
STATUTORY INSTRUMENTS

1980 No. 397

County Courts (Northern Ireland) Order 1980

PART V

SUPPLEMENTAL PROVISIONS RESPECTING JURISDICTION OF COUNTY COURTS

(iii)

PROVISIONS SUPPLEMENTAL TO BOTH CIVIL AND CRIMINAL JURISDICTION

Contempt of Court, etc.

Refusal to appear, be sworn or give evidence

54.—(1) Any person summoned in accordance with county court rules as a witness in a civil action or matter in a county court to whom at the time of the service of the summons there is paid or tendered such sum as may be prescribed in respect of his expenses (including in such cases as may be prescribed compensation for loss of time)—

- (a) who refuses or neglects without sufficient cause to appear or to produce any documents required by the summons to be produced; or
- (b) refuses to be sworn or give evidence;

shall be guilty of a contempt of the court.

(2) Any person present in court who being required to give evidence refuses to be sworn or give evidence shall be guilty of a contempt of the court.

(3) A person guilty of contempt of court under this Article shall, without prejudice to paragraph (4), be liable to the penalties provided by Article 55(2).

(4) The judge imposing a fine for any contempt under this Article may, notwithstanding anything in any statutory provision, order the whole or part of the amount thereof to be applied towards indemnifying the party injured by the refusal or neglect.

(5) Paragraphs (1) to (4) shall apply to a debtor summoned under [^{F1} Article 108 of the Judgments Enforcement (Northern Ireland) Order 1981] in like manner as they apply to a person summoned as a witness.

(6) Paragraphs (1) to (3) shall, in like manner as they apply to a person summoned as a witness in a civil action, apply to a person summoned in accordance with county court rules as a witness in proceedings in the county court consequent on an appeal to it under [^{F2} Article 140, 141 or 142 of the Magistrates' Courts (Northern Ireland) Order 1981] and where a person is so summoned in such proceedings by the Crown shall apply with the omission in paragraph (1) of the words from “to whom” to “of time”.

(7) Subject to the foregoing provisions of this Article, a county court shall in relation to witnesses in any proceedings before it have the like powers as are exercisable by the High Court in any proceedings before that court.

Changes to legislation: County Courts (Northern Ireland) Order 1980, Cross Heading: Contempt of Court, etc. is up to date with all changes known to be in force on or before 28 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

F1 [1981 NI 6](#)
F2 [1981 NI 26](#)

Contempt of court

55.—(1) If any person—

- (a) wilfully insults or acts contumaciously towards the judge of a county court, or a circuit registrar, or any witness, or any officer of the court during his sitting or attendance in court, or in going to or returning from the court; or
- (b) wilfully interrupts the proceedings of a county court or otherwise misbehaves in court;

he shall be guilty of a contempt of the court.

(2) Where by virtue of any provision of this Order a person is guilty of contempt of court, any officer of the court or constable, with or without the assistance of any other person, may by order of the judge take the offender into custody and detain him until the rising of the court, and the judge may, if he thinks fit, impose on the offender a fine^[F3] not exceeding^[F4] £2,500] in respect of every offence, and in addition or alternatively may by warrant under his hand commit the offender to prison for^[F3] a specified period] not exceeding one month.

(3) Any act which under paragraph (1) is a contempt of court shall be a contempt of court if committed during the hearing of or in relation to any proceedings heard or to be heard by a judge in chambers or a circuit registrar or by an officer (whether under county court rules or by direction of the judge) and, subject to county court rules, that paragraph shall have effect accordingly.

(4) Without prejudice to the powers conferred on county courts by ^[F5] Article 107 of the Judgments Enforcement (Northern Ireland) Order 1981] or any other statutory provision, a county court shall have the like powers and authorities as the High Court with respect to the enforcement of any decree which, if it were made in any proceedings in the High Court, could be enforced in that court by committal.

F3 [1981 c. 49](#)
F4 [1994 NI 15](#)
F5 [1981 NI 6](#)

Modifications etc. (not altering text)

C1 [Art. 55](#) applied (1.4.2016) by [Public Services Ombudsman Act \(NorthernIreland\) 2016 \(c. 4\)](#), [ss. 53\(5\)](#), [64](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- [Instrument am \(prosp\) by S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)