

SCHEDULES

SCHEDULE 4

Section 18.

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

- 12 (1) In the Magistrates' Courts Act (Northern Ireland) 1964 the following shall be substituted for section 161: —

“161 Misbehaviour in court.

- (1) A magistrates' court has jurisdiction under this section to deal with any person who—
- (a) wilfully insults a resident magistrate or justice of the peace, any witness before or officer of the court or any solicitor or counsel having business in the court, during his sitting or attendance in court or in going to or returning from the court; or
 - (b) wilfully interrupts the proceedings of the court or otherwise misbehaves in court.
- (2) In any such case the court may order any officer of the court, or any constable, to take the offender into custody and detain him until the rising of the court; and the court may, if it thinks fit, commit the offender to prison for a specified period not exceeding one month or impose on him a fine not exceeding £500 or both.
- (3) A magistrates' court may at any time revoke an order of committal made under subsection (2) and, if the offender is in prison, order his discharge.
- (4) An order under subsection (2) for the payment of a fine may be enforced as though the fine were a sum adjudged to be paid by a conviction.”.

- (2) Paragraph 26 of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1980 is repealed.

- 13 (1) In any case where—
- (a) a person is liable to be committed or fined—
 - (i) by a magistrates' court under section 161 of the Magistrates' Courts Act (Northern Ireland) 1964 ;
 - (ii) by a county court under Article 55 of the County Courts (Northern Ireland) Order 1980 ; 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.

Status: This is the original version (as it was originally enacted).

- (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 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 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.
- 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 £500.
- (3) Section 72 of the Children and Young Persons Act (Northern Ireland) 1968 shall be amended by inserting the words " for contempt of court or " after " prison " in subsection (2), and after " such a centre " in subsection (3).
- (4) Each of the superior courts shall have the like power to make a hospital order or guardianship order under section 48 of the Mental Health Act (Northern Ireland) 1961 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 that section in the case of a person convicted of an offence.
- (5) In subsections (1) and (2) of section 20 of the 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) In section 122 of the Magistrates' Courts Act (Northern Ireland) 1964, in subsection (1), for the words " eight days " there shall be substituted " one month ", and at the end of the subsection there shall be added the words " or impose on him a fine not exceeding £500, or both " ; and subsection (3) is repealed.
- (7) In Article 55 of the County Courts (Northern Ireland) 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 ".

Status: This is the original version (as it was originally enacted).

- 16 Section 35 of the 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.