

# Mark Scheme (Results)

Summer 2015

Pearson Edexcel GCE in Government and  
Politics (6GP02/01)

Unit 2: Governing the UK

## **Edexcel and BTEC Qualifications**

Edexcel and BTEC qualifications come from Pearson, the world's leading learning company. We provide a wide range of qualifications including academic, vocational, occupational and specific programmes for employers. For further information, please visit our website at [www.edexcel.com](http://www.edexcel.com).

Our website subject pages hold useful resources, support material and live feeds from our subject advisors giving you access to a portal of information. If you have any subject specific questions about this specification that require the help of a subject specialist, you may find our Ask The Expert email service helpful.

[www.edexcel.com/contactus](http://www.edexcel.com/contactus)

## **Pearson: helping people progress, everywhere**

Our aim is to help everyone progress in their lives through education. We believe in every kind of learning, for all kinds of people, wherever they are in the world. We've been involved in education for over 150 years, and by working across 70 countries, in 100 languages, we have built an international reputation for our commitment to high standards and raising achievement through innovation in education. Find out more about how we can help you and your students at: [www.pearson.com/uk](http://www.pearson.com/uk)

Summer 2015

Publications Code US041702

All the material in this publication is copyright

© Pearson Education Ltd 2015

No. 1 (a)	1a) With reference to the source, describe <b>three</b> of the sources which make up the UK constitution.
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The source identifies the following sources of the UK constitution:</p> <ul style="list-style-type: none"> <li>• Statutes/statute law</li> <li>• Judicial decisions/ case law/ common law</li> <li>• Conventions</li> <li>• Treaties,</li> <li>• EU treaties/ membership</li> </ul>	
<p>Marks are allocated for each source which is correctly identified.</p> <p>1 mark is awarded if any one source is identified with minimum detail</p> <p>2 marks are awarded if any one source is identified and fully described</p> <p>A composite mark is then obtained.</p>	

No. 1 (b)	With reference to the source and your own knowledge, explain the features of parliamentary sovereignty.
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The source identifies the features of parliamentary sovereignty as:</p> <ul style="list-style-type: none"> <li>• Supremacy of statute law over common law and case law</li> <li>• Supremacy of parliament over other legislatures</li> </ul> <p>Own knowledge of features of parliamentary sovereignty may include:</p> <ul style="list-style-type: none"> <li>• Any enhancement or development of the source</li> <li>• No parliament can be bound by its predecessors</li> <li>• No parliament can bind its successors. There is no process of entrenchment.</li> <li>• By having no codified constitution parliament has great autonomy in the political system</li> </ul> <p>A Level 2 response will typically exhibit the following features: Limited knowledge and understanding which shows incomplete detail. There may be exclusive reference to only the source or own knowledge</p> <p>A Level 3 response will typically exhibit the following features: Here there will be clear development of both the source and own knowledge</p>	
<i>Level 3</i> 6-7 Marks	Good to excellent knowledge and understanding of the features of parliamentary sovereignty including at least one reason drawn from the passage and at least one from the candidate's own knowledge
<i>Level 2</i> 3-5 Marks	Limited to sound knowledge and understanding of the features of parliamentary sovereignty, either drawn from the passage and/or from the candidate's own knowledge
<i>Level 1</i> 0-2 Marks	Weak to very limited knowledge and understanding of parliamentary sovereignty, drawn either from the source or the candidate's own knowledge.
AO2	Intellectual skills
Intellectual skills relevant to this question	
Ability to explain effectively the limits identified in the answer.	
<i>Level 3</i> 3 Marks	Good to excellent ability to explain the application and operation of parliamentary sovereignty
<i>Level 2</i> 2 Marks	Limited to sound ability to explain the application and operation of parliamentary sovereignty
<i>Level 1</i> 0-1 Mark	Weak or poor ability to explain the of the application and operation of parliamentary sovereignty

