**Seminar 2: Separation of Powers**

**Reading**

Required reading:

1. Lisa Webley & Harriet Samuels, Complete Public Law (4th Edn, OUP 2018), Chapter 5 [[LINK]](http://www.oxfordlawtrove.com/view/10.1093/he/9780198798064.001.0001/he-9780198798064-chapter-5)
2. Richard Benwell & Oonagh Gay, *The Separation of Powers* (House of Commons Library Research Briefing, SN/PC/06053, 2011) [[LINK]](http://researchbriefings.files.parliament.uk/documents/SN06053/SN06053.pdf)

Recommended reading:

1. Nick Barber, ‘Prelude to Separation of Powers’ (2001) 60(1) Cambridge Law Journal 59 [[LINK]](https://www.cambridge.org/core/services/aop-cambridge-core/content/view/S0008197301000629)
2. Aileen Kavanagh, ‘The Constitutional Separation of Powers’ in Dyzenhaus & Thorburn (eds) *Philosophical Foundations of Constitutional Law* (OUP 2015) [[LINK]](http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780198754527.001.0001/acprof-9780198754527-chapter-12)

*Optional skills reading – Overview of the English Legal System and Sources of Law*

1. *Steve Wilson et al,* English Legal System *(3rd edn, OUP 2018), Chapter 2* [[LINK]](http://www.oxfordlawtrove.com/view/10.1093/he/9780198808152.001.0001/he-9780198808152-chapter-2)

**Questions**

Quick Questions:

1. What is meant by ‘Separation of Powers’?
2. What are the main justifications for separation of powers?
3. For each of the following UK institutions:
   1. The Queen in Parliament
   2. The Government
   3. The Courts

Outline (1) how it corresponds to a model of separation of powers (2) its role in the UK Constitution (3) its composition.

Essay Question:

1. “To the extent that the United Kingdom has a separation of powers […] clear overlaps both in terms of personnel and function between the three organs of government may be discerned.”

By reference to examples, discuss the extent to which this statement is (a) correct, and (b) a valid criticism of the UK Constitution.

**Learning Outcomes:**

By the end of this seminar, can you…

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| 1. Read and make notes on an Official Parliamentary Report? |  |
| 2. Understand the subject matter of this seminar, especially: |  |
| 1. The role and composition of the main state institutions in the UK? |  |
| 1. The concept of separation of powers. |  |
| 1. The different justifications for separation of powers. |  |
| 3. Orally communicate knowledge and criticism of the subject matter? |  |
| 4. Prepare a brief essay plan for a question discussing separation of powers? |  |

***Remember to test your general knowledge of the subject matter with the Quiz on blackboard.***