

CHAPTER 99

THE CONTEMPT OF COURT ACT

Arrangement of Sections

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CONTEMPT OF COURT

(23rd June, 1898.)

15/1897.
S.R.O. 22/1956.
13/1991.

- 1.** This Act may be cited as the Contempt of Court Act. **Short title.**
- 2.** In this Act—
"Court" means the Supreme Court. **Interpretation.**
- 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. **Contempt in the presence or hearing of the Court.**
- (2) Such punishment shall in no case exceed a fine of five thousand dollars or six months' imprisonment without hard labour.
- (3) The Court shall in punishing by fine order that the fine shall be paid within a definite time, not less than fourteen days and that in default of payment the offender shall be imprisoned without hard labour for three months:
- 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.
- 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. **Contempts other than those committed in presence and hearing of the 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 seven 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 Supreme 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 ten thousand dollars or to be imprisoned without hard labour for any term not

exceeding nine months, and in all other cases the Court shall order the defendant to pay a fine not exceeding five thousand dollars and in default of payment within a definite time, not less than fourteen days, to be imprisoned without hard labour for any term not exceeding three months.

(9) 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.

(10) The defendant, if convicted, or if a new trial shall be refused him, may within three 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 five thousand dollars 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.

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.

*When defendant
entitled to costs.*

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-General who shall appoint some competent person other than the Judge aforesaid to act as Judge on the hearing of such appeal.

*Judge personally
interested shall
not sit.*

Contempt of
Summary Court.

7. If any person shall wilfully insult a Judge of the Court of Summary Jurisdiction during his sitting in Court the Judge of such Court shall order such person to pay a fine not exceeding one thousand dollars and in default of payment within fourteen days after the making of such order, may by warrant under his hand commit the person to prison for one month without hard labour.

Appeal from
order of
magistrate or
coroner.

8. Any person who shall be ordered by any 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 Court of Summary Jurisdiction of Antigua and Barbuda, 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 six days after the giving of such notice send in to the Court of Summary Jurisdiction a statement signed by him of the causes of such committal, and, upon such statement being received, the clerk of the Court shall within two 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 Court of Summary Jurisdiction on a day to be named therein: and the Court of Summary Jurisdiction 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
Summary Court.

9. Any person who shall be ordered by any Judge of the Court of Summary Jurisdiction, in its appellate or original jurisdiction 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 two days thereafter enter into a recognizance with a surety to the satisfaction of the Registrar in a sum not exceeding fifteen hundred dollars 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 Court of Summary Jurisdiction shall within six days thereafter send in to the Registrar of the Supreme Court a statement of the cause of such committal under the hand of the committing Judge, and upon such statement being received the Registrar of the Supreme Court shall within two 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 Court of Summary Jurisdiction, 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 the same and also enforce payment of the costs of the Court of Appeal in the same manner as the payment of costs of the Court of Summary Jurisdiction are enforced.

10. 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.

Reservation of certain powers to supreme Court.

11. All fines and penalties to be paid under this Act shall be paid into the public Treasury.

Allocation of fines.
