



Contempt of Court Act 1981

1981 CHAPTER 49

Penalties for contempt and kindred offences

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 [^{F1}level 4 on the standard scale] 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 [^{F1}level 4 on the standard scale] or both.
- (3) Section 207 (restriction on detention of young offenders) and sections 175 to 178 (persons suffering from mental disorder) of the ^{M1}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 ^{M2}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.

Status: Point in time view as at 01/10/1993. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Contempt of Court Act 1981, Section 15. (See end of Document for details)

(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.

[^{F2}(6) For the purposes of section [^{F3}22 of the Prisons (Scotland) Act 1989] (release on licence of prisoners serving determinate sentences) a penalty of a period of imprisonment imposed for contempt of court shall be treated as a sentence of imprisonment with the meaning of that Act.]

Textual Amendments

- F1** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 7](#)
- F2** [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\(4\)](#).
- F3** Words substituted by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. [45\(1\)](#), [Sch. 2 para. 18](#)

Marginal Citations

- M1** [1975 c. 21](#).
- M2** [1980 c. 62](#).

Status:

Point in time view as at 01/10/1993. This version of this provision has been superseded.

Changes to legislation:

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