
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 81

**APPLICATIONS AND PROCEEDINGS IN
RELATION TO CONTEMPT OF COURT**

[^{F1}Requirements of a contempt application

81.4.—(1) Unless and to the extent that the court directs otherwise, every contempt application must be supported by written evidence given by affidavit or affirmation.

(2) A contempt application must include statements of all the following, unless (in the case of (b) to (g)) wholly inapplicable—

- (a) the nature of the alleged contempt (for example, breach of an order or undertaking or contempt in the face of the court);
- (b) the date and terms of any order allegedly breached or disobeyed;
- (c) confirmation that any such order was personally served, and the date it was served, unless the court or the parties dispensed with personal service;
- (d) if the court dispensed with personal service, the terms and date of the court's order dispensing with personal service;
- (e) [^{F2}whether a penal notice had been added to the front of] any order allegedly breached or disobeyed ^{F3}...;
- (f) the date and terms of any undertaking allegedly breached;
- (g) confirmation of the claimant's belief that the person who gave any undertaking understood its terms and the consequences of failure to comply with it;
- (h) a brief summary of the facts alleged to constitute the contempt, set out numerically in chronological order;
- (i) that the defendant has the right to be legally represented in the contempt proceedings;
- (j) that the defendant is entitled to a reasonable opportunity to obtain legal representation and to apply for legal aid which may be available without any means test;
- (k) that the defendant may be entitled to the services of an interpreter;
- (l) that the defendant is entitled to a reasonable time to prepare for the hearing;
- (m) that the defendant is entitled but not obliged to give written and oral evidence in their defence;
- (n) that the defendant has the right to remain silent and to decline to answer any question the answer to which may incriminate the defendant;

- (o) that the court may proceed in the defendant's absence if they do not attend but (whether or not they attend) will only find the defendant in contempt if satisfied beyond reasonable doubt of the facts constituting contempt and that they do constitute contempt;
- (p) that if the court is satisfied that the defendant has committed a contempt, the court may punish the defendant by a fine, imprisonment, confiscation of assets or other punishment under the law;
- (q) that if the defendant admits the contempt and wishes to apologise to the court, that is likely to reduce the seriousness of any punishment by the court;
- (r) that the court's findings will be provided in writing as soon as practicable after the hearing; and
- (s) that the court will sit in public, unless and to the extent that the court orders otherwise, and that its findings will be made public.]

Textual Amendments

- F1** Pt. 81 substituted (1.10.2020) by [The Civil Procedure \(Amendment No. 3\) Rules 2020 \(S.I. 2020/747\)](#), rule 1(1), **Sch.**
- F2** Words in rule 81.4(2)(e) substituted (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), rules 1(1), **11(2)(a)**
- F3** Words in rule 81.4(2)(e) omitted (6.4.2024) by virtue of [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), rules 1(1), **11(2)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 81.4.