



# Contempt of Court Act 1981

## 1981 CHAPTER 49

### *Other aspects of law and procedure*

#### **8 Confidentiality of jury's deliberations<sup>[F1]</sup>: Scotland and Northern Ireland].**

- [<sup>F2</sup>(1) [<sup>F3</sup>In Scotland and Northern Ireland,] Subject to subsection (2) below, it is a contempt of court to obtain, disclose or solicit any particulars of statements made, opinions expressed, arguments advanced or votes cast by members of a jury in the course of their deliberations in any legal proceedings.
- (2) This section does not apply to any disclosure of any particulars—
- in the proceedings in question for the purpose of enabling the jury to arrive at their verdict, or in connection with the delivery of that verdict, or
  - in evidence in any subsequent proceedings for an offence alleged to have been committed in relation to the jury in the first mentioned proceedings, or to the publication of any particulars so disclosed.
- (3) Proceedings for a contempt of court under this section (other than Scottish proceedings) shall not be instituted except by or with the consent of the Attorney General or on the motion of a court having jurisdiction to deal with it.]

#### **Textual Amendments**

- F1** Words in s. 8 heading inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 74\(4\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 59 (with Sch. 2 para. 4(a))
- F2** S. 8 repealed (E.W.) (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 74\(2\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 59 (with Sch. 2 para. 4(a))
- F3** Words in s. 8(1) inserted (S.N.I.) (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 74\(3\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 59 (with Sch. 2 para. 4(a))

#### **9 Use of tape recorders.**

- (1) Subject to subsection (4) below, it is a contempt of court—

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- (a) to use in court, or bring into court for use, any tape recorder or other instrument for recording sound, except with the leave of the court;
- (b) to publish a recording of legal proceedings made by means of any such instrument, or any recording derived directly or indirectly from it, by playing it in the hearing of the public or any section of the public, or to dispose of it or any recording so derived, with a view to such publication;
- (c) to use any such recording in contravention of any conditions of leave granted under paragraph (a).
- [<sup>F4</sup>(d) to publish or dispose of any recording in contravention of any conditions of leave granted under subsection (1A).]

[<sup>F5</sup>(1A) In the case of a recording of Supreme Court proceedings, subsection (1)(b) does not apply to its publication or disposal with the leave of the Court.]

- (2) Leave under paragraph (a) of subsection (1) [<sup>F6</sup>, or under subsection (1A),] may be granted or refused at the discretion of the court, and [<sup>F7</sup>if granted—
  - (a) may, in the case of leave under subsection (1)(a),]
    - be granted subject to such conditions as the court thinks proper with respect to the use of any recording made pursuant to the leave and;
  - [<sup>F8</sup>(b) may, in the case of leave under subsection (1A), be granted subject to such conditions as the Supreme Court thinks proper with respect to publication or disposal of any recording to which the leave relates; and]

where leave has been granted the court may at the like discretion withdraw or amend it either generally or in relation to any particular part of the proceedings.

- (3) Without prejudice to any other power to deal with an act of contempt under paragraph (a) of subsection (1), the court may order the instrument, or any recording made with it, or both, to be forfeited; and any object so forfeited shall (unless the court otherwise determines on application by a person appearing to be the owner) be sold or otherwise disposed of in such manner as the court may direct.
- (4) This section does not apply to the making or use of sound recordings for purposes of official transcripts of proceedings.

[<sup>F9</sup>(4A) This section does not apply to anything done in accordance with a direction under section 85A of the Courts Act 2003 (remote observation and recording of court and tribunal proceedings).]

[<sup>F10</sup>(5) See section 32 of the Crime and Courts Act 2013 for power to provide for further exceptions.]

#### Textual Amendments

- F4** S. 9(1)(d) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 31(4)**, 61(6)
- F5** S. 9(1A) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 31(2)**, 61(6)
- F6** Words in s. 9(2) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 31(3)(a)**, 61(6)
- F7** Words in s. 9(2) substituted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 31(3)(b)**, 61(6)
- F8** S. 9(2)(b) and word inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 31(3)(c)**, 61(6)
- F9** [S. 9\(4A\)](#) inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 198(4)**, 208(4)(aa)
- F10** S. 9(5) inserted (E.W.) (15.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 32(8)**, 61(3); S.I. 2013/1725, art. 2(f)

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**Modifications etc. (not altering text)**