No. 1 (c)	To what extent does Parliament remain sovereign?
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>On the one hand it is possible to argue that parliament no longer remains sovereign for several reasons:</p> <ul style="list-style-type: none"> <li>• The EU enjoys sovereignty and can over-rule parliamentary law. Several key rulings establish that principle from <i>Bulmer v Bolinger</i> to <i>Factortame</i>.</li> <li>• Directive and regulations from the EU have a major impact on Parliament's powers, they erode its law making freedom</li> <li>• As well as the EU, Parliament has also lost legal supremacy as a result of the actions of and rulings from the ECHR</li> <li>• Legal sovereignty has also been eroded through devolution with the establishment of legislative power in the new devolved bodies</li> <li>• The growth of popular sovereignty, for instance through referendums, undermines parliamentary sovereignty</li> <li>• The increasing dominance of the executive restricting the sovereignty of parliament</li> </ul> <p>However there are those who feel that sovereignty remains in Parliament's grasp and cite the following:</p> <ul style="list-style-type: none"> <li>• Parliament retains the right to revoke the Act of Parliament which permitted EU entry in the first place, allowing it to withdraw membership if it so desires</li> <li>• The EU has not essentially eroded parliament's legal sovereignty as much as orchestrated a 'pooling' of sovereignty</li> <li>• Parliament can revoke any other legislation which impacts on its sovereignty – such as withdrawal from the ECHR</li> <li>• A similar point can also be raised about the legislation which granted devolution – e.g. Northern Ireland</li> <li>• In overview it can be argued that parliament has only surrendered second rate powers such as housing and health but still retains the core powers such as defence, taxation and foreign policy.</li> </ul> <p>A Level 2 response will typically exhibit the following features:</p> <p>Limited knowledge and understanding of the factors relating to parliamentary sovereignty. Only one side is developed with no consideration of the countervailing arguments</p>	

<p>A Level 3 response will typically exhibit the following features:  A good and clear range of points which shows a well-founded understanding of the debate surrounding parliamentary sovereignty. Both sides of the debate will be discussed and identified.</p>	
<p><i>Level 3</i> 6-8 Marks</p>	<p>Good to excellent knowledge and understanding of a range of points on either side of the debate.</p>
<p><i>Level 2</i> 3-5 Marks</p>	<p>Limited to sound knowledge and understanding of the nature of parliamentary sovereignty</p>
<p><i>Level 1</i> 0-2 Marks</p>	<p>Weak to very limited knowledge and understanding of the scope of parliamentary sovereignty.</p>
<p>AO2</p>	<p>Intellectual skills</p>
<p>Intellectual skills relevant to this question</p>	
<p>Ability to analyse, evaluate and assess the extent to which parliament is challenged in its sovereign rights.</p>	
<p><i>Level 3</i> 7-9 Marks</p>	<p>Good to excellent ability to analyse evaluate and assess the significance of various challenges</p>
<p><i>Level 2</i> 4-6 Marks</p>	<p>Limited to sound ability to analyse, evaluate and assess the significance of the various challenges.</p>
<p><i>Level 1</i> 0-3 Marks</p>	<p>Weak to poor ability to analyse, evaluate and assess the significance of the challenges.</p>
<p>AO3</p>	<p>Communication and coherence</p>
<p>Level 3 6-8 Marks</p>	<p>Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary. A well structured response with balance and clear conclusions supported by evidence.</p>
<p>Level 2 3-5 Marks</p>	<p>Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary. A structured response with some balance and some coherent conclusions drawn.</p>
<p>Level 1 0-2 Marks</p>	<p>Very poor to weak ability to construct and communicate analysis, making little or no use of appropriate vocabulary. Poor or limited structure and weak or limited conclusions.</p>

No. 2 (a)	With reference to the source describe <b>three</b> civil liberties in the UK
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The source identifies several civil liberties which exist in the UK:</p> <ul style="list-style-type: none"> <li>• Freedom of expression/free speech</li> <li>• Free press</li> <li>• Right to protest</li> <li>• Freedom of association</li> <li>• Freedom of religion</li> </ul>	
<p>Marks are allocated for each civil liberty from the source which is correctly identified.</p> <p>1 mark is awarded if any one civil liberty is identified with minimum detail (or purely lifted from the source)</p> <p>2 marks are awarded if any one civil liberty is identified and fully described</p> <p>A composite mark is then obtained.</p>	

