

2014 No. 833

FAMILY PROCEEDINGS

FAMILY COURT, ENGLAND AND WALES

**The Family Court (Contempt of Court) (Powers) Regulations
2014**

<i>Made</i> - - - -	<i>26th March 2014</i>
<i>Laid before Parliament</i>	<i>28th March 2014</i>
<i>Coming into force</i> - -	<i>22nd April 2014</i>

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by section 31H(1) of the Matrimonial and Family Proceedings Act 1984^(a). The Lord Chancellor makes the following Regulations having consulted the President of the Family Division, as nominee of the Lord Chief Justice in accordance with section 31H of the Matrimonial and Family Proceedings Act 1984.

Citation, commencement and interpretation

1. These Regulations may be cited as the Family Court (Contempt of Court) (Powers) Regulations 2014 and come into force on 22nd April 2014.

2. In these Regulations—

“judge of district judge level” means—

- (a) the Senior District Judge of the Family Division;
- (b) a district judge of the Principal Registry of the Family Division;
- (c) a person appointed to act as deputy for the person holding office referred to in paragraph (b) or to act as a temporary additional officer for any such office;
- (d) is a district judge (which by virtue of section 8(1C) of the Country Courts Act 1984^(b), here includes a deputy district judge appointed under section 8 of that Act);
- (e) a deputy district judge appointed under section 102 of the Senior Courts Act 1981^(c);
- (f) a District Judge (Magistrates’ Courts); or

(a) 1984 c.42. Section 31H was inserted by Part 1 of Schedule 10 to the Crime and Courts Act 2013 (c.22).
(b) 1984 c.28. Section 8 was amended by paragraph 42 of Schedule 20 to the Courts and Legal Services Act 1990 (c.41); paragraph 17 of Schedule 6 and Schedule 9 to the Judicial Pensions and Retirement Act 1993 (c.8); paragraph 7 of Schedule 11 to the Tribunals, Courts and Enforcement Act 2007 (c.15); and paragraphs 5 and 6 of Schedule 9 and paragraph 37 of Schedule 13 to the Crime and Courts Act 2013 (c.22).
(c) 1981 c.54. Section 102 was amended by Schedule 20 to the Courts and Legal Services Act 1990 (c.41); paragraph 16 of Schedule 6 and paragraph 15 of Schedule 8 to the Judicial Pensions and Retirement Act 1993 (c.8); paragraph 3 of Schedule 11 to the Tribunals, Courts and Enforcement Act 2007 (c.15); and paragraph 36 of Schedule 13 to the Crime and Courts Act 2013 (c.22).

(g) any other judge of the family court authorised to sit as a judge of district judge level in the family court;

“lay justice” means a justice of the peace who is not a District Judge (Magistrates’ Courts);

“judge of the family court” means a judge referred to in section 31C(1) of the Matrimonial and Family Proceedings Act 1984(a); and

“judge of High Court judge level” means—

- (a) a deputy judge of the High Court;
- (b) a puisne judge of the High Court;
- (c) a person who has been a judge of the Court of Appeal or a puisne judge of the High Court who may act as a judge of the family court by virtue of section 9 of the Senior Courts Act 1981(b);
- (d) the Senior President of Tribunals;
- (e) the Chancellor of the High Court;
- (f) an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court);
- (g) the President of the Queen’s Bench Division;
- (h) the President of the Family Division;
- (i) the Master of the Rolls; or
- (j) the Lord Chief Justice.

Limits on committal powers exercisable by judges of district judge level for contempt in the face of the court in the family court

3. The committal powers exercisable by a judge of district judge level in the family court when dealing with an individual for—

- (a) wilfully insulting a judge of the family court, or any witness, or any officer of the court during his or her sitting or attendance in court, or in going to or returning from the court; or
- (b) wilfully interrupting the proceedings of the family court or otherwise misbehaving in court,

are limited to a period not exceeding one month.

Limits on committal powers exercisable by lay justices for certain types of contempt of court in the family court

4. The committal powers exercisable by a lay justice in the family court when dealing with an individual for contempt of court in the family court are limited to a period not exceeding—

- (a) two months where any individual disobeys a judgement or an order of, or an undertaking given to, the family court that requires that individual to do anything other than the payment of money or to abstain from doing anything; and
- (b) one month where any individual—
 - (i) wilfully insults a judge of the family court, or any witness, or any officer of the court during his or her sitting or attendance in court, or in going to or returning from the court; or

(a) 2013 c.22. Section 31C was inserted by Part 1 of Schedule 10 to the Crime and Courts Act 2013.

(b) 1981 c.54. Section 9 was amended by section 58 of the Administration of Justice Act 1982 (c.53); paragraph 5 of Schedule 6 and paragraph 1 of Schedule 9 to the Judicial Pensions and Retirement Act 1993 (c.8); section 52 of the Criminal Justice and Public Order Act 1994 (c. 33); paragraph 260 of Schedule 8 to the Courts Act 2003 (c.39); paragraph 121 of Schedule 4, paragraph 36 of Schedule 9, paragraph 22 of Schedule 17 and Schedule 18 to the Constitutional Reform Act 2005 (c. 4); and paragraphs 52 and 89 of Schedule 13 and paragraphs 1 and 2 of Schedule 14 to the Crime and Courts Act 2013 (c.22).

- (ii) wilfully interrupts the proceedings of the family court or otherwise misbehaves in court.

Limits on fines for contempt of court in the family court

5. In any case where a judge of the family court, except a judge of High Court judge level, has the power to impose a fine when dealing with a person for contempt of court in the family court, the fine must not exceed level 5 on the standard scale.

Signed by authority of the Lord Chancellor
26th March 2014

Simon Hughes
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations limit the powers exercisable by certain judges of the family court when dealing with an individual for certain types of contempt of court in the family court. Unless specified in these Regulations the maximum committal powers available to judges of the family court will be the powers currently available to the High Court (section 14(4B) of the Contempt of Court Act 1981 (c.49) and section 31E(1)(a) of the Matrimonial and Family Proceedings Act 1984 (c.42) as inserted by Schedule 10 to the Crime and Courts Act 2013 (c.22)).

Regulation 3 limits the committal powers exercisable by a judge of district judge level when dealing with an individual for contempt in the face of the court to a maximum period of one month.

Regulation 4 limits the committal powers exercisable by a lay justice when dealing with an individual for contempt of court for breaching a judgement, order or undertaking in the family court, other than for the payment of money, to a maximum period of two months. Regulation 4 also limits the committal powers exercisable by a lay justice when dealing with an individual for contempt in the face of the court to a maximum period of one month.

Regulation 5 limits the level of fine a judge of the family court, except a judge of High Court judge level, may impose when dealing with a person for contempt of court in the family court to an amount not exceeding level 5 on the standard scale. For a judge of High Court judge level there is no maximum level of fine for contempt of court.

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