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Edexcel GCE

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Government and Politics

Advanced Subsidiary

Unit 2: Governing the UK

Thursday 8 June 2017 – Afternoon
Time: 1 hour 20 minutes

Paper Reference

6GP02/01

You do not need any other materials.

Total Marks

Instructions

- Use **black** ink or ball-point pen.
- **Fill in the boxes** at the top of this page with your name, centre number and candidate number.
- Answer **two** questions, **one** from Section A and **one** from Section B.
- Answer the questions in the spaces provided
– *there may be more space than you need.*

Information

- The total mark for this paper is 80.
- The marks for **each** question are shown in brackets
– *use this as a guide as to how much time to spend on each question.*
- You will be assessed on your ability to organise and present information, ideas, descriptions and arguments clearly and logically, taking into account your use of grammar, punctuation and spelling.

Advice

- Read each question carefully before you start to answer it.
- Check your answers if you have time at the end.

Turn over ►

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**Answer TWO questions, ONE from Section A and ONE from Section B.
Section B starts on page 14.
It is advised that you divide your time equally between both questions.**

SECTION A

Answer EITHER Question 1 OR Question 2.

EITHER

1 Study the following passage and answer the questions that follow.

Judges and Civil Liberties

The work of judges is subject to scrutiny more than ever before; our work is now being discussed far more by politicians, journalists and indeed members of the public. This is because judges are being asked to determine more public policy issues, with the growth of judicial review, human rights, EU treaty matters and the ever-increasing power of the executive. There is a consequent need for a judiciary which protects citizens from administrative abuses and maintains the rule of law.

The impact of the Human Rights Act 1998 has been revolutionary. It has inevitably heightened tensions in judicial decision-making. The 1998 Act is a command by Parliament to the judiciary to 'make law' in areas in which the judiciary has traditionally been reluctant to intervene or even prohibited from intervening.

The effect of the 1998 Act is, in summary terms, threefold. Firstly, judges are now called upon more frequently to rule on moral and political issues, given that is what human rights involve. This means that we have to engage in a review of the merits of any decision or action which impinges on an individual's fundamental rights. Before the 1998 Act, our role in relation to government acts was more limited. Secondly, judges must perform a quasi-statute-writing function, the Act requires judges to read and give effect to legislation 'so far as it is possible to do so ... in a way which is compatible with the Convention rights'. If legislation does not appear to comply, we must, if we can, recast it so that it does comply. Thirdly, under section 4 of that Act, judges must tell Parliament when legislation cannot be made to comply and, with one exception (prisoners' votes), it has made changes to comply.

These judicial powers are new in the United Kingdom; they were conferred by Parliament not grabbed by the judges. In a country with a written constitution (i.e. in almost every other democratic country in the world) these powers would be unsurprising. At least in the view of many legal and political thinkers, these powers are necessary if the rule of law is to prevail, particularly considering the ever-greater powers of the executive branch of government.

(Source: adapted from Lord Neuberger 'Judge not, that ye be not judged' FA Mann Lecture Jan 2015)

- (a) With reference to the source, outline **three** reasons why judges are now subject to greater scrutiny. (5)
- (b) With reference to the source and your own knowledge, explain how the Human Rights Act has changed the role of judges. (10)
- (c) To what extent are judges free from bias (neutral) and sufficiently independent from other branches of government? (25)

(Total for Question 1 = 40 marks)



OR

2 Study the following passage and answer the questions which follow.

Parliament

Parliament came under heavy criticism in the 20th century and was seen to be failing in its core functions. However, much has changed in the last twenty years and the topic of 'Does Parliament matter?' needs to be revisited and reconsidered. In this period, we have seen Parliament reassert its power.

Parliament has benefited from a decline in the cohesion of political parties, which were constraining its independence. Next, there has been a growth in the independence and importance of Select Committees, whose reports make a difference to policy decisions. Also, the changes in the structure of the House of Lords since 1999 have made that House much more dynamic by removing the in-built Conservative majority. Finally, the role of backbench MPs has been improved through their ability to set agenda items. All of these factors make a difference to Parliament and how it functions.

In addition, we have seen subtle changes to the process of passing legislation. The actual process remains unchanged and goes through the same mechanisms. However, there have emerged 'handling strategies' with legislation, whereby there are a series of consultations between both houses of Parliament to smooth out potential problems around certain bills. In particular, a department that is sponsoring a bill now goes to greater lengths to ensure that Parliament will accept its proposals and knows that the bill may come under more intense scrutiny in both houses and in the committee stages. Dissent among government backbenchers will be exploited by the House of Lords. If dissent exists, then ministers will know they will have to make concessions in the Commons and that this will strengthen the hand of the Lords, who may become more assertive.

Evidence of Parliament's revival can be seen in the defeats of both Blair and Brown over their attempts to increase the number of days suspects can be held in detention. Cameron suffered a defeat as head of the coalition in asking for support to take military action against Syria. Similarly, as head of a Conservative-only government, Cameron was concerned that he did not have strong enough backbench support to reform human rights legislation as the manifesto had promised, and this measure was omitted from the first Queen's Speech in summer 2015.

(Source: adapted from Professor Meg Russell UCL Constitution Unit 'Does Parliament matter?'
Lecture 14th October 2014)

- (a) With reference to the source, outline **three** ways in which Parliamentary power has been strengthened. (5)
- (b) With reference to the source and your own knowledge, how significant has the role of the House of Lords become in the passing of legislation? (10)
- (c) To what extent and in what ways does Parliament still require major reform? (25)

(Total for Question 2 = 40 marks)



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(b)

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SECTION B

Answer EITHER Question 3 OR Question 4.

EITHER

3 'The Cabinet is the most important limitation on Prime Ministerial power.' Discuss.

(Total for Question 3 = 40 marks)

OR

4 To what extent has Scottish and Welsh devolution been the most significant change to the constitution of the UK in modern times?

(Total for Question 4 = 40 marks)

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Indicate which question you are answering by marking a cross . If you change your mind, put a line through the box and then indicate your new question with a cross .

Chosen question number: **Question 3** **Question 4**

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(Total for Question = 40 marks)

TOTAL FOR SECTION B = 40 MARKS

TOTAL FOR PAPER = 80 MARKS



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