

Changes to legislation: There are currently no known outstanding effects for the Contempt of Court Act 1981, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 18.

SECTIONS 12, 13, 14 AND 16 AS APPLIED TO NORTHERN IRELAND

Offences of contempt of magistrates' courts.

12 (1) ^{F1}

(2) Paragraph 26 of Schedule 1 to the Criminal Justice (Northern Ireland) ^{M1}Order 1980 is repealed.

Textual Amendments

F1 Sch. 4 s. 12(1) repealed by S.I. 1981/1675, (N.I. 26), Sch. 7

Marginal Citations

M1 S.I. 1980/704 (N.I. 6).

Legal aid.

^{F2} 13 (1) In any case where—

(a) a person is liable to be committed or fined—

(i) by a magistrates' court under [^{F3}Article 160 of the Magistrates' Courts (Northern Ireland) Order 1981];

(ii) by a county court under Article 55 of the ^{M2}County Courts (Northern Ireland) Order 1980; or

[by a magistrates' court or the Crown Court under section 18 of the ^{F4}(ⁱⁱa) Criminal Procedure and Investigations Act 1996; or.]

(iii) by any superior court for contempt in the face of that or any other court; and

(b) it appears to the court that it is desirable in the interests of justice that he should have legal aid and that he has not sufficient means to enable him to obtain that aid;

the court may order that he shall be given legal aid for the purposes of the proceedings.

(2) Unless the court orders that the legal aid to be given under this section shall consist of representation by counsel only or, in any court where solicitors have a right of audience, by a solicitor only, legal aid under this section shall consist of representation by a solicitor and counsel assigned by the court; and the court may assign for the purpose any counsel or solicitor who is within the precincts of the court at the time when the order is made.

(3) If on a question of granting a person legal aid under this section there is a doubt whether his means are sufficient to enable him to obtain legal aid or whether it is

*Changes to legislation: There are currently no known outstanding effects for the
 Contempt of Court Act 1981, SCHEDULE 4. (See end of Document for details)*

desirable in the interests of justice that he should have legal aid, the doubt shall be resolved in favour of granting him legal aid.

- (4) Articles 32, 33, 36 and 40 of the ^{M3} Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 shall apply in relation to legal aid under this section as they apply in relation to legal aid under Part III of that Order as if any legal aid under this section were given in pursuance of a certificate under Article 29 of that Order.
- (5) This section is without prejudice to any other enactment by virtue of which legal aid may be granted in or for purposes of civil or criminal proceedings.]

Textual Amendments

- F2** S. 13 as it applies to N.I. repealed (prosp.) by Access to [Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435\)](#), arts. 1(2), 49, [Sch. 5](#) (with art. 45)
- F3** Words substituted by [S.I. 1981/1675](#), (N.I. 26), Sch. 6 para. 61
- F4** Sch. 4: s. 13(1)(a)(ii) inserted (N.I.) (4.7.1996 with application in relation to alleged offences into which no criminal investigation has begun before 1.4.1997) by [1996 c. 25](#), ss. 1(3), 18(11), 79(4), [Sch. 4 para. 11](#) (with s. 78(1)); [S.I. 1997/682](#), [art. 2\(1\)\(a\)](#)

Marginal Citations

- M2** [S.I. 1980/397 \(N.I. 3\)](#).
- M3** [S.I. 1981/228 \(N.I. 8\)](#).

Proceedings in Northern Ireland.

- 14 (1) In any case where a court has power to commit a person to prison for contempt of court and (apart from this provision) no limitation applies to the period of committal, the committal shall (without prejudice to the power of the court to order his earlier discharge) be for a fixed term, and that term shall not on any occasion exceed two years in the case of committal by a superior court, or one month in the case of committal by an inferior court.
- (2) In any case where an inferior court has power to fine a person for contempt of court and (apart from this provision) no limit applies to the amount of the fine, the fine shall not on any occasion exceed [^{F5}£2500].
- [^{F6}(2A) A fine imposed under subsection (2) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.]
- [^{F7}(3) . . . ^{F8}]
- (4) Each of the superior courts shall have the like power to make a hospital order or guardianship order under [^{F9}Article 44 of the Mental Health (Northern Ireland) Order 1986 or an interim hospital order under article 45 of that order,] in the case of a person suffering from mental disorder who could otherwise be committed to prison for contempt of court as the Crown Court has under [^{F9}that Article] in the case of a person convicted of an offence.
- [^{F10}(4A) Each of the superior courts shall have the like power to make an order under Article 42 of the said Order of 1986 where there is reason to suspect that a person who could be committed to prison for contempt of court is suffering from mental illness or severe mental impairment as the Crown Court has under that Article in the case of an accused person within the meaning of that Article.]

Changes to legislation: There are currently no known outstanding effects for the Contempt of Court Act 1981, SCHEDULE 4. (See end of Document for details)

[^{F11}(4A) For the purposes of the preceding provisions of this section a county court shall be treated as a superior court and not as an inferior court.]

(5) In subsections (1) and (2) of section 20 of the ^{M4}Coroners Act (Northern Ireland) 1959, for the words “ten pounds” there shall be substituted “£200” and in section 34 of that Act for the words “twenty-five pounds” there shall be substituted “£500”.

(6) ^{F12}

(7) In Article 55 of the County Courts (Northern Ireland) ^{M5}Order 1980, in paragraph (2), for the words “not exceeding £50” there shall be substituted “not exceeding £500” and for the words “any period” there shall be substituted “a specified period”.

Textual Amendments

- F5** Sch. 4: amount in s. 14(2) substituted (9.1.1995) by S.I. 1994/2795 (N.I. 15), art. 3(5), **Sch. 1**; S.R. 1994/446, **art. 2**
- F6** Sch. 4: s. 14(2A) inserted (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 29(6), **Sch. 3 para. 4**; S.R. 1997/523, **art. 2(K)**
- F7** Sch. 4: para. 14(3) repealed (31.1.1999) by S.I. 1998/1504 (N.I. 9), art. 65(2), **Sch. 6**; S.R. 1999/25, **art. 2**
- F8** Sch. 4: words in s. 14(3) repealed (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(3), **Sch. 7**; S.R. 1997/523, **art. 2(h)**
- F9** Words substituted by S.I. 1986/595 (N.I. 4), art. 136(1), **Sch. 5 Pt. II**
- F10** Sch. 4: first s. 14(4A) inserted by S.I. 1986/595 (N.I. 4), art. 136(1), **Sch. 5 Pt. II**
- F11** Sch. 4: second s. 14(4A) inserted by County Courts (Penalties for Contempt) Act 1983 (c. 45, SIF 39:3), **s. 1**
- F12** Sch. 4 s. 14(6) repealed by S.I. 1981/1675 (N.I. 26), **Sch. 7**

Modifications etc. (not altering text)

- C1** Power to amend conferred by S.I. 1984/703 (N.I. 3), art. 17(2)(c), **Sch. 5**

Marginal Citations

- M4** 1959 c. 15 (N.I.)
- M5** S.I. 1980/397 (N.I. 3).

Enforcement of fines imposed by superior courts.

- 16 Section 35 of the ^{M6}Criminal Justice Act (Northern Ireland) 1945 shall apply to fines imposed for contempt of court by any superior court other than the Crown Court as it applies to fines imposed by the Crown Court.

Marginal Citations

- M6** 1945 c. 15 (N.I.)

Changes to legislation:

There are currently no known outstanding effects for the Contempt of Court Act 1981, SCHEDULE 4.