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British Constitution

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Advanced Level

British Constitution

INSTRUCTIONS

PAPER I. Answer *FIVE* questions. Three hours are allowed.

PAPER II. As for Paper I.

January 1972

Paper I

1. 'The largely unwritten and flexible nature of the British constitution has often been rightly praised, but there is now a strong case for giving the United Kingdom a written constitution.' Discuss.
2. 'Since 1945, British principles of government have been adopted by an ever-increasing number of states within the Commonwealth, but all too often they have been drastically modified or discarded in these overseas territories.' Illustrate and explain these developments.
3. Wherein lies the value of the British monarchy? Could this value be enhanced by any changes in the role of the monarchy.
4. Explain and illustrate the changes in the part played by women in the political and judicial life of Britain in the twentieth century. Assess the importance of these changes.
5. What are administrative tribunals? Give several examples of the functioning of these bodies and discuss how far they contribute to the public welfare.
6. Examine the operation of the 'Ombudsman' experiment in Britain as a means of protecting the individual citizen from injustice. Do any modifications seem desirable?

7. 'We are entitled to be perturbed about the way in which parliamentary candidates are selected, the way in which their fate is decided at the polls and the way in which the successful ones vote once they are in the House of Commons.' Discuss.

8. By what means and with what success does the House of Commons attempt to prevent the misappropriation and waste of public money? What further devices might be introduced to secure this end?

9. 'In 1852 Disraeli declared, "England does not like coalitions", but the viewpoint of a Victorian statesman should not blind us to the solid advantages of a coalition government in many situations or to the urgent need to reform an unfair electoral system.' Discuss.

10. 'Once a party has snatched a victory in a general election, its leaders can for the next five years ride roughshod over the Opposition and over the wishes of the people as demonstrated in by-elections and public opinion polls.' Discuss this statement and consider whether such a state of affairs can be justified.

Paper II

1. What factors underlie the growth of cabinet committees since 1939? What effects do these committees have upon the ways in which decisions are reached?

2. Discuss the effects that the setting up of super-departments, combining functions previously performed by two or more separate departments, is likely to have upon the convention of ministerial responsibility.

3. Describe and discuss the part played in the public affairs of the United Kingdom by either the Home Office or the Department of the Environment.

4. The Fulton Committee defined the task of the civil service as the management of our public affairs. Discuss how far the civil service it investigated was competent to perform this function and examine the measures introduced since 1968 to improve its efficiency.
5. Discuss the constitutional and administrative relationships between central and local government in England.
6. Discuss the contribution of the smaller county district councils to local democracy in England.
7. Most criminal cases in England are disposed of by magistrates without the aid of a jury. Discuss the merits and demerits of this method of dispensing justice.
8. 'There are no strong reasons for the absence of a Ministry of Justice in Britain.' Discuss this statement and comment on the advantages that might be gained from such an institution.
9. Examine the main disadvantages of delegated legislation and discuss the effectiveness of the legal, parliamentary and political safeguards that have been developed for its control.
10. Why is the work of the legal profession in England divided between barristers and solicitors? What arguments have been advanced for and against the fusion of the two parts?

Summer 1972

Paper I

1. What do you consider are the fundamental characteristics of the British constitution? What effect do these characteristics have on the behaviour of politicians?
2. 'Democracy demands that general elections be held at legally determined intervals.' Discuss this statement with reference to British politics in the twentieth century.

4 GENERAL CERTIFICATE OF EDUCATION: BRITISH CONSTITUTION

3. Discuss the case for and against the preservation of the Commonwealth.
4. What principal factors determine the loyalty of M.P.s to their political parties?
5. What light do published academic studies of voting behaviour throw on the working of the British political system?
6. Discuss, with illustrations, the functions of select committees in the House of Commons. What are the arguments for and against extending their number and scope?
7. What are the main types of interest groups? How, and with what success, do they operate in British politics?
8. 'Each minister is personally responsible to Parliament for the conduct of his department.' Clarify the meaning of this statement and discuss its applications, illustrating your answer with examples drawn from the twentieth century.
9. Discuss the reasons for the failure to reform the House of Lords in the Session 1968-9.
10. With what arguments would you (a) defend and (b) criticise a statement that the liberties of the subject in the United Kingdom have decreased in this century?

Paper II

1. 'The Cabinet must not be too large and it must not be too small.' What is the right size? Explain how prime ministers since 1939 have tried to solve this problem.

2. 'A prime minister is obliged by convention to choose his ministers from his own party, largely from the House of Commons.' Consider the advantages and disadvantages of this convention.
3. Examine critically the functions of the Minister in a government department and his relationship with his Permanent Secretary.
4. Why is it important that the Judges of the High Court are independent of the executive and of Parliament? How far is judicial independence achieved in the United Kingdom?
5. What are the special features of the Magistrates' Courts? Discuss the virtues and weaknesses of these courts.
6. Compare and contrast the English High Court with an administrative tribunal.
7. The modern British Civil Service has been described as the product of a Victorian philosophy. Is this a fair portrait? How did the Fulton Committee propose to reform the Service?
8. To what extent does the committee system operate in English local government? Discuss the distinctive features of these committees.
9. Consider the suggestion that English cities should be administered by a professional manager watched over by a small committee of the Council.
10. 'Educational policy ought to be determined by the local authority.' Discuss this proposition, bearing in mind the control and influence exercised by the Central Government.

