

Bye bye, British constitution

David Cameron's commitment to pass a United Kingdom *sovereignty bill* is explicitly designed to bind all future parliaments and is justified by him as having the effect of a written constitution. As he says, and few doubt that he will be prime minister within months, "It would simply put Britain on a par with Germany, where the German constitutional court has consistently upheld – including most recently on the Lisbon treaty – that ultimate authority lies with the bodies established by the German constitution".

"Never Again" is his slogan. But "never say never" is the genetic code of traditional British sovereignty. Cameron proposes to formally recognise the termination of the formal uniqueness of the UK's unwritten constitution.

In practice it was already shredded. First by membership of the EU, then by the creation of Scottish parliament and Welsh assembly, which Westminster cannot now undo on its own, third by the Human Rights Act. Previously, those who passed these laws always denied their transformative status. Now it is undeniable.

Anthony Barnett, *The Guardian*, Thursday 5 November 2009

- (a) With reference to the source, what is meant by sovereignty? (5 marks)
- (b) With reference to the source and your own knowledge, explain the how constitutional changes in the UK may have effected parliamentary sovereignty. (10 marks)
- (c) *"The establishment of a fully codified constitution is vital if citizens' rights are to be protected and clear limits are to be set on the power of government"*
To what extent is this view correct? (25 marks)

AS Government and Politics mark-sheet.

Name: Isobel L date: Feb '12

Question / topic areas covered: Constitution (final)

Personal pride in your essay, please circle your mark out of 10:

1 2 3 4 5 6 7 8 9 10

The skills you demonstrated (for 25 / 40 mark questions)

Effective writing	1	2	3	4	5	Ineffective writing
Effective planning / coherent structure of longer questions		X				Poor structure suggesting lack of full understanding
Marks gained from line one of essay				X		Ineffective start
Sufficient content			X			Insufficient content
All relevant political debates addressed			X			No political debates included
Key examples / data utilised				X		No examples / data utilised
Effective use of academic writers and quotations				X		No use of writers or quotations
All key debates related back to question			X			Debates not applied to the question
All theories/studies/ideologies evaluated			X			No evaluation
Clear explanation of key ideas			X			Poor interpretation
Examples are used to show similarities / differences between the UK and other systems					X	No drawing of connections, similarities and differences.
Relevant political terms used			X			No use of political terms
Conclusion flows from arguments in essay.			X			No conclusion
Comprehensive use of items (Unit 2)			X			No use of items
Good use of paragraphs			X			No use of paragraphs
Evaluative links/ flow between paragraphs			X			No evaluative flow between paragraphs
Good spelling using sophisticated terminology			X			Lots of spelling errors
Good punctuation and grammar			X			Poor punctuation and grammar

Your overall performance:

A clear essay. Where you used examples it was good, but you need more real world / international comparisons.

You keep writing 4-5 lines at the start of b/c questions by writing sentences which gain no marks. get stuck in!

Your actions:

Pick up to three areas from the skills box to the left and identify what you will do differently in planning / writing your next essay below:

What you will do differently in planning / writing your next essay

IMPORTANT:

WHEN YOU SUBMIT YOUR NEXT ESSAY HIGHLIGHT THE IMPROVEMENTS MADE SO YOUR TEACHER CAN SEE YOU HAVE ADDRESSED YOUR TARGETS

your teacher how to achieve this?

Y N

Y N

Y N

Your marks:

Grade boundaries

A = 23
B = 20
C = 18
D = 15
E = 13

question	Assessment Objective marks			totals
	Knowledge	Analysis	Clarity	
(a)	4 / 5			4 / 5
(b)	3 / 7	2 / 3		5 / 10
(c)	4 / 8	3 / 9	4 / 8	11 / 25
Paper 2 essay	1 / 20	1 / 12	1 / 8	1 / 40
Total: 20 / 40				

You are working BELOW (AT) ABOVE your target grade

(B)

TARGETS - make counter arguments and analyse.
 - conclusion.
 - no listing words.

4.15 / a) Sovereignty is where, ~~in the UK~~, ultimate power resides with the government of the country - there is no higher body. In the UK this is no longer the case ~~as~~ as the UK is part of the EU and has to abide by EU law, like the Human Rights Act, so any changes/laws it imposes can be overturned if they contravene EU law. The UK government is also no longer ~~so~~ totally sovereign with respect to Scotland and Wales due to devolution, as the source mentions.

This won't win you no marks!
 b) The UK's constitutional changes have profoundly affected the UK's parliamentary sovereignty, even though they have not been written down in one document. The ~~recent~~ relatively recent constitutional changes are EU membership and devolution.

The UK ~~joined~~ joined the EU and is therefore now bound by EU law ~~and~~ such as Human Rights legislation. This has led to a collapse of sovereignty because the EU can question any UK law that it believes to be in breach of European law, and ~~the~~ Britain has had to take on board EU legislation, as well as send MEPs to sit in Brussels.

Devolution is another way in which the UK's ^{Parliament's} sovereignty has faded. The devolved ~~and~~ Parliaments of Scotland and Northern Ireland have been created ~~and~~ and given power, as has the Welsh assembly. Scotland have been given more powers like tax varying, and both Scotland and Wales can teach their own exams system. Northern Ireland is not seen as quite so stable, so the Westminster Parliament can still dissolve

↓ This is not new!

it, which, as the source states, Westminster cannot do with the Scottish or Welsh devolutions.

Due to all of this, Parliament in Westminster is no longer ~~some~~ sovereign, however to regain sovereignty related to the EU law, it could withdraw from the EU at any time. You need a little more clarity on your argument here, plus more real-world examples.

c) Currently, the UK does not have a codified (written) constitution. Some would argue that it needs one as it would protect citizens' rights and impose power limits on government.

Constitutions exist to set out rules and regulations and rights for citizens, as well as limits on governmental power, and laws. Many democracies, notably the US, have working constitutions that ~~have~~ have existed for ~~centuries~~ years. With a constitution, citizens would know where they stand, so would not be able to be exploited so easily if there was one book that they could refer to when they wanted something — whereas now there exists conflicting advice on multiple issues, and organisations like the Citizens' Advice Bureau.

Governmental power could be limited to some extent through the adoption of a codified constitution, however codified constitutions can still be amended, albeit through more long, drawn out processes that may in fact discourage governments from amending laws, like the UK government does frequently without properly scrutinising them — take, for example, the privacy sections of the Digital Economy Act a few years ago. However, in times of crisis, not being able to amend legislation quickly due to constitutional protocols would be ^{potentially} disastrous: what if there was a war and military conscription had

Isabell Long-

to be imposed as a matter of absolute national security?

Setting out all the laws in a constitution, and citizens' rights, may not be a good thing: it may bring government and the judiciary closer together in the UK, and the judiciary is not meant to be political. However, codification of laws is vital at the rate the government makes them!

Overall, the view that codification is vital is to some extent correct, and this view has worked in the US without major problems, but there are still massive arguments against it, such as the sheer length of time it would take to write, the number of laws and conventions to document, and the age old "if it ain't broke, don't fix it" that those who say that in relation to codifying a constitution would argue that a system such as the UK's has worked for long enough without any disasters, so, for the UK at least, the non-codification of its constitution is not disastrous yet.

$$K = \frac{4}{8}$$

$$A = \frac{3}{9} = \frac{11}{21}$$

$$G = \frac{4}{9}$$

