



# Administration of Justice Act 1960

1960 CHAPTER 65 8 and 9 Eliz 2

*[<sup>F1</sup> Contempt of court, habeas corpus and certiorari]*

## **[<sup>F1</sup>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 <sup>F2</sup> . . . the High Court;
    - (b) from an order or decision of [<sup>F3</sup>the county court] or any other inferior court from which appeals generally lie to the Court of Appeal, and from an order or [<sup>F4</sup>decision (other than a decision on an appeal under this section) 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;  
[ from an order or decision of the Crown Court to the Court of Appeal].  
<sup>F5</sup>(bb)
    - <sup>F6</sup>(c) [<sup>F7</sup>from a decision of a single judge of the High Court on an appeal under this section,]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), [<sup>F6</sup>and from an order or decision (except one made in Scotland or Northern Ireland) of the Court Martial Appeal Court], to the [<sup>F8</sup> Supreme Court].
- [ Paragraphs (a) to (c) of subsection (2) of this section do not apply in relation to appeals <sup>F9</sup>(2A) under this section from an order or decision of the family court, but (subject to any provision made under section 56 of the Access of Justice Act 1999 or by or under any other enactment) such an appeal shall lie to the Court of Appeal.]

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- (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 <sup>F10</sup>rules of court <sup>F10</sup>rules made under section seven of the <sup>M1</sup>Northern Ireland Act 1962 ] 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 <sup>F11</sup>the Supreme Court ] under this section as they apply to an appeal to <sup>F11</sup>the Supreme Court ] 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.
- <sup>F12</sup>(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—
- to an order or decision of the High Court, <sup>F13</sup>the family court, <sup>F14</sup>the Crown Court] or <sup>F3</sup>the county court] under any enactment enabling that court to deal with an offence as if it were contempt of court;
  - to an order or decision of <sup>F3</sup>the county court], or of any court having the powers of <sup>F3</sup>the county court], under <sup>F15</sup>section 14, 92 or 118 of the County Courts Act 1984];
  - to an order or decision of a magistrates’ court under <sup>F16</sup>subsection (3) of section 63 of the Magistrates’ Courts Act 1980] ,
  - <sup>F12</sup>(d) [ to an order or decision (except one made in Scotland or Northern Ireland) of the Court Martial, the Summary Appeal Court or the Service Civilian Court under section 309 of the Armed Forces Act 2006,]
- but do not include references to orders under section five of the <sup>M2</sup>Debtors Act 1869, or under any provision of <sup>F16</sup>the Magistrates’ Court Act 1980 ] , or the <sup>M3</sup>County Courts Act <sup>F17</sup>1984 ] , except those referred to in paragraphs (b) and (c) of this subsection and except <sup>F18</sup>sections 38 and 142 ] 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 <sup>F19</sup>Part I of the <sup>M4</sup>Criminal Appeal Act 1968, or to a decision of the criminal division of the Court of Appeal under that Part of that Act; . . . ] <sup>F20</sup>

#### Textual Amendments

- F1** Ss. 6 , 9 , 13 , 15 , 17(1)(3)(4) , 18(3) repealed (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#) , [Sch. 6 para. 13](#) , [Sch. 7 Pt. I](#)
- F2** Words in s. 13(2)(a) repealed (27.9.1999) by [1999 c. 22](#) , [ss. 64](#) (1)(2), 106, 108(3), Sch. 15 Pt. III (with s. 107 and Sch. 14 paras. 7(2), 36(9)).
- F3** Words in ss. 12, 13 substituted (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)
- F4** Words in s. 13(2)(b) substituted (27.9.1999) by [1999 c. 22](#) , [ss. 64\(1\)\(3\)](#) , 108(3) (with s. 107 and [Sch. 14 para.7\(2\)](#) )
- F5** S. 13(2)(bb) inserted by [Courts Act 1971 \(c. 23\)](#) , [Sch. 8 Pt. II para. 40\(1\)](#)
- F6** Words in s. 13(2)(c) substituted (28.3.2009 for specified purposes and 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#) , s. 383(2), [Sch. 16 para. 45\(2\)](#); [S.I. 2009/812](#) , [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#) , [art. 4](#)

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- F7** Words in s. 13(2)(c) inserted (27.9.1999) by 1999 c. 22 , **ss. 64(1)(4)** , 108(3) (with s. 107 and Sch. 14 para. 7(2) ).
- F8** Words in s. 13(2)(c) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 9 para. 13(7)(a)**; S.I. 2009/1604, art. 2(d)
- F9** S. 13(2A) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 15(2)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F10** Words “rules” to “1962” substituted for words “rules of court” in application of s. 13 to N.I. by Northern Ireland Act 1962 (c. 30) , **Sch. 1 Pt. I**
- F11** Words in s. 13(4) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 9 para. 13(7)(b)**; S.I. 2009/1604, art. 2(d)
- F12** S. 13(5)(d) inserted (28.3.2009 for specified purposes and 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 45(3)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F13** Words in s. 13(5)(a) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 15(3)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F14** Words inserted by Courts Act 1971 (c. 23) , **Sch. 8 Pt. II para. 40(2)**
- F15** Words substituted by County Courts Act 1984 (c. 28, SIF 34) , s. 148(1) , **Sch. 2 Pt. V para. 25 ( a )**
- F16** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82) , s. 154(1) , **Sch. 7 para. 36**
- F17** Words substituted by County Courts Act 1984 (c. 28, SIF 34) , s. 148(1) , **Sch. 2 Pt. V para. 25 ( b )**
- F18** Words substituted by County Courts Act 1984 (c. 28, SIF 34) , s. 148(1) , **Sch. 2 Pt. V para. 25 ( c )**
- F19** Words substituted by Criminal Appeal Act 1968 (c. 19) , **Sch. 5**
- F20** Words repealed by Supreme Court Act 1981 (c. 54, SIF 37) , s. 152(4) , **Sch. 7**

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**Modifications etc. (not altering text)**

- C1** S. 13 extended (E.W.) by Attachment of Earnings Act 1971 (c. 32) , **s. 23(9)**
- C2** Reference to the Court of Appeal to be construed as reference to the civil division of the Court of Appeal as mentioned in Criminal Appeal Act 1966 (c. 31) , **s. 1(6) ( c )**
- C3** Reference to Court of Criminal Appeal to be construed as reference to the criminal division of the Court of Appeal as mentioned in Criminal Appeal Act 1966 (c. 31) , **s. 1(6) ( a )**

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**Marginal Citations**

- M1** 1962 c. 30 .
- M2** 1869 c. 62 .
- M3** 1984 c. 22 .
- M4** 1968 c. 19 .

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 13 extended by 1984 c. 28 s. 117K(4) (as inserted) by [2007 c. 15 s. 107\(1\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 1\(2\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(5) inserted by [2010 c. 26 Sch. 3 para. 4\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22, s. 17\(4\)](#) ; S.I. 2013/2200 art. 2(a))