

CONTEMPT OF COURT ACT

CHAPTER 5:01

Act
L.I. 15 of 1897
Amended by
19 of 1939

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 5:01**CONTEMPT OF COURT ACT****ARRANGEMENT OF SECTIONS**

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CHAPTER 5:01

CONTEMPT OF COURT ACT

1961 Ed. **AN ACT relating to contempt of Court.**

Cap. 59.

15 of 1897.

Commencement.

[23rd June 1898]

Short title.

1. This Act may be cited as the –

CONTEMPT OF COURT ACT.

Interpretation.

2. In this Act –

“Court” means the High Court;

“Magistrate” means a Magistrate or any Justice of the Peace authorised by any Act to perform the duties of a Magistrate;

“Registrar” means the Registrar of the High Court.

Contempt in the presence or hearing of the Court.

3. (1) The Court shall have power to punish summarily with fine or imprisonment any person who commits a contempt in the presence or hearing of the Court, when sitting.

(2) The punishment shall be a fine of one thousand five hundred dollars or imprisonment for one month.

(3) The Court shall in punishing by fine order that the fine shall be paid within a definite time, not less than fourteen days, and that in default of payment the offender shall be imprisoned for one month; and in the case of a contempt committed in the face of the Court other than the Court of Appeal, there shall be an appeal to the Court of Appeal in the manner and on the conditions prescribed by and subject to the provisions of the law relating to such appeals.

Contempts other than those committed in presence and hearing of the Court.

4. (1) All contempts of court other than those committed in the presence and hearing of the Court when sitting shall be dealt with and determined only by means of a rule of court which may be applied for by any person whomsoever calling upon the defendant to show cause why he should not be attached for contempt of court.

(2) The rule of court shall contain with certainty the words or acts alleged to constitute the contempt of court, and shall be served at least seven clear days before the return day thereof, except in the case

of a contempt of court by spoken or written comment on legal proceedings then pending, in which case the rule of court shall be made returnable without delay.

(3) The rule of court shall be directed to the Provost Marshal and shall be served on the defendant personally or, if he cannot be found, then a copy of the same shall be left with some responsible person at the last known place of residence or business of the defendant.

(4) The rule of court shall be heard and determined on the return day thereof by the Judge of the said Court, or the person for the time being acting as such, and by a jury to be summoned and empanelled in the same manner as a jury to try issues in the said Court is summoned and empanelled.

(5) On the hearing of the rule of court the defendant shall plead, and thereupon evidence shall be taken on both sides orally and the defendant shall be a competent witness in his own behalf, and the same rules as to summoning and compensation of witnesses, their examination, cross-examination and re-examination, the admissibility or otherwise of evidence, the addresses of counsel, and the Judge's charge to the jury observed in the High Court on the hearing of actions shall apply to, and be observed on, the hearing of the rule of court.

(6) The defendant to the rule of court may apply for and obtain a special jury in the usual manner, and the costs thereon shall be costs in the cause.

(7) The jury sworn to try the issues, both of law and fact, of the rule shall give a general verdict of guilty or not guilty upon the whole matter, both of law and fact, put in issue upon the rule and shall not be required or directed by the Court or Judge before whom the rule is tried to return any other verdict or finding whatsoever.

(8) On a verdict of guilty being returned by the jury, the Court shall, in the case of a contempt of court by spoken or written comment on legal proceedings then pending, order the defendant to pay a fine of five thousand dollars or to be imprisoned for a term of six months, and in all other cases the Court shall order the defendant to pay a fine of two thousand dollars or to be imprisoned for a term of six months, and in default of payment within a definite time, not less than fourteen days, to be imprisoned for a term of one month.

(9) The defendant, if dissatisfied with the verdict, may move the Court or Judge in Chambers within three days after the giving of the

verdict for a new trial, and any new trial granted shall be heard and proceeded with in the same manner as the original trial.

