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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 48**

**CONTEMPT OF COURT**

*GENERAL RULES*

**When this Part applies**

**48.1.**—(1) This Part applies where the court can deal with a person for conduct—

- (a) in contempt of court; or
- (b) in contravention of the legislation to which rules 48.5 and 48.9 refer.

(2) In this Part, ‘respondent’ means any such person.

*[Note. For the court’s powers to punish for contempt of court, see the notes to rules 48.5 and 48.9.]*

**Exercise of court’s power to deal with contempt of court**

**48.2.**—(1) The court must determine at a hearing—

- (a) an enquiry under rule 48.8; and
- (b) an allegation under rule 48.9.

(2) The court must not proceed in the respondent’s absence unless—

- (a) the respondent’s behaviour makes it impracticable to proceed otherwise; or
- (b) the respondent has had at least 10 business days’ notice of the hearing, or was present when it was arranged.

(3) If the court hears part of an enquiry or allegation in private, it must announce at a hearing in public—

- (a) the respondent’s name;
- (b) in general terms, the nature of any conduct that the respondent admits, or the court finds proved; and
- (c) any punishment imposed.

**Notice of suspension of imprisonment by Court of Appeal or Crown Court**

**48.3.**—(1) This rule applies where—

- (a) the Court of Appeal or the Crown Court suspends an order of imprisonment for contempt of court; and
- (b) the respondent is absent when the court does so.

- (2) The respondent must be served with notice of the terms of the court's order—
- (a) by any applicant under rule 48.9; or
  - (b) by the court officer, in any other case.

*[Note. By reason of sections 15 and 45 of the Senior Courts Act 1981(1), the Court of Appeal and the Crown Court each has an inherent power to suspend imprisonment for contempt of court, on conditions, or for a period, or both.]*

#### **Application to discharge an order for imprisonment**

**48.4.**—(1) This rule applies where the court can discharge an order for a respondent's imprisonment for contempt of court.

- (2) A respondent who wants the court to discharge such an order must—
- (a) apply in writing, unless the court otherwise directs, and serve any written application on—
    - (i) the court officer, and
    - (ii) any applicant under rule 48.9 on whose application the respondent was imprisoned;
  - (b) in the application—
    - (i) explain why it is appropriate for the order for imprisonment to be discharged, and
    - (ii) give details of any appeal, and its outcome; and
  - (c) ask for a hearing, if the respondent wants one.

*[Note. By reason of sections 15 and 45 of the Senior Courts Act 1981, the Court of Appeal and the Crown Court each has an inherent power to discharge an order for a respondent's imprisonment for contempt of court in failing to comply with a court order.*

*Under section 97(4) of the Magistrates' Courts Act 1980(2), a magistrates' court can discharge an order for imprisonment if the respondent gives evidence.*

*Under section 12(4) of the Contempt of Court Act 1981(3), a magistrates' court can discharge an order for imprisonment made under that section.]*

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(1) 1981 c. 54.  
 (2) 1980 c. 43; section 97(4) was amended by sections 13 and 14 of, and paragraph 7 of Schedule 2 to, the Contempt of Court Act 1981 (c. 47) and section 17 of, and paragraph 6 of Schedule 3 and Part 1 of Schedule 4 to, the Criminal Justice Act 1991 (c. 53).  
 (3) 1981 c. 49.