
STATUTORY INSTRUMENTS

2011 No. 1709

The Criminal Procedure Rules 2011

PART 62

CONTEMPT OF COURT

SECTION 2: CONTEMPT OF COURT BY OBSTRUCTION, DISRUPTION, ETC.

Procedure on enquiry

- 62.8.**—(1) At an enquiry, the court must—
- (a) ensure that the respondent understands (with help, if necessary) what is alleged, if the enquiry has been postponed from a previous occasion;
 - (b) explain what the procedure at the enquiry will be; and
 - (c) ask whether the respondent admits the conduct in question.
- (2) If the respondent admits the conduct, the court need not receive evidence.
- (3) If the respondent does not admit the conduct, the court will receive—
- (a) any statement served under rule 62.7;
 - (b) any other evidence of the conduct;
 - (c) any evidence introduced by the respondent; and
 - (d) any representations by the respondent about the conduct.
- (4) If the respondent admits the conduct, or the court finds it proved, the court must—
- (a) before imposing any punishment for contempt of court, give the respondent an opportunity to make representations relevant to punishment;
 - (b) explain, in terms the respondent can understand (with help, if necessary)—
 - (i) the reasons for its decision, including its findings of fact, and
 - (ii) the punishment it imposes, and its effect; and
 - (c) if a magistrates' court, arrange for the preparation of a written record of those findings.
- (5) The court that conducts an enquiry—
- (a) need not include the same member or members as the court that observed the conduct; but
 - (b) may do so, unless that would be unfair to the respondent.