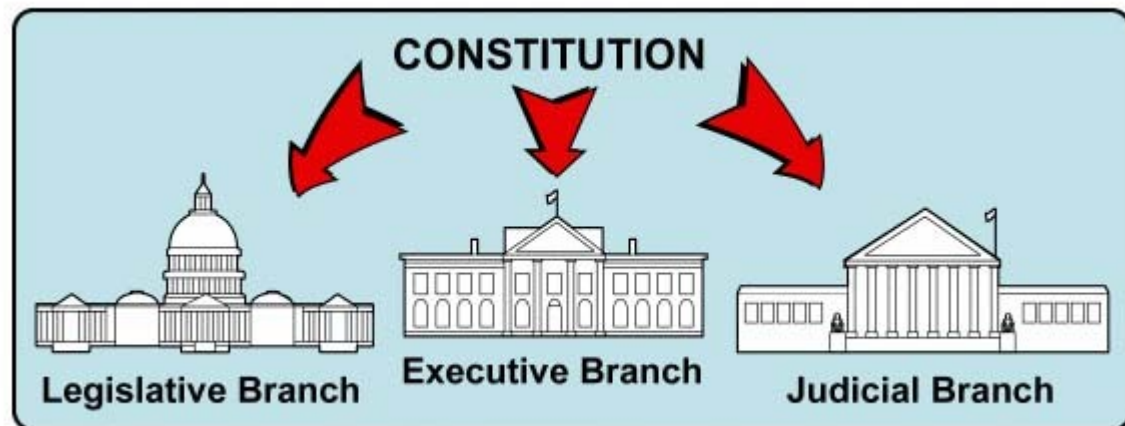


Definition

- Separation of powers
 - = the trias politica principle
 - = the tripartite system
- a model for the governance of a state
 - under this model, the state is divided into branches, each with **separate**, **independent** and **unique** powers and areas of responsibility
 - These branches are :



ROCK, PAPER, SCISSORS! ...
... READY?! ...

DEMOCRACY'S
3 COMPETING
ARMS OF
STATE

EXEC

LEGIS-
LATURE

JUDIC-
IARY

Zapiro®
MAG 10-1-12



History of the term



- Baron de Montesquieu (1689-1755)
 - Charles-Louis de Secondat, Baron de La Brède et de Montesquieu
 - French Enlightenment political philosopher
- The „separation of powers“ model was based on:
 - the British constitutional system
 - the Constitution of the Roman Republic
 - Aristotle – „Mixed government (constitution)“
 - a form of government that integrates elements of democracy, aristocracy, and monarchy
 - some issues are decided by the majority of the people, some other issues by few, and some other issues by a single person



