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STATUTORY INSTRUMENTS

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**2015 No. 1490**

**The Criminal Procedure Rules 2015**

**PART 48**

**CONTEMPT OF COURT**

*GENERAL RULES*

**Application to discharge an order for imprisonment**

**48.4.**—(1) This rule applies where the court can discharge an order for a respondent's imprisonment for contempt of court.

- (2) A respondent who wants the court to discharge such an order must—
- (a) apply in writing, unless the court otherwise directs, and serve any written application on—
    - (i) the court officer, and
    - (ii) any applicant under rule 48.9 on whose application the respondent was imprisoned;
  - (b) in the application—
    - (i) explain why it is appropriate for the order for imprisonment to be discharged, and
    - (ii) give details of any appeal, and its outcome; and
  - (c) ask for a hearing, if the respondent wants one.

*[Note. By reason of sections 15 and 45 of the Senior Courts Act 1981, the Court of Appeal and the Crown Court each has an inherent power to discharge an order for a respondent's imprisonment for contempt of court in failing to comply with a court order.]*

*Under section 97(4) of the Magistrates' Courts Act 1980(1), a magistrates' court can discharge an order for imprisonment if the respondent gives evidence.*

*Under section 12(4) of the Contempt of Court Act 1981(2), a magistrates' court can discharge an order for imprisonment made under that section.]*

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(1) 1980 c. 43; section 97(4) was amended by sections 13 and 14 of, and paragraph 7 of Schedule 2 to, the Contempt of Court Act 1981 (c. 47) and section 17 of, and paragraph 6 of Schedule 3 and Part 1 of Schedule 4 to, the Criminal Justice Act 1991 (c. 53).

(2) 1981 c. 49.