

INFORMATION RELEASE



JUDGMENT – BILL OF RIGHTS ISSUE

On Wednesday 17th April 2013, the Grand Court handed down its judgment in the matter of Canute Nairne, Cause 10/2013. This is the first case in which the Court has given a judgment where it has been argued that a statutory provision contravenes the protections in the Bill of Rights.

The issue was the length of time that a person can be kept in custody under arrest before being brought before the court.

The judgment states (para. 43) that the initial 72 hour period provided for by section 65(3) of the *Police Law* 2010 complies with obligations under the *Bill of Rights* (section 5) to “promptly” bring a person before a court who is arrested or detained but not released.

The judgment also finds (para. 44) that the power under section 65(4) that permits a police officer of the rank of Chief Inspector or above to authorise a further 24 hours detention before the person is brought before a court does not comply with the *Bill of Rights*.

These provisions remain in force pending consideration by the Legislative Assembly as to whether they should be amended.

The judgment of the court is at <http://www.judicial.ky/publications/newsletters>

For more information, please contact the Court Administrator at kevin.mccormac@gov.ky

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