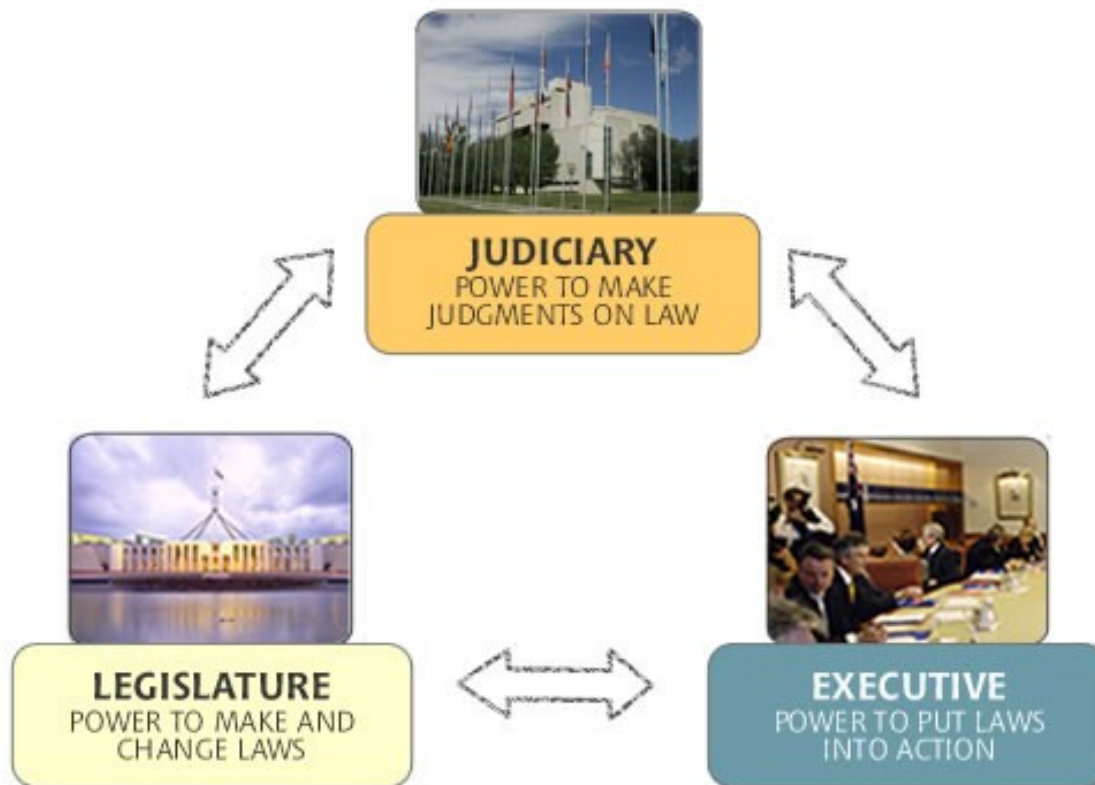


Raphael : The School of Athens

in the Apostolic Palace in the Vatican

Responsibility of the branches

SEPARATION OF POWERS



Legislature



- **The Parliament of the Czech Republic**

- **Bicameral type of parliament:**

- **The Upper House : The Senate**

- 81 Senators
- President of the Senate
- voting system – two-round



- **The Lower House: The Chamber of Deputies**

- 200 Deputies
- Chair of the Chamber of Deputies
- voting system – proportional representation



POSLANECKÁ SNĚMOVNA
PARLAMENTU ČESKÉ REPUBLIKY

- **Functions:**

- it holds and passes bills
- the right to modify the Constitution
- ratifies international agreements

Executive

- Government of the Czech Republic
 - 14 Ministries
 - Prime Minister
- President
 - Direct election
 - **Countersigning** of both himself and the Prime Minister of the Czech Republic
 - A **veto**
 - = the power to unilaterally stop an official action, especially the enactment of legislation
 - Appointment of persons to key high offices
 - the Supreme and Constitutional Courts judges (with the permission of the Senate)
 - members of the Bank Board of the Czech National Bank
 - Ceremonial powers



Judiciary



- the protection of rights in a manner defined by legislation
- responsibility for deciding guilt and penalty
- administered by the Ministry of Justice.
- professional judges,
 - named for life by the President
 - may not be recalled or transferred without their will
- a four-tier system of courts and two-instance proceedings:
 - 2 supreme courts (*nejvyšší soudy*)
 - one for ordinary and one for administrative matters
 - 2 high courts (*vrchní soud*)
 - one in Prague and one in Olomouc
 - 8 regional courts (*krajské soudy*)
 - 86 district courts (*okresní soudy*)
- 3 types of jurisdiction:
 - courts of general jurisdiction
 - Administrative courts
 - the Constitutional Court of the Czech Republic





- **Role of the Sovereign**

- Important, but formal
- Legislature
 - Royal Assent to all Bills to become Acts
- Executive
 - appointment of all ministers of His/Her Majesty's Government
 - government in the name of the Crown
- Judiciary
 - appointment of all senior judges
- **Fusion of powers** – „a weak separation of powers“
 - a feature of parliamentary democracies, wherein the executive and legislative branches are mixed

