

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]

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Roger LeRoy Miller



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Table of Contents Medicine And Law Study Guide Answers

1. Understanding the eBook Medicine And Law Study Guide Answers
 - The Rise of Digital Reading Medicine And Law Study Guide Answers
 - Advantages of eBooks Over Traditional Books
2. Identifying Medicine And Law Study Guide Answers
 - 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 Medicine And Law Study Guide Answers
 - User-Friendly Interface
4. Exploring eBook Recommendations from Medicine And Law Study Guide Answers
 - Personalized Recommendations
 - Medicine And Law Study Guide Answers User Reviews and Ratings
 - Medicine And Law Study Guide Answers and Bestseller Lists
5. Accessing Medicine And Law Study Guide Answers Free and Paid eBooks
 - Medicine And Law Study Guide Answers Public Domain eBooks
 - Medicine And Law Study Guide Answers eBook Subscription Services
 - Medicine And Law Study Guide Answers Budget-Friendly Options
6. Navigating Medicine And Law Study Guide Answers eBook Formats

- ePub, PDF, MOBI, and More
- Medicine And Law Study Guide Answers Compatibility with Devices
- Medicine And Law Study Guide Answers Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Medicine And Law Study Guide Answers
 - Highlighting and Note-Taking Medicine And Law Study Guide Answers
 - Interactive Elements Medicine And Law Study Guide Answers
- 8. Staying Engaged with Medicine And Law Study Guide Answers
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Medicine And Law Study Guide Answers
- 9. Balancing eBooks and Physical Books Medicine And Law Study Guide Answers
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Medicine And Law Study Guide Answers
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Medicine And Law Study Guide Answers
 - Setting Reading Goals Medicine And Law Study Guide Answers
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Medicine And Law Study Guide Answers
 - Fact-Checking eBook Content of Medicine And Law Study Guide Answers
 - 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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