



Contempt of Court Act 1981

1981 CHAPTER 49

Other aspects of law and procedure

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 [^{F1}£2,500], or both.
- [^{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.]
- (3)^{F3}
- (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) [^{F4}[^{F5}Section 123 of the Sentencing Code] (limit on fines in respect of young persons) and] the following provisions of the ^{M1}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 [^{F6}; 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

Changes to legislation: There are currently no known outstanding effects for the Contempt of Court Act 1981, Section 12. (See end of Document for details)

Textual Amendments

- F1** 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**.
- F2** 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**.
- F3** S. 12(3) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 78, **Sch. 16**
- F4** Words in s. 12(5) inserted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 83(a)**
- F5** 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
- F6** 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)

- C1** 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**.
- C2** 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.

Changes to legislation:

There are currently no known outstanding effects for the Contempt of Court Act 1981, Section 12.