
STATUTORY RULES OF NORTHERN IRELAND

1981 No. 225

County Court Rules (Northern Ireland) 1981

ORDER 57

Penal and disciplinary provisions

Proceedings on complaint of a contempt of court

1.—(1) Where it is alleged that any person has—

- (a) wilfully insulted or acted contumaciously towards the judge, or any witness, or any officer of the court during his sitting or attendance in court or in chambers or at any hearing before an officer of the court, or in going to or returning from the court or chambers or a hearing before an officer of the court;
- (b) wilfully interrupted the proceedings of a county court or otherwise misbehaved in court or in chambers or at a hearing before an officer of the court; or
- (c) been duly summoned and has refused or neglected without sufficient cause to appear or to produce any documents or has refused to be sworn or to give evidence;

and the alleged offender has not been taken into custody and brought before the judge or dealt with summarily by the judge, the circuit registrar, chief clerk or other officer of the Northern Ireland Court Service acting as clerk of the court—

- (i) shall issue a summons in Form 264 which shall be served by a process server on the alleged offender personally at least two days before the return day appointed in such summons; or
- (ii) if the judge so directs, shall forthwith issue a warrant in Form 265 addressed to a superintendent of the Royal Ulster Constabulary for the apprehension and bringing before the court of the alleged offender.

(2) The fee payable to a process server in respect of the service of a summons under paragraph (1) shall be payable by the chief clerk and chargeable as part of his office expenses.

(3) Where a person has been found to have committed any offence mentioned in paragraph (1), an order in Form 266 may be made against him.

(4) After imposing a fine on or committing to prison any person for an offence mentioned in paragraph (1), the judge may direct the chief clerk to give notice to such person that if he has any cause to show why an order should not have been made against him, he may show cause in person or by affidavit or otherwise on a day to be named in the notice, and the judge after considering the cause may make such order as he thinks fit.

Proceedings consequent on order under Rule 1

2. A warrant for committal to prison under an order made under Rule 1 shall be in Form 267 and all other warrants shall be in the forms specified in the Fines Act (Ireland) 1851(1).

Revocation of order of committal

3. An order revoking an order under Rule 1 committing a person to prison and, if he is already in custody, ordering his discharge, shall be in Form 268 with such modifications as may be necessary, and the chief clerk shall deliver a sealed copy of the order by post or otherwise to the governor of the prison in which the person is held in custody.

Repayment of fine

4. If, in any case, after a fine has been paid, the person on whom it was imposed shows cause which satisfies the judge that, if that cause had been shown at an earlier date, he would not have imposed a fine, or would have imposed a smaller fine, or would not have ordered payment or full payment to be enforced, the judge may order the fine or any part thereof to be repaid.

Decrees enforceable by committal

5.—(1) Decrees in the nature of an injunction and all decrees within the competence of the court which, if they were made in an action or matter in the High Court could in that court be enforced by committal may in accordance with this Order be enforced, by order of the judge, by committal.

(2) Any such decree which requires any person to do an act thereby ordered shall state the time, or the time after service of the decree, within which the act is to be done.

Notice of motion for decree enforceable by committal

6. A notice of motion for a decree which may be enforced by committal may be in Form 269 and shall, except where the judge otherwise determines, be supported by affidavit of the party making the application.

Procedure for enforcement

7.—(1) When a decree enforceable by committal has been made for the benefit of one party (in this Rule called “the applicant”) against another party (in this Rule called “the respondent”) the chief clerk shall, on the application of the applicant, endorse on a certified copy of the decree a notice in Form 270 and the copy so endorsed shall be served on the respondent personally.

(2) If the respondent fails to obey the decree, the applicant shall at least two days before the hearing serve on the respondent personally a notice in Form 271 and shall send to the chief clerk a notice in Form 272.

(3) The judge may hear such application at any time and place he considers suitable.

(4) On the day named in the notice, the judge, on being satisfied that the respondent has failed to obey the decree and, if the respondent does not appear, that the endorsed copy of the decree and the notice have been served on him, may order a warrant of committal to issue; but the judge may, if he considers it necessary, hear the application *ex parte* and make such order thereon as he thinks fit.

(5) The order for the issue of a warrant shall be in Form 273 and the warrant shall be in Form 274.

Application as to discharge from custody

8.—(1) The judge may, at any time and at any place, hear any application as to the discharge of any person in custody committed for contempt of court and may make such order regarding that person as he might make if sitting in open court.

(2) Notice of an application for discharge from custody of a person committed for contempt of court shall be in Form 275 and shall be served on the opposite party (if any) at least two days before the day on which the application is intended to be heard, and an order for the discharge from custody

of a person so committed shall be in Form 276; but the judge may, if he considers it necessary, hear the application *ex parte* and make such order thereon as he thinks fit.

Procedure for grant of sequestration order

9.—(1) Rule 6 and paragraphs (1) to (4) of Rule 7 shall apply to motions for the grant of an order for sequestration against an individual under Article 111 of the Judgments Enforcement (Northern Ireland) Order 1981 or against a company under Article 113 of that Order with the modification that in the said Rules and in Forms 269, 270, 271 and 272 for a reference to committal or to an order of committal there shall be substituted a reference to sequestration or to an order for sequestration as the case may be.

(2) A sequestration order granted against an individual shall be in Form 277 and that against a company shall be in Form 278.