Royal Prerogative powers

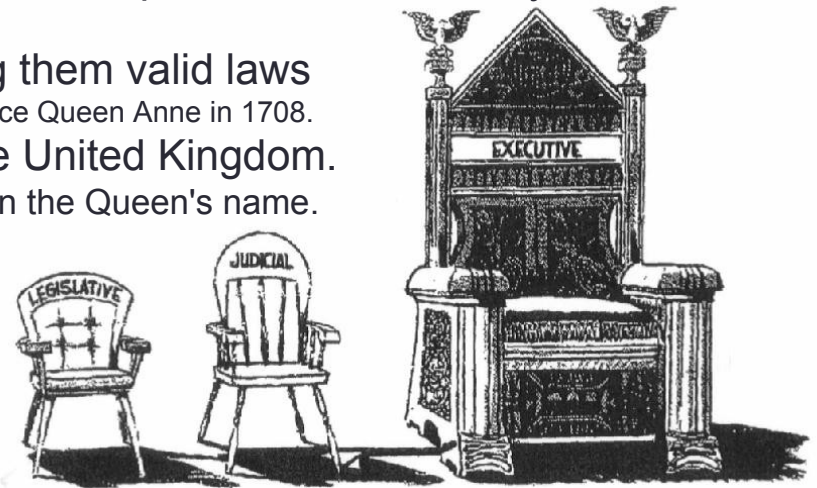


- **Domestic powers**

- The power to dismiss and appoint a Prime Minister.
- The power to dismiss and appoint other ministers. This power is exercised by the Prime Minister alone.
- The power to grant Royal Assent to bills, making them valid laws
 - no Monarch has refused assent to a bill passed by Parliament since Queen Anne in 1708.
- The power to command the Armed Forces of the United Kingdom.
 - In fact, the power is exercised by the Defence Council in the Queen's name.
- The power to issue and withdraw passports
- The power to grant Prerogative of mercy
 - used to remedy errors in sentence calculation
- The power to grant honours

- **Foreign powers**

- The power to ratify and make treaties
- The power to deploy the Armed Forces overseas
- The power to recognize states
- The power to credit and receive diplomats
- The power to declare war and conclude peace with other nations



Legislature

- **Parliament**

- The **Parliament of the United Kingdom of Great Britain and Northern Ireland**,
- the **UK Parliament**
- the **British Parliament**
- the **Westminster Parliament**
- **Bicameral type of parliament:**
 - **Total : 1,431 seats**
 - **The Lower House : the House of Commons**
 - **650 Members of Parliament (MPs)**
 - presiding officer : **Speaker of the House of Commons**
 - voting system – simple plurality
 - **The Upper House: the House of Lords**
 - **781 Lords Temporal and Spiritual**
 - the Lords Spiritual (the senior bishops of the Church of England)
 - the Lords Temporal (members of the British nobility)
 - presiding officer : **Lord Speaker**
 - No election – appointment by the Sovereign



Executive

• Government

- Her Majesty's Government (HMG)
- The Prime Minister is accountable for their policies and actions to the Sovereign, the House of Commons, the House of Lords, the political party and ultimately to the electorate

• Prime Minister

- the head of Her Majesty's Government
- David Cameron
- 10 Downing Street
- weekly meetings with the Cabinet

• Cabinet

- the ultimate collective decision-making body of Her Majesty's Government, composed of the Prime Minister and some 22 Cabinet ministers, the most senior ministers.

• Government Departments

- 24 Ministerial Departments (ministerstva)
- 23 non-Ministerial Departments (ústřední orgány státní správy)



