



# Judicature (Northern Ireland) Act 1978

## 1978 CHAPTER 23

### PART III

#### THE COURT OF APPEAL AND THE HOUSE OF LORDS

#### **44 Appeal in cases of contempt of court**

- (1) Subject to the provisions of this section, an appeal shall lie under this section from any order or decision of a court in Northern Ireland in the exercise of jurisdiction to punish for contempt of court (including criminal contempt); and in relation to any such order or decision the provisions of this section shall have effect in substitution for any other statutory provision relating to appeals in civil or criminal proceedings.
- (2) An appeal under this section shall lie in any case at the instance of the defendant and, in the case of an application for committal or attachment, at the instance of the applicant; and the appeal shall lie—
  - (a) from an order or decision of any inferior court (including a county court) or of a single judge of the High Court, or of any court having the powers of the High Court or a judge of that court, to the Court of Appeal;
  - (b) from an order or decision of the Court of Appeal (including an order or a decision of that court on an appeal under this section) and from an order or decision of the High Court, other than an order or decision of a single judge thereof, or of the Courts-Martial Appeal Court, to the House of Lords.
- (3) The court to which an appeal is brought under this section may reverse or vary the order or decision of the court below, and make such other order as may be just; and, without prejudice to the inherent powers of any court referred to in subsection (2), provision may be made by rules of court for authorising the release on bail of an appellant under this section.
- (4) Subsections (2) to (4) of section 41 and paragraph 1 of Schedule 1 shall apply to an appeal to the House of Lords under this section, as they apply to an appeal to that House under the said section 41 except that so much of the said subsection (2) as restricts the grant of leave to appeal shall apply only where the decision of the court below is a decision on appeal to that court under this section.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In this section " court" includes any tribunal or person having power to punish for contempt; and references in this section to an order or decision of a court in the exercise of jurisdiction to punish for contempt include references—
- (a) to an order or decision of the High Court or a county court under any statutory provision enabling that court to deal with an offence as if it were contempt of court;
  - (b) to an order or decision of a county court under section 57 or 141 of the County Courts Act (Northern Ireland) 1959 or under section 70 or 140 of that Act so far as those sections confer jurisdiction in respect of contempt of court;
  - (c) to an order or decision of a magistrates' court under section 114 of the Magistrates' Courts Act (Northern Ireland) 1964;
- but do not include references to orders under any provision of the County Courts Act (Northern Ireland) 1959 or the Magistrates' Courts Act (Northern Ireland) 1964, except those referred to in paragraphs (b) and (c).
- (6) This section does not apply to a conviction or sentence in respect of which an appeal lies under Part II of the Criminal Appeal Act or to a decision of the Court of Appeal under that Part of that Act; and for the purposes of that Act and of this subsection an order for the punishment of any person for contempt of court in proceedings in which he has a right of appeal against his sentence shall be treated as a sentence in those proceedings.