



# Contempt of Court Act 1981

## 1981 CHAPTER 49

### *Penalties for contempt and kindred offences*

#### **14 Proceedings in England and Wales**

- (1) in any case where a court has power to commit a person to prison for contempt of court and (apart from this provision) no limitation applies to the period of committal, the committal shall (without prejudice to the power of the court to order his earlier discharge) be for a fixed term, and that term shall not on any occasion exceed two years in the case of committal by a superior court, or one month in the case of committal by an inferior court.
- (2) In any case where an inferior court has power to fine a person for contempt of court and (apart from this provision) no limit applies to the amount of the fine, the fine shall not on any occasion exceed £500.
- (3) In relation to the exercise of jurisdiction to commit for contempt of court or any kindred' offence, subsection (1) of section 19 of the Powers of Criminal Courts Act 1973 (prohibition of imprisonment of persons under seventeen years of age) shall apply to all courts having that jurisdiction as it applies to the Crown Court and magistrates' courts.
- (4) Each of the superior courts shall have the like power to make a hospital order or guardianship order under section 60 of the Mental Health Act 1959 in the case of a person suffering from mental illness or severe subnormality who could otherwise be committed to prison for contempt of court as the Crown Court has under that section in the case of a person convicted of an offence.
- (5) The enactments specified in Part III of Schedule 2 shall have effect subject to the amendments set out in that Part, being amendments relating to the penalties and procedure in respect of certain offences of contempt in coroners' courts, county courts and magistrates' courts.

## 15 Penalties for contempt of court in Scottish proceedings

- (1) In Scottish proceedings, when a person is committed to prison for contempt of court the committal shall (without prejudice to the power of the court to order his earlier discharge) be for a fixed term.
- (2) The maximum penalty which may be imposed by way of imprisonment or fine for contempt of court in Scottish proceedings shall be two years' imprisonment or a fine or both, except that—
  - (a) where the contempt is dealt with by the sheriff in the course of or in connection with proceedings other than criminal proceedings on indictment, such penalty shall not exceed three months' imprisonment or a fine of £500 or both; and
  - (b) where the contempt is dealt with by the district court, such penalty shall not exceed sixty days' imprisonment or a fine of £200 or both.
- (3) Section 207 (restriction on detention of young offenders) and sections 175 to 178 (persons suffering from mental disorder) of the Criminal Procedure (Scotland) Act 1975 shall apply in relation to persons found guilty of contempt of court in Scottish proceedings as they apply in relation to persons convicted of offences, except—
  - (a) where subsection (2)(a) above applies, when sections 415 and 376 to 379 of the said Act shall so apply; and
  - (b) where subsection (2) (b) above applies, when section 415 of the said Act and subsection (5) below shall apply.
- (4) Until the commencement of section 45 of the Criminal Justice (Scotland) Act 1980, in subsection (3) above for the references to section 207 and section 415 of the Criminal Procedure (Scotland) Act 1975 there shall be substituted respectively references to sections 207 and 208 and sections 415 and 416 of that Act.
- (5) Where a person is found guilty by a district court of contempt of court and it appears to the court that he may be suffering from mental disorder, it shall remit him to the sheriff in the manner provided by section 286 of the Criminal Procedure (Scotland) Act 1975 and the sheriff shall, on such remit being made, have the like power to make an order under section 376(1) of the said Act in respect of him as if he had been convicted by the sheriff of an offence, or in dealing with him may exercise the like powers as the court making the remit.

## 16 Enforcement of fines imposed by certain superior courts

- (1) Payment of a fine for contempt of court imposed by a superior court, other than the Crown Court or one of the courts specified in subsection (4) below, may be enforced upon the order of the court—
  - (a) in like manner as a judgment of the High Court for the payment of money ; or
  - (b) in like manner as a fine imposed by the Crown Court.
- (2) Where payment of a fine imposed by any court falls to be enforced as mentioned in paragraph (a) of subsection (1)—
  - (a) the court shall, if the fine is not paid in full forthwith or within such time as the court may allow, certify to Her Majesty's Remembrancer the sum payable;
  - (b) Her Majesty's Remembrancer shall thereupon proceed to enforce payment of that sum as if it were due to him as a judgment debt; and

- (c) any payment received in respect of the fine shall be dealt with by him in the manner for the time being prescribed under section 28 of the Fines Act 1833 for receipts within that section.
- (3) Where payment of a fine imposed by any court falls to be enforced as mentioned in paragraph (b) of subsection (1), the provisions of sections 31 and 32 of the Powers of Criminal Courts Act 1973 shall apply as they apply to a fine imposed by the Crown Court.
- (4) Subsection (1) of this section does not apply to fines imposed by the criminal division of the Court of Appeal or by the House of Lords on appeal from that division.
- (5) The Fines Act 1833 shall not apply to a fine to which subsection (1) of this section applies.
- (6) Paragraph 23(1) of Schedule 11 to the Employment Protection (Consolidation) Act 1978 and paragraph 30 of Schedule 1 to the Employment Act 1980 (which relate to the enforcement of fines imposed by the Employment Appeal Tribunal) are repealed.

## **17 Disobedience to certain orders of magistrates' courts**

- (1) The powers of a magistrates' court under subsection (3) of section 63 of the Magistrates' Courts Act 1980 (punishment by fine or committal for disobeying an order to do anything other than the payment of money or to abstain from doing anything) may be exercised either of the court's own motion or by order on complaint.
- (2) In relation to the exercise of those powers the provisions of the Magistrates' Court Act 1980 shall apply subject to the modifications set out in Schedule 3 to this Act.