



# 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, [<sup>F1</sup>programme included in a cable programme service] 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.

[<sup>F2</sup>(5) In this section “programme service” has the same meaning as in the Broadcasting Act 1990.]

#### **Textual Amendments**

- F1** Words substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(1), [Sch. 20 para. 31\(1\)\(a\)](#): words were previously added by [Broadcasting Act 1984 \(c. 46 SIF 96\)](#), s. 57(1), Sch. 5 para. 39(1)
- F2** [S. 2\(5\)](#) inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(1), [Sch. 20](#), para. 31(1)(b)

*Changes to legislation: There are currently no known outstanding effects for the Contempt of Court Act 1981, Cross Heading: Strict liability. (See end of Document for details)*

**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) <sup>F3</sup> .....

**Textual Amendments**  
**F3** S. 3(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 1 Group 4

**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.
- [<sup>F4</sup>(2A) Where in proceedings for any offence which is an administration of justice offence for the purposes of section 54 of the <sup>M1</sup> Criminal Procedure and Investigations Act 1996 (acquittal tainted by an administration of justice offence) it appears to the court that there is a possibility that (by virtue of that section) proceedings may be taken against a person for an offence of which he has been acquitted, subsection (2) of this section shall apply as if those proceedings were pending or imminent. ]
- (3) For the purposes of subsection (1) of this section <sup>F5</sup>. . . 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;
  - [<sup>F6</sup>(b) in the case of a report of allocation or sending proceedings of which publication is permitted by virtue only of subsection (6) of section 52A of the Crime and Disorder Act 1998 (“ the 1998 Act ”), if published as soon as practicable after publication is so permitted;
  - (c) in the case of a report of an application of which publication is permitted by virtue only of sub-paragraph (5) or (7) of paragraph 3 of Schedule 3 to the 1998 Act, if published as soon as practicable after publication is so permitted.]
- (4) <sup>F7</sup> .....

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**Changes to legislation:** There are currently no known outstanding effects for the Contempt of Court Act 1981, Cross Heading: Strict liability. (See end of Document for details)

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#### Textual Amendments

- F4** S. 4(2A) inserted (E.W.,N.I.) (4.7.1996 with effect as mentioned in s. 54(4)(7)(8) of the amending Act) by 1996 c. 25, **ss. 54(4)(7)(8), 57(3)** (with s. 78(1)); S.I. 1997/1504
- F5** Words in s. 4(3) repealed (4.9.1996 so far as consequential on ss. 1, 5, 6, 12, 13, 16 of the repealing Act and 1.4.1999 so far as consequential on ss. 14, 15, 17, Sch. 1 of the repealing Act and 28.2.2000 (E.W.) so far as not already in force and 31.3.2001 (S.) so far as not already in force and 6.1.2010 (N.I.) so far as not already in force) by 1996 c. 31, s. 16 {Sch. 2} (with s. 20(2)); S.I. 1999/817, **art. 2(b)**; S.I. 2000/222, **art. 3(b)**; S.S.I. 2001/98, **art. 3(a)(b)(i)**; S.I. 2009/2858, **art. 3(d)**
- F6** S. 4(3)(b)(c) substituted for s. 4(3)(b) (18.6.2012) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 53**; S.I. 2012/1320, **art. 3(d)(iv)** (with **art. 6(2)**)
- F7** S. 4(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 1** Group 4

#### Marginal Citations

- M1** 1996 c. 00.

## 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.

**Changes to legislation:**

There are currently no known outstanding effects for the Contempt of Court Act 1981, Cross  
Heading: Strict liability.