



# Contempt of Court Act 1981

## 1981 CHAPTER 49

### *Penalties for contempt and kindred offences*

#### **15 Penalties for contempt of court in Scottish proceedings.**

- (1) In Scottish proceedings, when a person is committed to prison for contempt of court the committal shall (without prejudice to the power of the court to order his earlier discharge) be for a fixed term.
- (2) The maximum penalty which may be imposed by way of imprisonment or fine for contempt of court in Scottish proceedings shall be two years' imprisonment or a fine or both, except that—
  - (a) where the contempt is dealt with by the sheriff in the course of or in connection with proceedings other than criminal proceedings on indictment, such penalty shall not exceed three months' imprisonment or a fine of [<sup>F1</sup>level 4 on the standard scale] or both; and
  - (b) where the contempt is dealt with by the district court, such penalty shall not exceed sixty days' imprisonment or a fine of [<sup>F1</sup>level 4 on the standard scale] or both.
- [<sup>F2</sup>(3) The following provisions of the Criminal Procedure (Scotland) Act 1995 shall apply in relation to persons found guilty of contempt of court in Scottish proceedings as they apply in relation to persons convicted of offences—
  - (a) in every case, section 207 (restrictions on detention of young offenders);
  - (b) in any case to which paragraph (b) of subsection (2) above does not apply, sections 58, 59 and 61 (persons suffering from mental disorder);and in any case to which the said paragraph (b) does apply, subsection (5) below shall have effect.]
- (5) Where a person is found guilty by a district court of contempt of court and it appears to the court that he may be suffering from mental disorder, it shall remit him to the sheriff in the manner provided by [<sup>F3</sup>section 7(9) and (10) of the Criminal Procedure (Scotland) Act 1995] and the sheriff shall, on such remit being made, have the like power to make an order under [<sup>F3</sup>section 58(1)] of the said Act in respect of him as if

---

*Changes to legislation: There are currently no known outstanding effects for the Contempt of Court Act 1981, Section 15. (See end of Document for details)*

---

he had been convicted by the sheriff of an offence, or in dealing with him may exercise the like powers as the court making the remit.

[<sup>F4</sup>(6) For the purposes of section [<sup>F5</sup>22 of the Prisons (Scotland) Act 1989] (release on licence of prisoners serving determinate sentences) a penalty of a period of imprisonment imposed for contempt of court shall be treated as a sentence of imprisonment with the meaning of that Act.]

#### Textual Amendments

- F1** Words in s. 15(2) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), Sch. 4 paras. 36(2), **99**
- F2** s. 15(3) substituted (1.4.1996) for s. 15(3)(4) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 36(3)**
- F3** Words in s. 15(5) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 36(4)**
- F4** S. 15(6) inserted by Criminal Justice (Scotland) Act 1987 (c. 41, SIF 39:1), ss. 47(4)(a), 70(1), **Sch. 1 para. 19(1)(2)** and repealed (S.) (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt. I** (with Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.
- F5** Words substituted by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(1), **Sch. 2 para. 18**

#### Modifications etc. (not altering text)

- C1** S. 15 excluded (25.4.2000) by 1999 c. 17 ss. 3(5), 4(6), 5(12), Sch. 3 Pt. IV para. 23(3) (with s. 15); S.I. 2000/880, **art. 2, Sch. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Contempt of Court Act 1981, Section 15.