



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 [^{F1}£2,500].
- [^{F2}(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.]
- [^{F3}(2A) In the exercise of jurisdiction to commit for contempt of court or any kindred offence the court shall not deal with the offender by making an order under [^{F4}section 60 of the Powers of Criminal Courts (Sentencing) Act 2000] (an attendance centre order) if it appears to the court, after considering any available evidence, that he is under 17 years of age.]
- (3) [^{F5}.....]
- (4) Each of the superior courts shall have the like power to make a hospital order or guardianship order under [^{F6}section 37 of the ^{M1}Mental Health Act 1983][^{F7}or an interim hospital order under][^{F6}section 38 of that Act] in the case of a person suffering from [^{F8}mental disorder within the meaning of that Act] 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.
- [^{F9}(4A) Each of the superior courts shall have the like power to make an order under [^{F10}section 35 of the said Act of 1983] (remand for report on accused's mental condition) where there is reason to suspect that a person who could be committed to

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prison for contempt of court is suffering from [^{F8}mental disorder within the meaning of that Act] as the Crown Court has under that section in the case of an accused person within the meaning of that section.]

[^{F11}(4A) For the purpose of the preceding provisions of this section [^{F12}the county court] shall be treated as a superior court and not as an inferior court.]

[^{F13}(4B) The preceding provisions of this section do not apply to the family court, but—

(a) this is without prejudice to the operation of section 31E(1)(a) of the Matrimonial and Family Proceedings Act 1984 (family court has High Court's powers) in relation to the powers of the High Court that are limited or conferred by those provisions of this section, and

(b) section 31E(1)(b) of that Act (family court has county court's powers) does not apply in relation to the powers of the county court that are limited or conferred by those provisions of this section.]

^{X1}(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 coroner's courts, county courts and magistrates' courts.

Extent Information

E1 In its application to Northern Ireland, s. 14 has effect as set out in Sch. 4, see s. 18.

Editorial Information

X1 The text of ss. 3(4), 4(4), 14(5), 16(6), Sch. 2 Pt. II and Pt. III paras. 1, 6 and 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Textual Amendments

- F1** Words in s. 14(2) substituted (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 17(3), [Sch. 4 Pt. I](#); S.I. 1992/333, art. 2(2), [Sch. 2](#).
- F2** S. 14(2A) commencing "Section 18 of the Criminal Justice Act 1991..." inserted (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 17(3), [Sch. 4 Pt. V para. 3](#) (with s. 28); S.I. 1992/333, art. 2(2), [Sch. 2](#) and substituted (20.9.1993) by 1993 c. 36, s. 65(3), [Sch. 3 para. 6\(5\)](#); S.I. 1993/1968, art. 2(2), [Sch. 2](#).
- F3** S. 14(2A) commencing "In the exercise of jurisdiction..." inserted (24.5.1983) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 14 para. 60](#)
- F4** Words in s. 14(2A) (inserted by the Criminal Justice Act 1982) inserted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), [Sch. 9 para. 84](#)
- F5** S. 14(3) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)
- F6** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 4 para. 57\(a\)](#)
- F7** Words inserted by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), [Sch. 3 para. 59\(a\)](#)
- F8** Words in s. 14(4) and the first subsection (4A) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), s. 56(1), [Sch. 1 para. 19](#); S.I. 2008/1900, art. 2(a) (with art. 3, Sch.)
- F9** S. 14(4A): first (4A) inserted (30.9.1983) by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), [Sch. 3 para. 60](#)
- F10** Words substituted (30.9.1983) by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 4 para. 57\(b\)](#)
- F11** S. 14(4A): second (4A) inserted by [County Courts \(Penalties for Contempt\) Act 1983 \(c. 45, SIF 39:3\)](#) (Royal Assent 13.5.1983), ss. 1, 2

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- F12** Words in s. 14 substituted (E.W.S.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F13** S. 14(4B) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 53](#); [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

Modifications etc. (not altering text)

- C1** S. 14(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 \(c. 48, SIF 39:1\), s. 48, Sch. 5](#) and substituted (E.W.) (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](#).

Marginal Citations

- M1** [1983 c. 20](#).

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—
- 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 [^{F14}level 4 on the standard scale] or both; and
 - where the contempt is dealt with by the district court, such penalty shall not exceed sixty days' imprisonment or a fine of [^{F14}level 4 on the standard scale] or both.
- [^{F15}(3) The following provisions of the Criminal Procedure (Scotland) Act 1995 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—
- in every case, section 207 (restrictions on detention of young offenders);
 - in any case to which paragraph (b) of subsection (2) above does not apply, sections 58, 59 and 61 (persons suffering from mental disorder);
- and in any case to which the said paragraph (b) does apply, subsection (5) below shall have effect.]
- (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 [^{F16}section 7(9) and (10) of the Criminal Procedure (Scotland) Act 1995] and the sheriff shall, on such remit being made, have the like power to make an order under [^{F16}section 58(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.
- [^{F17}(6) For the purposes of section [^{F18}22 of the Prisons (Scotland) Act 1989] (release on licence of prisoners serving determinate sentences) a penalty of a period of

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imprisonment imposed for contempt of court shall be treated as a sentence of imprisonment with the meaning of that Act.]

Textual Amendments

- F14** Words in s. 15(2) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), Sch. 4 paras. 36(2), **99**
- F15** s. 15(3) substituted (1.4.1996) for s. 15(3)(4) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 36(3)**
- F16** Words in s. 15(5) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 36(4)**
- F17** S. 15(6) inserted by Criminal Justice (Scotland) Act 1987 (c. 41, SIF 39:1), ss. 47(4)(a), 70(1), **Sch. 1 para. 19(1)(2)** and repealed (S.) (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt. I** (with Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.
- F18** Words substituted by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(1), **Sch. 2 para. 18**

Modifications etc. (not altering text)

- C2** S. 15 excluded (25.4.2000) by 1999 c. 17 ss. 3(5), 4(6), 5(12), Sch. 3 Pt. IV para. 23(3) (with s. 15); S.I. 2000/880, **art. 2, Sch. 2**

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—
- in like manner as a judgment of the High Court for the payment of money; or
 - 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)—
- 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;
 - Her Majesty's Remembrancer shall thereupon proceed to enforce payment of that sum as if it were due to him as a judgment debt; . . . ^{F19}
 - ^{F20}
- (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 [^{F21}sections 130 to 132 of the Sentencing Code] 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 [^{F22}Supreme Court] on appeal from that division.
- (5) The Fines Act 1833 shall not apply to a fine to which subsection (1) of this section applies.
- ^{F23}(6)

Extent Information

- E2** In its application to Northern Ireland, s. 16 has effect as set out in Sch. 4, see s. 18.

Textual Amendments

- F19** Word repealed (1.1.1982) by Supreme Court Act 1981 (c. 54), **Sch. 7**
- F20** S. 16(2)(c) repealed (1.1.1982) by Supreme Court Act 1981 (c. 54), **Sch. 7**

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- F21** Words in s. 16(3) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 66** (with Sch. 27); S.I. 2020/1236, reg. 2
- F22** Words in s. 16(4) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 9 para. 35(2)**; S.I. 2009/1604, art. 2(d)
- F23** S. 16(6) repealed (E.W.S) (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

17 Disobedience to certain orders of magistrates' courts.

- (1) The powers of a magistrates' court under subsection (3) of section 63 of the ^{M2}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.

Marginal Citations

M2 1980 c. 43.

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