ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER C95

CONTEMPT OF COURT ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates Act 7/2010, in force 1 November 2010

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER C95

CONTEMPT OF COURT ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates Act 7/2010, in force 1 November 2010

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

© Government of Anguilla

All rights reserved. No part of this publication may be reproduced in any form or by any means (including photocopying) without the written permission of the Government of Anguilla except as permitted by the Copyright Act or under the terms of a licence from the Government of Anguilla.

CONTEMPT OF COURT ACT

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Contempt in the presence or hearing of the Court
3. Contempts other than those committed in presence and hearing of the Court
4. When defendant entitled to costs
5. Judge personally interested shall not sit
6. Appeal from order of Magistrate or coroner
7. Appeal from order of Judge of High Court
8. Reservation of certain powers to High Court
9. Allocation of fines
10. Citation

_____

CONTEMPT OF COURT ACT

Interpretation

1. In this Act, "Court" means the High Court.

Contempt in the presence or hearing of the Court

2. (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 $4,800 or 1 month's imprisonment.

(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 1 month, but 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

3. (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 that 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 Bailiff and shall be served on the defendant personally or, if he cannot be found, then a copy of the rule 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 Court, or the person for the time being acting as such, and by a jury to be summoned and impanelled in the same manner as a jury to try issues in the Court is summoned and impanelled.

(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 Court on the hearing of actions, shall apply to, and be observed on, the hearing of such rule of Court.

(6) The defendant to such rule of Court may apply for and obtain a special jury in the usual manner, and the costs thereon shall be costs in the cause.

(7) 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.

(8) 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 $19,200 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 $9,600 and in default of payment within a definite time, not less than 14 days, to be imprisoned for any term not exceeding 1 month.

(9) The defendant, if dissatisfied with the verdict, may move the Court or Judge in Chambers within 3 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.

(10) 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 trial has been applied for, ought to have been granted, reverse such finding and acquit the defendant, or may grant a new trial, where the new trial has been applied for and refused.

When defendant entitled to costs

4. 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 them 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

5. 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 rule nor on the hearing of any appeal allowed under this

Act, but the Judge shall notify the Governor who shall appoint some competent person other than the Judge to act as Judge on the hearing of such appeal.

Appeal from order of Magistrate or coroner

6. Any person who shall be ordered by the Magistrate or by any coroner to pay a fine or be imprisoned for contempt of Court may at the time of such order give notice to the committing Magistrate, or coroner, of his intention to appeal to the High Court, and the giving of such notice shall operate as a stay of such order, and such person shall not be detained in custody, and the committing Magistrate or coroner shall within 6 days after the giving of such notice send in to the High Court a statement signed by him of the causes of such committal, and, upon such statement being received, the Registrar of the High Court shall within 2 days thereafter issue a summons to be served by a police officer on the appellant, calling on him to appear before the Judge of the High Court on a day to be named therein, and the High Court shall hear and determine such appeal with all possible despatch, and may from time to time return the proceedings to the committing Magistrate or coroner for further information, and on the appeal being confirmed the committing Magistrate or coroner shall proceed to carry out and enforce his order, in the same manner as if there had been no appeal against the same.

Appeal from order of Judge of High Court

7. Any person who shall be ordered by any Judge of the High Court to pay a fine or be imprisoned for contempt of Court may at the time of such order give notice to the committing Judge of his intention to appeal to the Court of Appeal and may within 2 days thereafter enter into a recognizance with a surety to the satisfaction of the Registrar in a sum not exceeding $96 to prosecute such appeal, and the giving of such notice and entering into such recognizance shall operate as a stay of such order, and on such person entering into the necessary recognizance, the Judge of the High Court shall within 6 days thereafter send in to the Deputy Registrar of the Court of Appeal a statement of the cause of such committal under the hand of the committing Judge, and upon such statement being received, the Deputy Registrar of the Court of Appeal shall within 2 days thereafter issue a summons, free of cost, calling on the appellant to appear before the Court of Appeal on a day to be named therein, and the Court of Appeal shall hear and determine such appeal and either confirm the order of the High Court, imposing the costs of the Court of Appeal on the applicant, or vary or quash such order, and the Court of Appeal may from time to time return the proceedings to the committing Judge for further information, and on the appeal being confirmed the committing Judge shall proceed to carry out and enforce his or their order in the same manner as if there had been no appeal against it and also enforce payment of the costs of the Court of Appeal in the same manner as the payment of costs of the High Court are enforced.

Reservation of certain powers to High Court

8. Nothing hereinbefore contained shall be deemed to interfere with or affect the power now possessed by the High 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.

Allocation of fines

9. All fines and penalties to be paid under this Act shall be paid into the Consolidated Fund.

(Act 7/2010, s. 26)

Citation

10. This Act may be cited as the Contempt of Court Act, Revised Statutes of Anguilla, Chapter C95.