No. 2 (b)	With reference to the source and your own knowledge, explain how and why governments have restricted civil liberties in recent years.
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>It is alleged that governments have been accused of restricting civil liberties in recent years. The source highlights that:</p> <ul style="list-style-type: none"> <li>• there has been an erosion in the right to a jury trial.</li> <li>• there have been additional restrictions placed on public protests.</li> <li>• there has been a growth in anti-terror legislation which restricts civil liberties.</li> </ul> <p>Own knowledge on the alleged restriction of civil liberties may include:</p> <ul style="list-style-type: none"> <li>• Any enhancement or development of the source.</li> <li>• Detention for asylum seekers and changes to their benefit process.</li> <li>• Any specific reference to any anti-terror law and the restrictions which they introduced for example deportation powers, control orders and detention powers.</li> </ul> <p>Governments have argued that they have introduced these restrictions in the face of:</p> <ul style="list-style-type: none"> <li>• Actual terror attacks at home and abroad. A diminution of civil liberties may be a price that has to be paid for tackling terrorism.</li> <li>• Public concerns over law and order and the more sophisticated technology being used by organised crime.</li> <li>• The economic crisis/cost-cutting in the legal system.</li> </ul> <p>A Level 2 response will typically exhibit the following features:</p> <p>Limited knowledge and understanding of the alleged restriction of civil liberties in recent years. The points raised may be incomplete and lack detail</p> <p>A Level 3 response will typically exhibit the following features: Good knowledge and understanding of the alleged restriction of civil liberties in recent years. The points raised will be accurate and correct showing a breadth of detail</p>	
<i>Level 3</i> 6-7 Marks	Good to excellent knowledge and understanding of a range of points including at least one reason drawn from the passage and at least one from the candidate's own knowledge
<i>Level 2</i> 3-5 Marks	Limited to sound knowledge and understanding of the alleged factors which have restricted civil liberties, either drawn from the passage and/or from the candidate's own knowledge



<i>Level 1</i> 0-2 Marks	Weak to poor knowledge and understanding of the topic, drawn either from the source or the candidate's own knowledge
AO2	Intellectual skills
Intellectual skills relevant to this question	
Ability to analyse <b>why</b> governments have allegedly reduced civil liberties	
<i>Level 3</i> 3 Marks	Good to excellent ability to explain the scope and remit of civil liberties.
<i>Level 2</i> 2 Marks	Limited to sound ability to explain the scope and remit of civil liberties.
<i>Level 1</i> 1 Mark	Very poor or weak ability to explain the scope and remit of civil liberties.

No. 2 (c)	How effectively do judges protect civil liberties in the UK?
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>It is argued that judges protect civil liberties in the UK by the use of judicial review. Here, judges can declare actions by ministers and other public bodies to be beyond their powers (<i>ultra vires</i>) or to be in conflict with natural justice. The number of cases of judicial review in the UK has expanded greatly, particularly since the 1980s.</p> <p>Examples may be used in order to evaluate the strengths and weaknesses of judicial review.</p> <p>It has been argued that the HRA now extends powers to the judiciary in relation to parliament and challenges parliament's legal supremacy. However this claim can be seen as exaggerated as the judiciary cannot over-rule an Act of Parliament as a true Constitutional court, it can only issue a declaration of incompatibility and ask parliament to 'think again'.</p> <p>Examples may be used in order to evaluate the strengths and weaknesses of HRA.</p> <p>A discussion surrounding the independence and neutrality of the judiciary may be advanced. Here the fuller role of the judiciary can be examined in the light of their constitutional position.</p> <p>The lack of a specific UK based Bill of Rights may be considered a handicap for judges given the nature of parliamentary sovereignty.</p> <p>In recent years there has been an alleged trend for Governments to develop their powers and authority to the detriment of civil liberties and Judges have not been able to effectively counter this growing executive dominance.</p> <p>A Level 2 response will typically exhibit the following features:</p> <p>Limited or restricted knowledge and understanding. There may be a lack of effective balance with only one side clearly presented.</p> <p>A Level 3 response will typically exhibit the following features:</p> <p>Good and wide ranging knowledge and understanding which takes in both sides of the debate, often supported by examples</p>	
<i>Level 3</i> 6-8 Marks	Good to excellent knowledge and understanding of how judges protect civil liberties in the UK
<i>Level 2</i> 3-5 Marks	Limited to sound knowledge and understanding of how judges protect civil liberties in the UK
<i>Level 1</i> 0-2 Marks	Weak to very poor knowledge and understanding how judges protect civil liberties in the UK

