



Administration of Justice Act 1960

1960 CHAPTER 65 8 and 9 Eliz 2

[^{F1} Contempt of court, habeas corpus and certiorari

Textual Amendments

F1 Ss. 1–5 repealed (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#) , [Sch. 6 para. 13](#)

11 ^{F2}

Textual Amendments

F2 S. 11 repealed by [Contempt of Court Act 1981 \(c. 49, SIF 39:3\)](#) , [s. 3\(4\)](#)

12 Publication of information relating to proceedings in private.

(1) The publication of information relating to proceedings before any court sitting in private shall not of itself be contempt of court except in the following cases, that is to say—

- [^{F3}(a) where the proceedings—
 - (i) relate to the exercise of the inherent jurisdiction of the High Court with respect to minors;
 - (ii) are brought under the Children Act 1989 [^{F4} or the Adoption and Children Act 2002]; or
 - (iii) otherwise relate wholly or mainly to the maintenance or upbringing of a minor;]
- (b) where the proceedings are brought [^{F5}under the Mental Capacity Act 2005, or under any provision of the Mental Health Act 1983] authorising an application or reference to be made to [^{F6}the First-tier Tribunal, the Mental Health Review Tribunal for Wales or] a county court;
- (c) where the court sits in private for reasons of national security during that part of the proceedings about which the information in question is published;

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- (d) where the information relates to a secret process, discovery or invention which is in issue in the proceedings;
 - (e) where the court (having power to do so) expressly prohibits the publication of all information relating to the proceedings or of information of the description which is published.
- (2) Without prejudice to the foregoing subsection, the publication of the text or a summary of the whole or part of an order made by a court sitting in private shall not of itself be contempt of court except where the court (having power to do so) expressly prohibits the publication.
- (3) In this section references to a court include references to a judge and to a tribunal and to any person exercising the functions of a court, a judge or a tribunal; and references to a court sitting in private include references to a court sitting in camera or in chambers.
- (4) Nothing in this section shall be construed as implying that any publication is punishable as contempt of court which would not be so punishable apart from this section [^{F7}(and in particular where the publication is not so punishable by reason of being authorised by rules of court)].

Textual Amendments

- F3** S. 12(1)(a) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5)(6), [Sch. 13 para. 14](#); [S.I. 1991/828, art. 3\(2\)](#)
- F4** Words in s. 12(1)(a)(ii) inserted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), [ss. 101\(2\), 148\(1\)](#) (with [Sch. 4 paras. 1, 6-8](#)); [S.I. 2005/2213, art. 2\(h\)](#)
- F5** Words in s. 12(1)(b) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), [Sch. 6 para. 10](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897, art. 2\(1\)\(d\)](#)
- F6** Words in s. 12(1)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), [art. 1\(1\)](#), [Sch. 3 para. 22](#)
- F7** Words in s. 12(4) inserted (E.W.) (12.4.2005) by [Children Act 2004 \(c. 31\)](#), [ss. 62\(2\), 67\(7\)\(j\)](#); [S.I. 2005/847, art. 2](#)

^{F8}13 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 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 enactment 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 not referred to in the next following paragraph, to ^{F9}. . . the High Court;
 - (b) from an order or decision of a county court or any other inferior court from which appeals generally lie to the Court of Appeal, and from an order or [^{F10}decision (other than a decision on an appeal under this section) of a single] judge of the High Court, or of any court having the powers of the High Court or of a judge of that court, to the Court of Appeal;
- [from an order or decision of the Crown Court to the Court of Appeal].

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- ^{F11}(bb)
- (c) [^{F12}from a decision of a single judge of the High Court on an appeal under this section,]from an order or decision of a Divisional Court or the Court of Appeal (including a decision of either of those courts on an appeal under this section), and from an order or decision of the Court of Appeal or 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) of this section, provision may be made by [^{F13}rules of court][^{F13}rules made under section seven of the ^{M1}Northern Ireland Act 1962] for authorising the release on bail of an appellant under this section.
- (4) Subsections (2) to (4) of section one and section two of this Act 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 one, 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.
- (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 of court include references—
- (a) to an order or decision of the High Court [^{F14}the Crown Court] or a county court under any enactment 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, or of any court having the powers of a county court, under [^{F15}section 14, 92 or 118 of the County Courts Act 1984];
- (c) to an order or decision of a magistrates’ court under [^{F16}subsection (3) of section 63 of the Magistrates’ Courts Act 1980] ,
- but do not include references to orders under section five of the ^{M2}Debtors Act 1869, or under any provision of [^{F16}the Magistrates’ Court Act 1980] , or the ^{M3}County Courts Act [^{F17}1984] , except those referred to in paragraphs (b) and (c) of this subsection and except [^{F18}sections 38 and 142] of the last mentioned Act so far as those sections confer jurisdiction in respect of contempt of court.
- (6) This section does not apply to a conviction or sentence in respect of which an appeal lies under [^{F19}Part I of the ^{M4}Criminal Appeal Act 1968, or to a decision of the criminal division of the Court of Appeal under that Part of that Act; . . .]^{F20}

