

PRACTICE DIRECTION 21A – CONTEMPT OF COURT

This practice direction supplements Part 21 of the Court of Protection Rules 2017

Directions for hearing of contempt proceedings

1. Evidence adduced by defendant.

Rule 21.7(3) provides that the court may not give any direction compelling the defendant to give evidence either orally or in writing. The court may, however, direct that, if the defendant wishes to adduce evidence in response to the contempt application, the defendant file and serve witness statements of the witnesses (including himself or herself) on which reliance is intended. Such statements may not be used against the defendant in the contempt application unless and until the defendant deploys them in support of the defendant's case against the contempt application.

2. Striking out and procedural defects.

(1) On application by the defendant or on its own initiative, the court may strike out a contempt application if it appears to the court—

(a) that the application and the evidence served in support of it disclose no reasonable ground for alleging that the defendant is guilty of a contempt of court;

(b) that the application is an abuse of the court's process or, if made in existing proceedings, is otherwise likely to obstruct the just disposal of those proceedings;
or

(c) that there has been a failure to comply with a rule, practice direction or court order.

(2) The court may waive any procedural defect in the commencement or conduct of a contempt application if satisfied that no injustice has been caused to the defendant by the defect.

Hearings and judgments in contempt proceedings

3. Informing the defendant of right to appeal, etc.

Paragraph (12) of rule 21.8 does not require the court to inform a defendant who has been acquitted of contempt of the right to appeal and the other matters listed in that paragraph.

4. Responsibility of court for publication of judgments.

While paragraph (13) of rule 21.8 makes the court responsible for the publication of transcripts of judgments in contempt proceedings, it does not require the court to publish a transcript of every judgment, but only in a case where the court makes an order for committal.