AO2	Intellectual skills
Intellectual skills relevant to this question	
The ability to evaluate and assess the scope and remit of the judiciary as an agent to uphold and advance civil liberties in the UK: paying heed to the need for public order and security against the principle of individual liberties and freedoms.	
<i>Level 3</i> 7-9 Marks	Good to excellent ability to evaluate and assess the effectiveness of the judiciary supported by coherent examples
<i>Level 2</i> 4-6 Marks	Limited to sound ability to evaluate and assess the effectiveness of the judiciary supported by coherent examples
<i>Level 1</i> 0-3 Marks	Weak ability to evaluate and assess the effectiveness of the judiciary supported by coherent examples
AO3	Communication and coherence
Level 3 6-8 Marks	Good to excellent ability to construct and communicate coherent analysis and evaluations, making good use of appropriate vocabulary.
Level 2 3-5 Marks	Limited to sound ability to construct and communicate coherent analysis and evaluations, making some use of appropriate vocabulary
Level 1 0-2 Marks	Very poor to weak ability to construct and communicate coherent analysis and evaluations, making little or no use of appropriate vocabulary.

No. 3	'The House of Commons is in greater need of reform than the House of Lords.' Discuss
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>Those who claim that the House of Commons needs reform more than the Lords would identify the following concerns - that elections to the Commons are disproportional and unrepresentative; that the recall of MPs has not been introduced, nor has the promised reduction in the size of the Commons; that DSC's are still often ignored and not valued; that PM question time remains ineffective; that the expenses scandal which rocked the Commons in 2009 has not effectively been settled and major reform is needed to give the Commons real legitimacy; and that the party system continues to be strong, allowing the executive routinely to control the Commons.</p> <p>However, those who reject the needs for more urgent reform to the Commons than the Lords would point out that major reform has been completed under Labour from 1997. This would include reform to Departmental Select Committees, reform to PM Question time, Westminster Hall sittings and various other modernising reforms. The Coalition has also reformed the Commons with the introduction of fixed term parliaments and fuller implementation of the Wright proposals.</p> <p>Those who claim that the House of Lords needs reform more than the Commons would identify the following concerns - that the Lords lacks any democratic legitimacy and is in no way accountable to the general public; that the current process for the selection of Peers is largely controlled by the Prime Minister and thus benefits the governing party; and that it has too much power given its lack of legitimacy, or conversely that it has too little power to operate effectively in challenging either the Commons or the government.</p> <p>However, those who reject the needs for more urgent reform to the Lords than the Commons would point out that the changes already introduced. The removal of the bulk of hereditary peers from voting, the growth in appointing further talented individuals who can enrich political debate without party affiliation. The increased quality of debate and the increased prestige given to the Lords means that no major reform is required. Added to the fact that the path for further more radical reform falls on two counts, firstly the lack of a consensus between the political parties and secondly the significant lack of interest from the public in Lords reform.</p> <p>Candidates may discuss reasons why each chamber does not need reform relative to the other.</p> <p>A Level 2 response will typically exhibit the following features:</p> <p>Here there may be presented an imbalance with an uneven focus on one House. The range of reforms may be limited giving rise to restricted knowledge and understanding.</p>	

A Level 3 response will typically exhibit the following features:  
 Here there will be a good understanding which covers both sides of the debate. The points raised are detailed with focused knowledge and examples.

<i>Level 3</i> 14-20 Marks	Full and developed knowledge and understanding of the reforms carried out and also proposed for both Houses of Parliament.
<i>Level 2</i> 7-13 Marks	Limited to sound knowledge and understanding of the reforms carried out and also proposed for both Houses of Parliament.
<i>Level 1</i> 0-6 Marks	Weak to poor knowledge and understanding of the reforms carried out and also proposed for both Houses of Parliament.

AO2	Intellectual skills
-----	---------------------

Intellectual skills relevant to this question

Ability to explain and evaluate the scope of the previous reforms and the potential of proposed reforms to Parliament.