(10) The defendant, if convicted or if a new trial is refused him, may within three days after the conviction or after a new trial has been refused enter into a bond with a sufficient surety to be approved by the Registrar in the sum of two hundred and forty dollars before the Registrar for the due prosecution of an appeal by him to the Court of Appeal, and on his entering into the bond the sentence of the Court shall be stayed until the appeal is disposed of, and the defendant shall not be detained in custody, and the Judges of the Court of Appeal may, if in their opinion the evidence did not warrant the finding, or that a new trial, where the same has been applied for, ought to have been granted, reverse the finding and acquit the defendant, or may grant a new trial where the same has been applied for and refused.

When defendant entitled to costs.

5. Whenever the defendant is acquitted he shall be entitled to his costs from the person obtaining the rule of court, and on his being convicted he shall pay costs, and the costs shall be taxed by the Registrar in the usual manner, who on taxing the same shall enter up judgment in his office with the other judgments entered in his office for the amount of the costs, and execution shall be issued thereon by the Registrar in the usual manner.

Judge personally interested shall not sit.

6. Any Judge referred to or affected by the contempt alleged so as to be personally interested in the matter shall not sit on the hearing of the rule nor on the hearing of any appeal allowed under this Act, but such Judge shall notify the Chief Justice who shall appoint some competent person other than the Judge aforesaid to act as Judge on the hearing of the appeal.

Contempt of High Court of Summary Procedure.

7. If any person wilfully insults the judge of the High Court of Summary Procedure during his sitting in Court the Judge of that Court shall order the person to pay a fine of five hundred dollars and in default of payment within fourteen days after the making of the order, may by warrant under his hand commit the person to prison for a term of ~~fourteen days~~

Appeal from order of Magistrate or Coroner.

8. Any person who is ordered by any Magistrate or by any Coroner to pay a fine or be imprisoned for contempt of court may at the time of the order give notice to the committing Magistrate or Coroner of his intention to appeal to the High Court of Summary Procedure and

the giving of the notice shall operate as a stay of the order and such person shall not be detained in custody; and, the committing Magistrate or Coroner shall within six days after the giving of the notice send in to the High Court of Summary Procedure a statement signed by him of the causes of the committal, and, upon the statement being received, the Registrar of the Court shall within two days thereafter issue a summons to be served by a police officer on the appellant, calling on him to appear before the Judge of the High Court of Summary Procedure on a day to be named therein; and the High Court of Summary Procedure shall hear and determine the appeal with all possible despatch, and may from time to time return the proceedings to the committing Magistrate or Coroner for further information, and on the appeal being confirmed the committing Magistrate or Coroner shall proceed to carry out and enforce his order in the same manner as if there had been no appeal against the same.

9. Any person who is ordered by any Judge of the High Court of Summary Procedure in its appellate or original jurisdiction to pay a fine or be imprisoned for contempt of court may at the time of the order give notice to the committing Judge of his intention to appeal to the Court of Appeal and may within two days thereafter enter into a recognizance with a surety in a sum not exceeding ninety-six dollars to prosecute the appeal, and the giving of the notice and entering into the recognizance shall operate as a stay of the order, and on the person entering into the necessary recognizance the Judge of the High Court of Summary Procedure shall within six days thereafter send in to the Registrar a statement of the cause of the committal under the hand of the committing Judge, and upon the statement being received the Registrar shall within two days thereafter issue a summons, free of cost, calling on the appellant to appear before the Court of Appeal on a day to be named therein; and the Court of Appeal shall hear and determine the Appeal and either confirm the order of the the High Court of Summary Procedure imposing the costs of the Court of Appeal on the applicant or vary or quash the order, and the Court of Appeal may from time to time return the proceedings to the committing Judge for further information; and on the appeal being confirmed the committing Judge shall proceed to carry out and enforce his or their order, in the same manner as if there had been no appeal against the same and also enforce payment of the costs of the Court of Appeal in the same manner as the payment of costs of the High Court of Summary Procedure are enforced.

Appeal from order of Judge of the High Court of Summary Procedure.

Reservations of
certain powers to
Court.

10. Nothing hereinbefore contained shall be deemed to interfere with or affect the power now possessed by the Court to punish, by attachment or otherwise, any person who disobeys a process of the Court directed to him, or who disobeys any order or direction of the Court.
