

Checks and Balances

Strict Separation of Powers-Montesquieu

- Model adopted in systems like the United States of America.
- “Deconstructed sandwich” bread, oil/butter and filling on separate plates.
- No mixing of persons/functions-executive, judiciary and legislature all kept separate.



Checks and Balances-UK Model

- Checks and Balances or a weak system of Separation of Powers.
- There is a **general intent to avoid too much overlap between persons and functions BUT some intermingling isn't seen as problem.**
- As long as **no one body or person can grab ALL of the powers**, and every actor has to cooperate with others/is subject to some restraint, the system functions. Even if one body has access to the bread and the butter, it still needs to negotiate for the jam.
- Query-does Parliamentary Sovereignty potentially allow one actor (i.e. Parliament) to behave without restraint? (See Parliamentary Sovereignty-Control of the Constitution).