<i>Level 3</i> 8-12 Marks	Good to excellent ability to analyse and evaluate the nature of previous and potential reforms
<i>Level 2</i> 4-7 Marks	Limited to sound ability to analyse and evaluate the nature of previous and potential reforms
<i>Level 1</i> 0-3 Marks	Weak or very limited ability to analyse and evaluate the nature of previous and potential reforms

AO3	Communication and coherence
-----	-----------------------------

Level 3 6-8 Marks	Good to excellent ability to construct and communicate coherent analysis and evaluations, making good use of appropriate vocabulary. A well-developed clear structure with coherent conclusions.
Level 2 3-5 Marks	Limited to sound ability to construct and communicate coherent analysis and evaluations, making some use of appropriate vocabulary. Some discernible structure with relevant conclusions.
Level 1 0-2 Marks	Very poor to weak ability to construct and communicate coherent analysis and evaluations, making little or no use of appropriate vocabulary. Lacking a clear structure and with weak or limited conclusions.

No. 4	To what extent are modern prime ministers now presidents in all but name?
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>At the end of the 20<sup>th</sup> century there has been a growing debate about the possibility that prime ministers have in effect become presidents. Those who side with this approach will cite several factors to support this:</p> <ul style="list-style-type: none"> <li>• Personal leadership over collective leadership ( a final erosion of cabinet power)</li> <li>• Concentrating executive power in one person with a clear personal following, this may include reference to the 'Downing Street Machine'.</li> <li>• Developing personal ideological traits as opposed to those based on party lines.</li> <li>• Elections being conducted more on personality than on policies and ideas</li> <li>• An intense focus of the media upon the PM and their actions and style</li> </ul> <p>However there are those who deny that the PM is now a president by citing the following factors:</p> <ul style="list-style-type: none"> <li>• The cabinet and collective government is still more powerful than one individual PM</li> <li>• The above means that there are powerful figures in cabinet who limit the PM</li> <li>• The political structure and system is still parliamentary and not presidential with all the constraints and procedures which this creates</li> <li>• Success of PM's still depend on public support and this can and does turn against PM's and they become damaged and tainted</li> <li>• The recent impact of coalition government which could be said to have restricted presidentialism</li> </ul> <p>A Level 2 response will typically exhibit the following features:</p> <p>Responses here may present an imbalance where perhaps only one side is clearly defined. There will be a restricted range of points which lacks expansive and detailed knowledge and understanding.</p> <p>A Level 3 response will typically exhibit the following features: Here answers will show a good and clear understanding of both sides of the debate. The points raised are detailed with focused knowledge and examples.</p>	
Level 3 14-20 Marks	Good to excellent knowledge and understanding of the nature of the PM's role and power and the factors which define a drift to presidentialism

<i>Level 2</i> 7-13 Marks	Limited to sound knowledge and understanding of the nature of the PM's role and power and the factors which define a drift to presidentialism
<i>Level 1</i> 0-6 Marks	Weak and very poor knowledge and understanding of the nature of the PM's role and power and the factors which define a drift to presidentialism
AO2	Intellectual skills
Intellectual skills relevant to this question	
Ability to analyse and evaluate the	
<i>Level 3</i> 8-12 Marks	Good to excellent ability to analyse, evaluate and the PM's role and power and the alleged presidential traits to the office of PM
<i>Level 2</i> 4-7 Marks	Limited to sound ability to analyse, evaluate and assess the PM's role and power and the alleged presidential traits to the office of PM
<i>Level 1</i> 0-3 Marks	Weak to poor ability to analyse, evaluate and assess the PM's role and power and the alleged presidential traits to the office of PM
AO3	Communication and coherence
Level 3 6-8 Marks	Good to excellent ability to construct and communicate coherent analysis and evaluation, making good use of appropriate vocabulary. A well-developed clear structure with coherent conclusions.
Level 2 3-5 Marks	Limited to sound ability to construct and communicate coherent analysis and evaluation, making some use of appropriate vocabulary. Some discernible structure with relevant conclusions.
Level 1 0-2 Marks	Very poor to weak ability to construct and communicate coherent analysis and evaluation, making little or no use of appropriate vocabulary. Lacking a clear structure and with weak or limited conclusions.

