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?

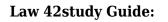
Natural justice refers to the principles of fairness, impartiality, and equity in legal and administrative proceedings. It ensures that individuals are given a fair opportunity to present their case, be heard, and receive a fair decision. The concept of natural justice is rooted in the belief that everyone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

Law 42study Guide

Yijin Wang



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Table of Contents Law 42study Guide

- 1. Understanding the eBook Law 42study Guide
 - The Rise of Digital Reading Law 42study Guide
 - Advantages of eBooks Over Traditional Books
- 2. Identifying Law 42study 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 Law 42study Guide
 - User-Friendly Interface
- 4. Exploring eBook Recommendations from Law 42study Guide
 - Personalized Recommendations
 - Law 42study Guide User Reviews and Ratings
 - Law 42study Guide and Bestseller Lists
- 5. Accessing Law 42study Guide Free and Paid eBooks
 - Law 42study Guide Public Domain eBooks
 - Law 42study Guide eBook Subscription Services
 - Law 42study Guide Budget-Friendly Options
- 6. Navigating Law 42study Guide eBook Formats

- o ePub, PDF, MOBI, and More
- Law 42study Guide Compatibility with Devices
- Law 42study Guide Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Law 42study Guide
 - o Highlighting and Note-Taking Law 42study Guide
 - Interactive Elements Law 42study Guide
- 8. Staying Engaged with Law 42study Guide
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Law 42study Guide
- 9. Balancing eBooks and Physical Books Law 42study Guide
 - Benefits of a Digital Library
 - o Creating a Diverse Reading Collection Law 42study Guide
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Law 42study Guide
 - Setting Reading Goals Law 42study Guide
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Law 42study Guide
 - Fact-Checking eBook Content of Law 42study 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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