



Contempt of Court Act 1981

1981 CHAPTER 49

Strict liability

1 The strict liability rule

In this Act " the strict liability rule " means the rule of law whereby conduct may be treated as a contempt of court as tending to interfere with the course of justice in particular legal proceedings regardless of intent to do so.

2 Limitation of scope of strict liability

- (1) The strict liability rule applies only in relation to publications, and for this purpose " publication " includes any speech, writing, broadcast or other communication in whatever form, which is addressed to the public at large or any section of the public
- (2) The strict liability rule applies only to a publication which creates a substantial risk that the course of justice in the proceedings in question will be seriously impeded or prejudiced.
- (3) The strict liability rule applies to a publication only if the proceedings in question are active within the meaning of this section at the time of the publication.
- (4) Schedule 1 applies for determining the times at which proceedings are to be treated as active within the meaning of this section.

3 Defence of innocent publication or distribution

- (1) A person is not guilty of contempt of court under the strict liability rule as the publisher of any matter to which that rule applies if at the time of publication (having taken all reasonable care) he does not know and has no reason to suspect that relevant proceedings are active.
- (2) A person is not guilty of contempt of court under the strict liability rule as the distributor of a publication containing any such matter if at the time of distribution (having taken all reasonable care) he does not know that it contains such matter and has no reason to suspect that it is likely to do so.

- (3) The burden of proof of any fact tending to establish a defence afforded by this section to any person lies upon that person.
- (4) Section 11 of the Administration of Justice Act 1960 is repealed.

4 Contemporary reports of proceedings

- (1) Subject to this section a person is not guilty of contempt of court under the strict liability rule in respect of a fair and accurate report of legal proceedings held in public, published contemporaneously and in good faith.
- (2) In any such proceedings the court may, where it appears to be necessary for avoiding a substantial risk of prejudice to the administration of justice in those proceedings, or in any other proceedings pending or imminent, order that the publication of any report of the proceedings, or any part of the proceedings, be postponed for such period as the court thinks necessary for that purpose.
- (3) For the purposes of subsection (1) of this section and of section 3 of the Law of Libel Amendment Act 1888 (privilege) a report of proceedings shall be treated as published contemporaneously—
 - (a) in the case of a report of which publication is postponed pursuant to an order under subsection (2) of this section, if published as soon as practicable after that order expires;
 - (b) in the case of a report of committal proceedings of which publication is permitted by virtue only of subsection (3) of section 8 of the Magistrates' Courts Act 1980, if published as soon as practicable after publication is so permitted.
- (4) Subsection (9) of the said section 8 is repealed.

5 Discussion of public affairs

A publication made as or as part of a discussion in good faith of public affairs or other matters of general public interest is not to be treated as a contempt of court under the strict liability rule if the risk of impediment or prejudice to particular legal proceedings is merely incidental to the discussion.

6 Savings

Nothing in the foregoing provisions of this Act—

- (a) prejudices any defence available at common law to a charge of contempt of court under the strict liability rule;
- (b) implies that any publication is punishable as contempt of court under that rule which would not be so punishable apart from those provisions ;
- (c) restricts liability for contempt of court in respect of conduct intended to impede or prejudice the administration of justice.

7 Consent required for institution of proceedings

Proceedings for a contempt of court under the strict liability rule (other than Scottish proceedings) shall not be instituted except by or with the consent of the Attorney General or on the motion of a court having jurisdiction to deal with it.