accountable for their policies and political party and ultimately to the

the United Kingdom

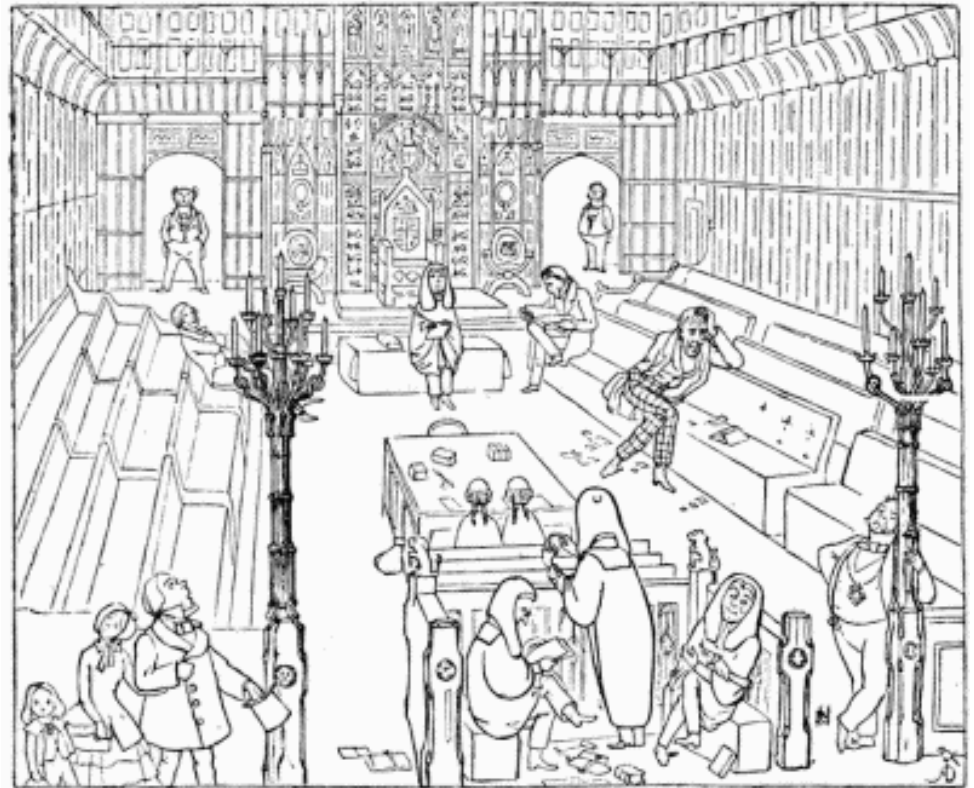
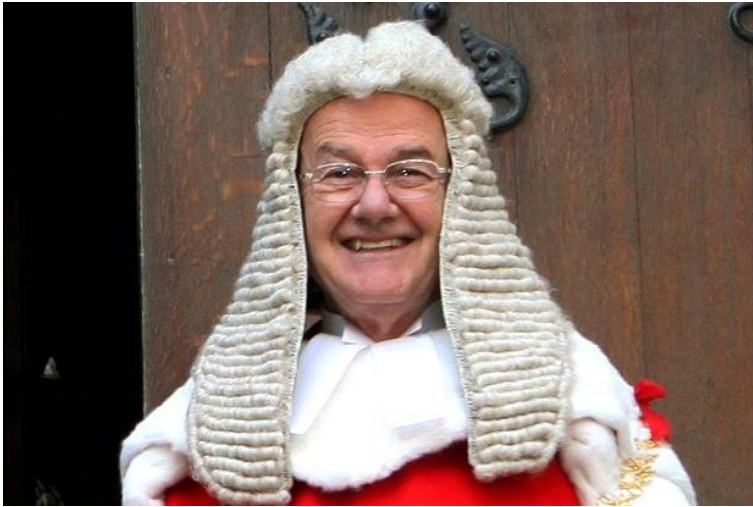
body of Her Majesty's Minister and some 22 Cabinet ministers.

Judiciary



- the three legal systems in England and Wales, Northern Ireland and Scotland
- **The UK-wide jurisdiction:**
 - **the Special Immigration Appeals Commission**
 - **Employment Tribunals**
 - **Employment Appeal Tribunal**
 - **the Supreme Court of the United Kingdom**
 - the highest appeal court in almost all cases in England and Wales
- **England and Wales:**
 - **The Senior Courts of England and Wales**
 - **Court of Appeal**
 - the Civil Division
 - the High Court and County Court
 - Criminal Division
 - the Crown Court
 - **High Court**
 - a civil court of first instance and a criminal and civil appellate court for cases from the subordinate courts
 - **Crown Court**
 - a criminal court of both original and appellate jurisdiction
 - **Subordinate courts**
 - **Magistrates' Courts**
 - a criminal court of first instance
 - **Family Proceedings Courts**
 - **Youth Courts**
 - **County Courts**
 - a purely civil jurisdiction, sitting in 92 different towns and cities across England and Wales.

