

## **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]**

# Study Guide For Legal Process

**Osama Naga**



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