Textual Amendments

- F8** Ss. 6 , 9 , 13 , 15 , 17(1)(3)(4) , 18(3) repealed (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#) , [Sch. 6 para. 13](#) , [Sch. 7 Pt. I](#)
- F9** Words in s. 13(2)(a) repealed (27.9.1999) by [1999 c. 22](#) , [ss. 64](#) (1)(2), 106, 108(3), Sch. 15 Pt. III (with s. 107 and Sch. 14 paras. 7(2), 36(9)).
- F10** Words in s. 13(2)(b) substituted (27.9.1999) by [1999 c. 22](#) , [ss. 64\(1\)\(3\)](#) , 108(3) (with s. 107 and [Sch. 14 para.7\(2\)](#))
- F11** S. 13(2)(bb) inserted by [Courts Act 1971 \(c. 23\)](#) , [Sch. 8 Pt. II para. 40\(1\)](#)
- F12** Words in s. 13(2)(c) inserted (27.9.1999) by [1999 c. 22](#) , [ss. 64\(1\)\(4\)](#) , 108(3) (with s. 107 and [Sch. 14 para. 7\(2\)](#)).
- F13** Words “rules” to “1962” substituted for words “rules of court” in application of s. 13 to N.I. by [Northern Ireland Act 1962 \(c. 30\)](#) , [Sch. 1 Pt. I](#)

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- F14** Words inserted by Courts Act 1971 (c. 23) , **Sch. 8 Pt. II para. 40(2)**
F15 Words substituted by County Courts Act 1984 (c. 28, SIF 34) , s. 148(1) , **Sch. 2 Pt. V para. 25 (a)**
F16 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82) , s. 154(1) , **Sch. 7 para. 36**
F17 Words substituted by County Courts Act 1984 (c. 28, SIF 34) , s. 148(1) , **Sch. 2 Pt. V para. 25 (b)**
F18 Words substituted by County Courts Act 1984 (c. 28, SIF 34) , s. 148(1) , **Sch. 2 Pt. V para. 25 (c)**
F19 Words substituted by Criminal Appeal Act 1968 (c. 19) , **Sch. 5**
F20 Words repealed by Supreme Court Act 1981 (c. 54, SIF 37) , s. 152(4) , **Sch. 7**

Modifications etc. (not altering text)

- C1** S. 13 extended (E.W.) by Attachment of Earnings Act 1971 (c. 32) , **s. 23(9)**
C2 Reference to the Court of Appeal to be construed as reference to the civil division of the Court of Appeal as mentioned in Criminal Appeal Act 1966 (c. 31) , **s. 1(6) (c)**
C3 Reference to Court of Criminal Appeal to be construed as reference to the criminal division of the Court of Appeal as mentioned in Criminal Appeal Act 1966 (c. 31) , **s. 1(6) (a)**

Marginal Citations

- M1** 1962 c. 30 .
M2 1869 c. 62 .
M3 1984 c. 22 .
M4 1968 c. 19 .

14 Procedure on application for habeas corpus.

^{F21}(1)

(2) Notwithstanding anything in any enactment or rule of law, where a criminal or civil application for habeas corpus has been made by or in respect of any person, no such application shall again be made by or in respect of that person on the same grounds, whether to the same court or judge or to any other court or judge, unless fresh evidence is adduced in support of the application ^{F22}....

(3) In every case where the person by or in respect of whom an application for habeas corpus is made is restrained as a person liable, or treated by virtue of any enactment as liable, to be detained in pursuance of an order or direction under Part V of the ^{M5}Mental Health Act 1959 (otherwise than by virtue of paragraph (e) or paragraph (f) of subsection (2) of section seventy-three of that Act), the application shall be deemed for the purposes of this section and of any appeal in the proceedings to constitute a criminal cause or matter.

Textual Amendments

- F21** S. 14(1) repealed (27.9.1999) by 1999 c. 22, ss. 65(1), 106, 108(3), **Sch. 15 Pt. III** (with s. 107 and Sch. 14 paras. 7(2), 36(9)).
F22 Words in s. 14(2) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), Sch. 4 para. 52, **Sch. 18 Pt. 2**; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(e), 30(b)

Marginal Citations

- M5** 1959 c. 72.

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[^{F23}15 **Appeal in habeas corpus proceedings.**

(1) Subject to the provisions of this section, an appeal shall lie, in any proceedings upon application for habeas corpus, whether civil or criminal, against an order for the release of the person restrained as well as against the refusal of such an order.

^{F24}(2)

(3) In relation to a decision of [^{F25}the High Court] on a criminal application for habeas corpus, section one of this Act shall have effect as if so much of subsection (2) as restricts the grant of leave to appeal were omitted.

(4) Except as provided by section five of this Act in the case of an appeal against an order of [^{F25}the High Court] on a criminal application, an appeal brought by virtue of this section shall not affect the right of the person restrained to be discharged in pursuance of the order under appeal and (unless an order under subsection (1) of that section is in force at the determination of the appeal) to remain at large regardless of the decision on appeal.]

Textual Amendments

F23 Ss. 6, 9, 13, 15, 17(1)(3)(4), 18(3) repealed (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), [Sch. 6 para. 13](#), [Sch. 7 Pt. I](#)

F24 S. 15(2) repealed (27.9.1999) by [1999 c. 22](#), [ss. 65\(1\)\(b\)](#), [106](#), [108\(3\)](#), [Sch. 15 Pt. III](#) (with [s. 107](#) and [S Ch. 14 paras. 7\(2\)](#), [36\(9\)](#)).

F25 Words in [s. 15\(3\)](#) and [\(4\)](#) substituted (27.9.1999) by [1999 c. 22](#), [ss. 65\(2\)](#), [108\(3\)](#) (with [s. 107](#) and [Sch. 14 para. 7\(2\)](#)).

16] ^{F26}

Textual Amendments

F26 S. 16 repealed (N.I.) (with saving) by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), [s. 122\(1\)\(2\)](#), [Sch. 6 para. 13](#), [Sch. 7 Pt. I](#) and (E.W.) by [Supreme Court Act 1981 \(c.54, SIF 37\)](#), [s. 152\(4\)](#), [Sch. 7](#)

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