The Lord Chief Justice



MANNERS AND CUSTOMS OF YE ENGLYSH IN 1849
Highest Court of law in ye kyngdom. Ye Lords hearyng appeals.



3 BRANCHES of GOVERNMENT



Constitution
(provided a separation of powers)



Legislative
(makes laws)



Senate

100 elected senators total;
2 senators per state



House of Representatives

435 elected representatives total; representatives based on each state's population



Executive
(carries out laws)



President



Vice President



Cabinet

Nominated by the president and must be approved by the Senate (with at least 51 votes)



Judicial
(evaluates laws)



Supreme Court




9 justices nominated by the president and must be approved by the Senate (with at least 51 votes)



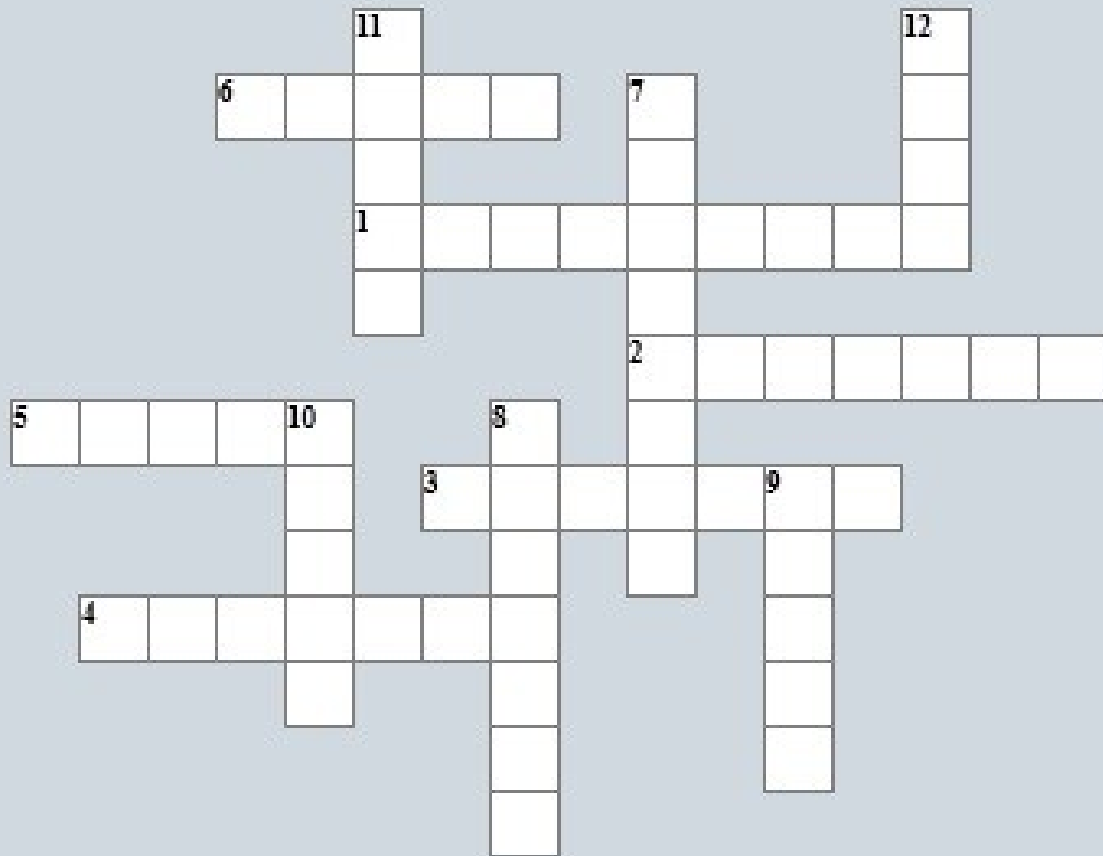
Other Federal Courts



CHECKS AND BALANCES

<p>Executive Branch (President carries out laws)</p> 	<p>Checks on the Legislative Branch</p> <ul style="list-style-type: none">Can propose lawsCan veto lawsCan call special sessions of CongressMakes appointmentsNegotiates foreign treaties	<p>Checks on the Judicial Branch</p> <ul style="list-style-type: none">Appoints federal judgesCan grant pardons to federal offenders
<p>Legislative Branch (Congress makes laws)</p> 	<p>Checks on the Executive Branch</p> <ul style="list-style-type: none">Can override President's vetoConfirms executive appointmentsRatifies treatiesCan declare warAppropriates moneyCan impeach and remove President	<p>Checks on the Judicial Branch</p> <ul style="list-style-type: none">Creates lower federal courtsCan impeach and remove judgesCan propose amendments to overrule judicial decisionsApproves appointments of federal judges
<p>Judicial Branch (Supreme Court interprets laws)</p> 	<p>Check on the Executive Branch</p> <ul style="list-style-type: none">Can declare executive actions unconstitutional	<p>Check on the Legislative Branch</p> <ul style="list-style-type: none">Can declare acts of Congress unconstitutional





ACROSS

1. name of the Queen
2. US president - Monica Lewinsky (Bill)
3. British Prime Minister (David)
4. Czech Prime Minister (Bohuslav)
5. Current Czech President (Milos)
6. Previous Czech President (Vaclav)

DOWN

7. Iron Lady (Margaret)
8. First CS President (Tomas)
9. First Afro-American President of the USA
10. 37th President of US - Watergate (Richard)
11. First Czech President (Vaclav)
12. 43th President of US (George Walker)

