Complementary Chambers:** The advantage of having two chambers is that they can carry out different roles and functions. This can be seen in the benefits of the Lords’ role as a revising chamber, complementing the House of Commons. Only one chamber needs to express popular authority. **However,** advocates of an elected Lords would argue that this is an outdated argument and that an appointed Lords would be an anachronism in the twenty first century. They would say that perhaps the Lords should not be ‘complementary’ but instead be more forceful in standing up to the Commons. Only an elected Lords with its own mandate could really do this.  **Dangers of Partisanship:** Any elected chamber is going to be dominated, like the House of Commons, by party ‘hacks’, who rely on a party to get elected and to be re-elected. An appointed second chamber would, by contrast, have reduced partisanship, allowing peers to think for themselves. **However,** advocates of an elected Lords say that there is no need to fear partisanship. It would be possible to preserve the ‘free-thinking’ and independent character of the Lords by having them serve, say, 15 year non-renewable terms.  **Descriptive representation**: Elected peers may have popular authority but it is very difficult to make sure that they resemble the larger society, as the make-up of the Commons demonstrates. This can better be done through a structured process of appointment that takes account of group representation. **However**, advocates of an elected Lords say that if a proportional system of representation were used (utilising closed list) then it would still be possible to achieve a different type of representation from that of the Commons which included many of the peers possessing the much sought-after popular authority. |

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| **Evaluate the extent to which, in recent years, Parliament has been strengthened and it has improved its influence (30)**  **Some changes under Blair…**   * **Sitting times have changed** and hours are now more ‘family friendly’ with fewer evening sessions. Parliament does not now sit on Monday mornings and Friday afternoons thereby allowing MPs to get to and from their constituencies at weekends. * **Carrying-over of government bills** into the next parliamentary session (it used to be the case that bills that ran out of time were shelved). * **More bills published in draft form** allowing for more time for comment and debate. * **More frequent use of shorter speeches** * **Deadline for applying to raise a subject at QT cut** from 10 to 3 days allowing for more up to date questions. * **In 1997 PMQs moved to once per week on Wednesdays** (from twice per week). * **Liaison Committee scrutiny**. Introduced in 2002, this allows for twice-yearly appearances of the Prime Minister before the Liaison Committee, which is mainly composed of the chairs of select committees.   **A few more changes under Brown…**   * On becoming PM **Brown moved quickly to give up or modify a number of powers that used to belong exclusively to the prime minister or the executive**. Parliament must now be consulted on the exercise of a variety of powers including those to declare war, dissolve parliament, recall parliament, ratify treaties, choose bishops and appoint judges.   ***A few more under Cameron…..(sort of…)***   * **AV referendum** in May 2011. * **A proposal for the reduction of number of MPs** to 600 for 2015 (now abandoned) but under review once again under May. * **‘Right to Recall’** introduced in 2015. * **Fixed term Parliament** Act 2011 * **Summer recesses shortened permanently in 2012 by commencing September sittings earlier** * Plans for Lords Reform (also stalled!).   **What problems still remain?**  Parliament remains weak in many ways and the small reforms implemented have not gone far enough in addressing these weaknesses. These are that:-   * + The unelected Lords lacks legitimacy and the efforts at Lords reform reflect poorly on the government. Recent ‘Cash for Honours’ and ‘Cash for Amendments’ scandals illustrate ongoing credibility problems of the Lords.   + Culture of government secrecy continues to conceal information.   + Recent scandals over expenses (Maria Miller, Hazel Blears, Lord Taylor, David Laws, duck houses, moats etc) symbolise how Parliament has become distanced from the people it purports to represent   + MPs and Select Committees lack proper research facilities.   + Party loyalty sometimes prevents genuine criticism   + Parliament can be criticised for being unrepresentative   + Scrutiny of legislation is weak   + Passage of bills is guaranteed and ritualistic   + Lack of opportunities for backbenchers to raise issues (PMBs rarely successful)   + Little parliamentary time given over for genuine debate   + Select committees remain weak   + PM can threaten dissolution of parliament   **What further reforms could or should be made?**  **Select Committees**  **What’s the problem at the moment?**   * Lack resources in comparison to ministerial departments. * Unpaid – although Chair is now paid following the Wright reforms. * Composition tends to favour the party in power (less partisan than PBCs though) * Seen as an inferior option for a backbencher to becoming a government minister * ‘All bark and no bite’ – cannot force government to change policy (40% of recommendations are adhered to by govt.)   **What should be done?**   * **Give them more resources and secretarial support** * **Widen their powers.** They could, for example, be given quasi-judicial powers to request government papers and require that ministers and senior civil servants attend their hearings, preventing the Executive from controlling the flow of information to the select committees. **T** * **Make them more like courts.** This could extend to the requirement that witnesses before select committees swear an oath, as in court, to tell the truth.   **Reforming Westminster Elections**  **What’s the problem at the moment?**   * Underrepresentation of smaller parties (Lib Dems have <2% of the seats on >8% of the vote) * Overrepresentation of larger parties. The so-called ‘winner’s bonus’. In 2005 Labour had > 55% of the seats on only 35% of the vote). * Electoral deserts where there is no point voting for certain parties (e.g. Labour in Surrey). * Creates two-party politics which creates a ‘yah-boo’ political culture * Because of the ‘winner’s bonus’ this arguably gives the governing party too much power (an ‘elective dictatorship) and they don’t have to listen to opposition parties at all.   **What should be done?**   * Replace FPTP with a more proportional voting system (more than AV….) which would have an immediate and far-reaching impact on the relationship between Parliament and the Executive. This would lead to the end of single-party majority government. Minority or coalition governments could not so easily count on automatic parliamentary support, and would therefore need to conciliate a wider range of groups and views. This would transfer significant power back from the Executive to Parliament.   **Reforming the House of Lords**  (see the arguments above). |