- C1 S. 9: power to exclude conferred (E.W.) (15.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 32\(1\)\(2\)\(b\)](#), [61\(3\)](#) (with [s. 32\(6\)](#)); [S.I. 2013/1725](#), [art. 2\(f\)](#)
- C2 S. 9 excluded (E.W.) (30.10.2013) by [The Court of Appeal \(Recording and Broadcasting\) Order 2013 \(S.I. 2013/2786\)](#), [arts. 1, 4](#)
- C3 S. 9 excluded (E.W.) (27.5.2016) by [The Crown Court \(Recording\) Order 2016 \(S.I. 2016/612\)](#), [arts. 1, 4](#) (with [art. 3](#))
- C4 S. 9 excluded (E.W.) (20.6.2020) by [The Crown Court \(Recording and Broadcasting\) Order 2020 \(S.I. 2020/637\)](#), [arts. 1, 4](#) (with [art. 3](#))
- C5 S. 9 excluded (temp.) (E.W.) (24.7.2020) by [The Competition Appeal Tribunal \(Coronavirus\) \(Recording and Broadcasting\) Order 2020 \(S.I. 2020/801\)](#), [arts. 1, 4-8](#) (with [art. 9](#))
- C6 S. 9 excluded (E.W.) (11.2.2022) by [The Competition Appeal Tribunal \(Recording and Broadcasting\) Order 2022 \(S.I. 2022/156\)](#), [arts. 1, 4-9](#)
- C7 S. 9 excluded (E.W.) (24.10.2023) by [The Courts \(Prescribed Recordings\) Order 2023 \(S.I. 2023/1124\)](#), [arts. 1, 4](#) (with [art. 3](#))

**10 Sources of information.**

No court may require a person to disclose, nor is any person guilty of contempt of court for refusing to disclose, the source of information contained in a publication for which he is responsible, unless it be established to the satisfaction of the court that disclosure is necessary in the interests of justice or national security or for the prevention of disorder or crime.

**11 Publication of matters exempted from disclosure in court.**

In any case where a court (having power to do so) allows a name or other matter to be withheld from the public in proceedings before the court, the court may give such directions prohibiting the publication of that name or matter in connection with the proceedings as appear to the court to be necessary for the purpose for which it was so withheld.

**12 Offences of contempt of magistrates' courts.**

- (1) A magistrates' court has jurisdiction under this section to deal with any person who—
  - (a) wilfully insults the justice or justices, any witness before or officer of the court or any solicitor or counsel having business in the court, during his or their sitting or attendance in court or in going to or returning from the court; or
  - (b) wilfully interrupts the proceedings of the court or otherwise misbehaves in court.
- (2) In any such case the court may order any officer of the court, or any constable, to take the offender into custody and detain him until the rising of the court; and the court may, if it thinks fit, commit the offender to custody for a specified period not exceeding one month or impose on him a fine not exceeding [<sup>F11</sup>£2,500], or both.

[<sup>F12</sup>(2A) A fine imposed under subsection (2) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.]

- (3) . . . . . <sup>F13</sup>

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- (4) A magistrates' court may at any time revoke an order of committal made under subsection (2) and, if the offender is in custody, order his discharge.
- (5) [<sup>F14</sup>[<sup>F15</sup>Section 123 of the Sentencing Code] (limit on fines in respect of young persons) and] the following provisions of the <sup>M1</sup>Magistrates' Courts Act 1980 apply in relation to an order under this section as they apply in relation to a sentence on conviction or finding of guilty of an offence [<sup>F16</sup>; and those provisions of the Magistrates' Courts Act 1980 are] sections 75 to 91 (enforcement); section 108 (appeal to Crown Court); section 136 (overnight detention in default of payment); and section 142(1) (power to rectify mistakes).

#### Extent Information

**E1** In its application to Northern Ireland, s. 12 has effect as set out in Sch. 4, see s. 18

#### Textual Amendments

- F11** Words in s. 12(2) substituted (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 17(3), 102(2), **Sch. 4 Pt. I** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.
- F12** S. 12(2A) inserted (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4 Pt. V** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2** and substituted (E.W.)(20.9.1993) by 1993 c. 36, s. 65(3), **Sch. 3 para. 6(4)**; S.I. 1993/1968, art. 2(2), **Sch. 2**.
- F13** S. 12(3) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 78, **Sch. 16**
- F14** Words in s. 12(5) inserted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 83(a)**
- F15** Words in s. 12(5) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 65** (with Sch. 27); S.I. 2020/1236, reg. 2
- F16** Words in s. 12(5) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 83(b)**

#### Modifications etc. (not altering text)

- C8** S. 12(2): power to amend conferred (E.W.) by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 143(2)(f), Sch. 6A as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 5** and substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4 Pt. IV** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.
- C9** S. 12(2) amended (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 29(1)(2)**; S.I. 1992/333, art. 2(2), **Sch. 2**.

#### Marginal Citations

**M1** 1980 c. 43.

### <sup>F17</sup> 13 Legal Aid

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#### Extent Information

**E2** In its application to Northern Ireland, s. 13 has effect as set out in Sch. 4, see s. 18.

#### Textual Amendments

- F17** S. 13 repealed by Legal Aid Act 1988 (c. 34, SIF 77:1), s. 45, **Sch. 6** (and repealed (N.I.) (prosp.) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435), arts. 1(2), 49, **Sch. 5** (with art. 45)) (see also Sch. 4 to this Act)

**Changes to legislation:**

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