



CHAPTER 2.19

CONTEMPT OF COURT ACT

Revised Edition
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

CONTEMPT OF COURT ACT

Act 15 of 1897 .. in force 23 June 1898

Amended by S.R.O.: 15/1956

Amended by Acts: 5 of 1984 .. in force 1 June 1990 (S.R.O. 3/1990)

10 of 1984 .. in force 1 June 1984

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MONTSERRAT

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CONTEMPT OF COURT

ARRANGEMENT OF SECTIONS

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CHAPTER 2.19

CONTEMPT OF COURT ACT

(Acts 15 of 1897, 5 of 1984, 10 of 1984 and S.R.O. 15/1956)

Commencement

[23 June 1898]

Short title

1. This Act may be cited as the Contempt of Court Act.

Interpretation

2. In this Act—

“Court” means the High Court.

Contempt in the presence or hearing of the Court

3. (1) The Court shall have power to punish summarily with fine or imprisonment any person who commits a contempt in the presence or hearing of the Court, when sitting.

(2) Such punishment shall in no case exceed a fine of \$1,000 or one month's imprisonment. *(Amended by Act 10 of 1984)*

(3) The Court shall in punishing by fine order that the fine shall be paid within a definite time, not less than 14 days and that in default of payment the offender shall be imprisoned for any term not exceeding one month; provided that in the case of a contempt committed in the face of the Court other than the Court of Appeal there shall be an appeal to the Court of Appeal in the manner and on the conditions prescribed by and subject to the provisions of the Acts relating to such Appeals.

Contempts other than those committed in presence and hearing of the Court

4. (1) All contempts of Court other than those committed in the presence and hearing of the Court when sitting shall be dealt with and determined only by means of a rule of the Court which may be applied for by any person whomsoever calling upon the defendant to show cause why he should not be attached for contempt of Court.

(2) Such rule of Court shall contain with certainty the words or acts alleged to constitute the contempt of Court, and shall be served at least 7 clear days before the return day thereof, except in the case of a contempt of Court by spoken or written comment on legal proceedings then pending, in which case the rule of Court shall be made returnable without delay.

(3) Such rule of Court shall be directed to the Provost Marshal, and shall be served on the defendant personally, or, if he cannot be found, then a copy of the same shall be left with some responsible person at the last known place of residence or business of the defendant.

(4) Such rule of Court shall be heard and determined on the return day thereof by the Judge of the said Court, or the person for the time being acting as such, and by a jury to be summoned and empanelled in the same manner as a jury to try issues in the said Court is summoned and empanelled.

(5) On the hearing of such rule of Court the defendant shall plead, and thereupon evidence shall be taken on both sides orally and the defendant shall be a competent witness in his own behalf, and the same rules as to summoning and compensation of witnesses, their examination, cross-examination and re-examination, the admissibility or otherwise of evidence, the addresses of counsel, and the Judge's charge to the jury, observed in the High Court on the hearing of actions, shall apply to, and be observed on, the hearing of such rule of Court.

(6) The jury sworn to try the issues, both of law and fact, of such rule shall give a general verdict of guilty or not guilty upon the whole matter, both of law and fact, put in issue upon such rule and shall not be required or directed by the Court or Judge before whom such rule shall be tried to return any other verdict or finding whatsoever.

(7) On a verdict of guilty being returned by the jury, the Court shall, in the case of a contempt of Court by spoken or written comment on legal proceedings then pending, order the defendant to pay a fine not exceeding \$480 or to be imprisoned for any term not exceeding 6 months, and in all other cases the Court shall order the defendant to pay a fine not exceeding \$240 and in default of payment within a definite time, not less than 14 days, to be imprisoned for any term not exceeding one month.

(8) The defendant, if dissatisfied with the verdict, may move the Court or Judge in Chambers within three days after the giving of such verdict for a new trial, and any new trial granted shall be heard and proceeded with in the same manner as the original trial.

(9) The defendant, if convicted, or if a new trial shall be refused him, may within 3 days after such conviction, or after a new trial shall have been refused, enter into a bond with a sufficient surety to be approved by the Registrar in the sum of \$240 before the Registrar of the Court for the due prosecution of an appeal by him to the Court of Appeal, and on his entering into such bond the sentence of the Court shall be stayed, until such appeal is disposed of, and such person shall not be detained in custody, and the Judges of the Court of Appeal may, if in their opinion the evidence did not warrant the finding, or that a new trial, where the same has been applied for, ought to have been granted, reverse such finding and acquit the defendant, or may grant a new trial, where the same has been applied for and refused.

When defendant entitled to costs

5. Whenever the defendant shall be acquitted he shall be entitled to his costs from the person obtaining the rule of Court, and on his being convicted he shall pay costs, and such costs shall be taxed by the Registrar in the usual manner, who on taxing the same shall enter up judgment in his office with the other judgments entered in his office for the amount of such costs, and execution shall be issued thereon by the Registrar in the usual manner.

Judge personally interested shall not sit

6. Any Judge referred to or affected by the contempt alleged so as to be personally interested in the matter shall not sit on the hearing of the said rule nor on the hearing of any appeal allowed under this Act, but such Judge shall notify the Governor who shall appoint some competent person other than the Judge aforesaid to act as Judge on the hearing of such appeal.

Reservation of certain powers to High Court

7. Nothing hereinbefore contained shall be deemed to interfere with or affect the power now possessed by the Court to punish, by attachment or otherwise any person who shall disobey a process of such Court directed to him, or who shall disobey any order or direction of such Court.

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