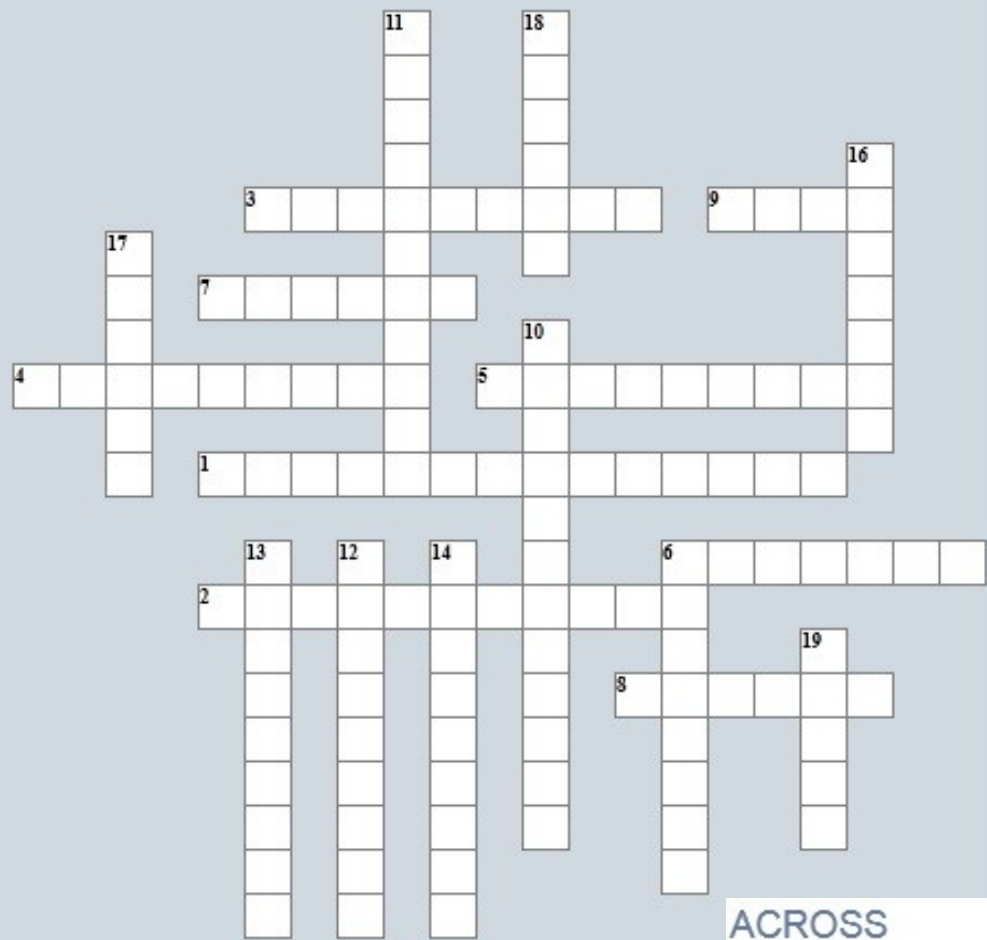


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ACROSS

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2. legislativa
3. soudnictvi
4. exekutiva
5. vladar, panovnik
6. ulice, kde bydli Prime Minister (10...Street)
7. Senat
8. ...of powers (a weak separation of powers)
9. the power to stop an official action

DOWN

10. ustava
11. jmenovani
12. dvoukomorovy
13. (mezinarodne) uznat (nap. stat)
14. simple.... prosta vetsina