January 1973
Paper I

1. 'The British constitution has two parts—first the dignified part; next the efficient part.' (BAGEHOT) Explain the meaning of this statement and assess its value for an analysis of the constitution today.
2. 'Government itself cannot be democratic; it can only be restrained and strengthened by democratic devices.' Discuss this statement with reference to the British constitution.
3. To what extent is there a two party system in Britain? What might be the constitutional consequences of a long-term decline in the electoral support of one of the major parties?
4. Discuss, with examples, the relative importance in influencing the activities of backbench members of Parliament of (a) constituency parties and (b) national party leaders.
5. What are the principal functions of the House of Lords? Discuss, with illustrations, how effectively these functions are performed.
6. Discuss the principal factors underlying changes in the role of the Cabinet since 1867.
7. Account for the growth of interest groups in British politics and discuss their contribution to good government.
8. Examine critically the reasons that might be advanced for reforming the procedure of the House of Commons.
9. Outline the structure of (a) central control and (b) local control of the police. Discuss the arguments for and against an extension of central control.

10. 'Administrative tribunals are incompatible with the rule of law.' Do you agree?

Paper II

1. 'Since 1945, the British Cabinet system has developed into a form of presidential government.' Do you agree?

2. 'The Minister is the political, and the Permanent Secretary the administrative, head of a government department.' Is there then any need for the Minister to be an efficient administrator?

3. Examine critically the statement that 'because the English Judiciary is chosen from a profession which tends to be conservative in character, it is difficult for the Judges to dispense justice fairly in what is becoming a socialistic state'.

4. 'The Justice of the Peace is a democratic and paternal figure in the judicial system.' Is this an accurate description of the lay magistrate?

5. Distinguish between the constitutional position of the following: the National Coal Board; the Department of Health and Social Security; the Surrey County Council.

6. By what means, and how effectively, is maladministration by government departments dealt with in the British constitution?

7. What are the tasks of the Civil Service today? Consider whether the recruitment and training of civil servants enable them to perform these functions efficiently.

8. Discuss the proposition that the chairman and the professional chief officer concerned tend to dominate the work of a local government committee.

9. On what grounds did the Redcliffe-Maud Royal Commission recommend larger local government areas? Why has this proposal been opposed?
10. Consider the sources from which English local authorities obtain their incomes, and the extent to which the Central Government is able to influence local government expenditure.

Summer 1973

Paper I

1. Consider the implications for the British Constitution arising from membership of the European Communities.
2. 'Prime-ministerial government'; 'cabinet government'; 'parliamentary government.' How far do these expressions convey the nature of the British system of government?
3. 'We would like a parliament that can fairly represent all shades of opinion, but we also want a firm and effective government that will take decisions whether they are popular or not.' Consider the case for electoral reform in the light of this statement.
4. What developments have occurred since 1945 in the mechanisms used by parliament to scrutinise proposals for public expenditure? Within what limits do they operate? How effective are these mechanisms at the present time?
5. Consider the contribution to the work of the House of Lords of (a) law lords, (b) bishops, and (c) life peers.
6. 'The British Constitution was exported to the Commonwealth but many of its members either did not want it or found that they could not make it work.' Discuss this statement with reference to events since 1945.

7. What does the M.P.'s job consist of? Is he adequately equipped to do it properly?
8. Compare and contrast the main features in the organisation of the Conservative and Labour parties. How do these features affect the working of the British Constitution?
9. What constitutional and political issues do you associate with the location of the third London airport?
10. 'Power to the people.' In what ways do the people (a) have and (b) not have power in Britain today?

Paper II

1. 'Peel and Gladstone were *primus inter pares* in their cabinets, but Mr. Wilson and Mr. Heath are more than that.' Discuss the validity of this proposition.
2. Define the convention of individual ministerial responsibility, and consider what effect recent changes in British politics have had upon the strength of this convention. Illustrate your answer with modern examples.
3. 'If all Ministers were to go on holiday together, the Civil Servants would carry on the business of their departments as efficiently as usual.' Discuss the functions of Ministers and higher Civil Servants in the light of this assertion.
4. Discuss the organisation and functions of the Foreign Office and the Ministry of Defence. Examine the connections between these two departments.

10 GENERAL CERTIFICATE OF EDUCATION: BRITISH CONSTITUTION

5. It is imperative in the unwritten British Constitution that the English Judges are both impartial and independent. By what statutory and conventional means are these qualities of impartiality and independence secured?

6. 'The great majority of criminal cases in England and Wales are heard by Justices of the Peace sitting without the help of a jury.' Discuss the merits and demerits of this practice, and in particular consider how the absence of a jury may be justified.

7. Explain and assess the importance of the part played by women in the English judicial system and in local government in England.

8. Local Government in England has been examined critically by several Commissions and Committees in the last fifty years. Discuss why these enquiries take place so often and consider some of the reforms that have been introduced and some that have been proposed but not introduced.

9. Describe and discuss the partnership between the Department of Education and Science, the Local Education Authorities, the teachers and the parents in administering the national education system.

10. It has been said that Delegated Legislation has increased, continues to increase and should be diminished. Consider critically the relevance of this comment, and as far as possible support your arguments with suitable examples.

NOTE

It is expected that the next edition of Advanced Level British Constitution papers will be issued in the autumn of 1975 and will consist of the papers for the six examinations January 1974 to summer 1975.

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