

CHAPTER 1 - PUBLIC LAW DEFINED

Public law governs the relationship between individuals and the government. It includes constitutional, administrative, and criminal law. Public law establishes rights and obligations, regulates government conduct, and provides ways to resolve disputes.

WHAT IS NATURAL JUSTICE?

Natural justice refers to the principles of fairness, impartiality, and equity in legal and administrative proceedings. It ensures that individuals are given a fair opportunity to present their case, be heard, and receive a fair decision. The concept of natural justice is rooted in the belief that everyone is entitled to a fair and unbiased process when their rights or interests are at stake.

Rees v Carne et al [1994]

- **Issue:** The issue in this case is whether the matters should have been heard by a single judge or the full Court.
- **Rule:** Order 59, Rule 20(1) of the Court of Appeal states that a single judge of the Court may make orders for giving security for costs, a stay of execution on any judgment or order appealed from, an injunction restraining the defendant from disposing of or parting with the subject matter of the appeal, and may hear and determine any other interlocutory application.
- **Facts:** The applicant, a Judge of the High Court of Trinidad and Tobago, was suspended from performing his duties pending an investigation. He filed two actions, seeking judicial review and constitutional redress. Both actions were dismissed by the High Court. The applicant sought a stay of proceedings of the Tribunal appointed to investigate his removal as a judge. An application for a conservatory order against the Tribunal was also dismissed.
- **Conclusion:** The Court held that the jurisdiction under Order 20(1) and (2) of the Court of Appeal is not concurrent. The application for a stay of execution should have initially been made to a single judge, with the option to invoke the jurisdiction of the full Court if dissatisfied with the decision of the single judge. The settled practice in the jurisdiction is to apply for a stay of execution to the trial judge first, then to a single judge in chambers in the Court of Appeal, and finally to the full Court if necessary.[\[1\]](#)

Maharaj v AG of Trinidad and Tobago [1978]

Anderson Law Study Guide

Marcel A. Müller



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Table of Contents **Anderson Law Study Guide**

1. Understanding the eBook **Anderson Law Study Guide**
 - The Rise of Digital Reading **Anderson Law Study Guide**
 - Advantages of eBooks Over Traditional Books
2. Identifying **Anderson Law Study Guide**
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an **Anderson Law Study Guide**
 - User-Friendly Interface
4. Exploring eBook Recommendations from **Anderson Law Study Guide**
 - Personalized Recommendations
 - **Anderson Law Study Guide** User Reviews and Ratings
 - **Anderson Law Study Guide** and Bestseller Lists

5. Accessing Anderson Law Study Guide Free and Paid eBooks
 - Anderson Law Study Guide Public Domain eBooks
 - Anderson Law Study Guide eBook Subscription Services
 - Anderson Law Study Guide Budget-Friendly Options
6. Navigating Anderson Law Study Guide eBook Formats
 - ePub, PDF, MOBI, and More
 - Anderson Law Study Guide Compatibility with Devices
 - Anderson Law Study Guide Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Anderson Law Study Guide
 - Highlighting and Note-Taking Anderson Law Study Guide
 - Interactive Elements Anderson Law Study Guide
8. Staying Engaged with Anderson Law Study Guide
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Anderson Law Study Guide
9. Balancing eBooks and Physical Books Anderson Law Study Guide
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Anderson Law Study Guide
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Anderson Law Study Guide
 - Setting Reading Goals Anderson Law Study Guide
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Anderson Law Study Guide
 - Fact-Checking eBook Content of Anderson Law Study Guide
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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