

Session : Juin 2019 UEC2  
7231

Année d'étude : Deuxième année de Licence Droit

Discipline : *Anglais juridique*

Examen : Deuxième semestre (UEC2 7231)

Durée : 1h30

Titulaires du cours : Ms. Cingal, Mr. Huet, Mr. Jendoubi, Mr. Lecocq,  
Ms. Loukam, Mr. Traore

**I. Complete the following sentences using between ten and twenty-five words. DO NOT START A NEW SENTENCE. (20 points)**

1. Following the Government of Ireland Act 1920...
2. The Instrument of Government...
3. Because of collective responsibility...
4. During the third reading...
5. Unlike Lords...

**II. Essay. Choose ONE of the following topics and write an essay in approximately 250 words (-/+ 10%). (50 points)**

1. How effective is Parliament in checking the executive power?
2. Have recent constitutional reforms made the UK a more democratic country?

**III. Read the following document and answer each of the questions below (about ten lines each). Use your own words. DO NOT QUOTE DIRECTLY FROM THE TEXT. (30 points)**

**Will The Queen Intervene in Brexit? The Monarch Is Always Neutral, But Her Role As Head Of State Could Involve Her**

By Emma Maddena, [bustle.com](http://bustle.com), January 17, 2019

The Queen of the United Kingdom remains silent on all political matters. Although the British constitution precludes a level of distance between the monarchy and parliament, our country is now facing one of its biggest crises since Elizabeth II took the throne. With Theresa May's deal failing to pass through parliament, the country faces a log jam of epic proportions. Is there a deal that can secure a majority in parliament? If not, as the BBC reports, there are various "alternative ways to break the Brexit deadlock," with one involving the monarch. So will the Queen intervene on Brexit?

First of all, it should be noted that the Queen is required to remain neutral when it comes to politics. In respect to this, the royal family's official website says:

"As Head of State The Queen has to remain strictly neutral with respect to political matters, unable to vote or stand for election, however Her Majesty does have important ceremonial and formal roles in relation to the government of the UK."

The Queen appears to have spoken publicly about Brexit only once since the country decided to leave the EU, and that was during a state banquet held in honour of the King of the Netherlands, Willem-Alexander and his wife Queen Maxima on Oct. 24. During the banquet, the Queen said to Alexander that "as we look toward a new partnership with Europe," the values shared by the UK and Holland "are our greatest assets," the *Telegraph* reports.

The Queen went on to say that, as "innovators, traders and internationalists we look with confidence to the future," according to the *Telegraph*. In response, Alexander expressed feelings of regret about the UK's departure from the EU, but said that he respected the decision of the British public.

When it comes to Brexit, there is one way in which the Queen could become involved, according to the BBC. "She is the only person who can invite someone to form a government and become prime minister," the BBC reported on Jan. 16. They went on to say what would happen if May lost a non-confidence vote:

"There will be a 14-day period during which the Queen could ask someone to form a new government if it was clear they could command the confidence of the House. That could be Labour or another Conservative government or a cross-party government."

The BBC pointed out, however, that Elizabeth II would remain completely neutral, even if this situation were to occur: "The Queen would not be able to exercise her own political judgement — everything would depend on whether the would-be new prime minister is deemed to have a realistic chance of getting their laws through Parliament." However, as we now know, the Prime Minister survived the vote of no-confidence yesterday by 325 votes to 306, so it doesn't look like the Queen will be stepping in to invite someone to form a new government anytime soon.

There is one other way in which the Queen's presence could be invoked, but it doesn't involve any actions on her part. Philip Goldenberg noted yesterday in the *Independent*, that the "Humble Address" could come into play. This is a parliamentary procedure, which as the UK parliament website notes, is "a message to the Queen." As *The Sun* reports, it is "more binding than a simple opposition motion" because it "is an appeal to the head of state, rather than to the government who could otherwise choose to ignore it." Goldenberg argues that the procedure could be used to "compel the withdrawal of the UK's Article 50 Notice." It's rarely been used, but was recently utilised in November 2018 to get the government to publish its legal advice on Brexit, as the *Guardian* reports. If this does happen, the Queen wouldn't have any personal involvement in the process, so all in all, it seems unlikely that she will be getting involved in Brexit affairs any time soon.

### Questions

1. What constitutional issue is at stake here?
2. Explain and discuss the underlined sentence.
3. Do you think the Queen should break with tradition and intervene in the Brexit debate? If so, how?