



Administration of Justice Act 1960

1960 CHAPTER 65

Contempt of court, habeas corpus and certiorari

13 Appeal in cases of contempt of court

- (1) Subject to the provisions of this section, an appeal shall lie under this section from any order or decision of a court in the exercise of jurisdiction to punish for contempt of court (including criminal contempt); and in relation to any such order or -decision the provisions of this section shall have effect in substitution for any other enactment relating to appeals in civil or criminal proceedings.
- (2) An appeal under this section shall lie in any case at the instance of the defendant and, in the case of an application for committal or attachment, at the instance of the applicant; and the appeal shall lie—
 - (a) from an order or decision of any inferior court not referred to in the next following paragraph, to a Divisional Court of the High Court;
 - (b) from an order or decision of a county court or any other inferior court from which appeals generally lie to the Court of Appeal, and from an order or decision of the Chancery Court of a County Palatine, of a single judge of the High Court, or of any court having the powers of the High Court or of a judge of that court, to the Court of Appeal;
 - (c) from an order or decision of a Divisional Court or the Court of Appeal (including a decision of either of those courts on an appeal under this section), and from an order or decision of the Court of Criminal Appeal or the Courts-Martial Appeal Court, to the House of Lords.
- (3) The court to which an appeal is brought under this section may reverse or vary the order or decision of the court below, and make such other order as may be just; and without prejudice to the inherent powers of any court referred to in subsection (2) of this section, provision may be made by rules of court for authorising the release on bail of an appellant under this section.
- (4) Subsections (2) to (4) of section one and section two of this Act shall apply to an appeal to the House of Lords under this section as they apply to an appeal to that House under the said section one, except that so much of the said subsection (2) as restricts

the grant of leave to appeal shall apply only where the decision of the court below is a decision on appeal to that court under this section.

(5) In this section " court" includes any tribunal or person having power to punish for contempt; and references in this section to an order or decision of a court in the exercise of jurisdiction to punish for contempt of court include references—

- (a) to an order or decision of the High Court or a county court under any enactment enabling that court to deal with an offence as if it were contempt of court;
- (b) to an order or decision of a county court, or of any court having the powers of a county court, under section thirty, section one hundred and twenty-seven or section one hundred and fifty-seven of the County Courts Act, 1959;
- (c) to an order or decision of a magistrates' court under subsection (3) of section fifty-four of the Magistrates' Courts Act, 1952,

but do not include references to orders under section five of the Debtors Act, 1869, or under any provision of the Magistrates' Courts Act, 1952, or the County Courts Act, 1959, except those referred to in paragraphs (b) and (c) of this subsection and except sections seventy-four and one hundred and ninety-five of the last mentioned Act so far as those sections confer jurisdiction in respect of contempt of court.

(6) This section does not apply to a conviction or sentence in respect of which an appeal lies under the Criminal Appeal Act, 1907, or to a decision of the Court of Criminal Appeal under that Act; and for the purposes of that Act and of this subsection an order for the punishment of any person for contempt of court in proceedings in which he has a right of appeal against his sentence shall be treated as part of that sentence.