6. The Chamber of ... (The Lower House in CR)
16. the House of ...(The Lower House in UK)
17. Royal ... kralovsky souhlas
18. Court of ... odvolaci soud
19. the house of ... (the Upper House in UK)

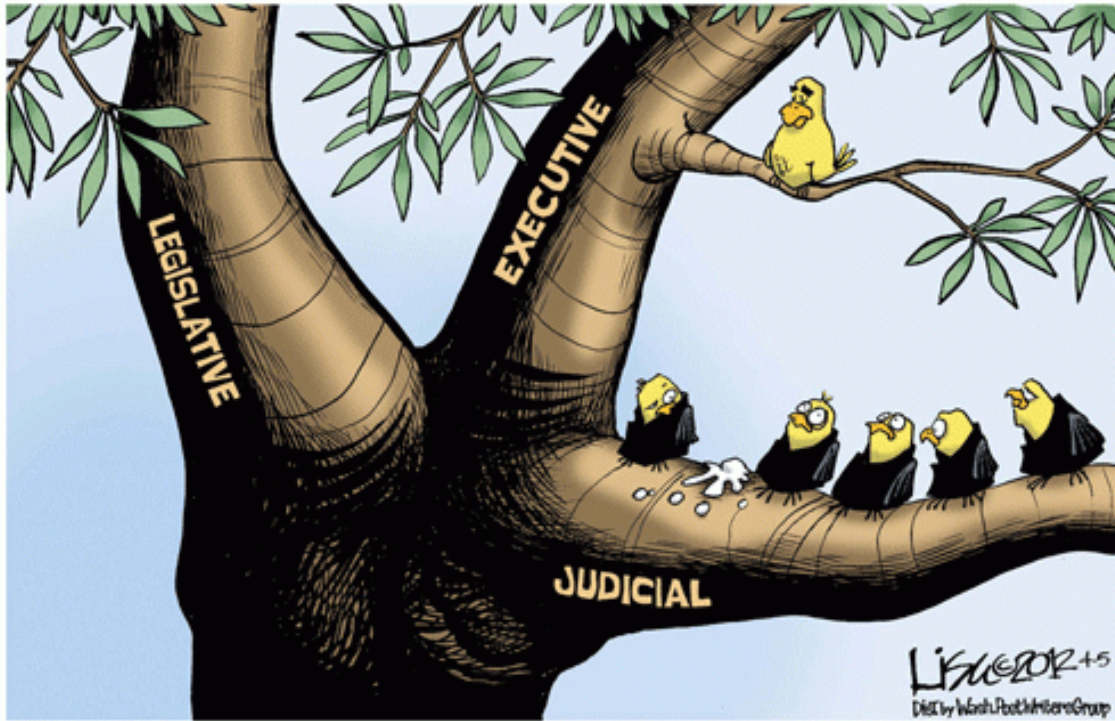


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Sources

- <https://archive.org/details/mannerscustomsof00doyl>
- <http://www.docstoc.com/docs/95141737/Checks-and-Balances-Chart---PowerPoint>
- Wikipedia.org