



ST. CHRISTOPHER AND NEVIS

CHAPTER 3.06

CONTEMPT OF COURT ACT

Revised Edition

showing the law as at 31 December 2002

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CONTEMPT OF COURT ACT

Act 15 of 1897 ... in force 23rd June 1898

Amended by: Act 15 of 1965

Act 17 of 1975

Act 6 of 1976

Act 7 of 1976

Act 9 of 1989

Page
3

CHAPTER 3.06

CONTEMPT OF COURT ACT

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Contempt in the presence or hearing of the Court
4. Contempts other than those committed in presence and hearing of the Court
5. When defendant entitled to costs
6. Judge personally interested shall not sit
7. Appeal from order of magistrate or coroner
8. Reservation of certain powers to High Court
9. Allocation of fines
10. Appeal Rules

CHAPTER 3.06

CONTEMPT OF COURT ACT

AN ACT TO PROVIDE FOR THE POWERS OF CERTAIN COURTS IN PUNISHING CONTEMPT;
AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Contempt of Court Act.

Interpretation.

2. In this Act, unless the context otherwise requires—
“Court” means the High Court.

Contempt in the presence or hearing of the Court.

3. (1) The Court shall have power to punish summarily with fine or imprisonment any person who commits a contempt in the presence or hearing of the Court, when sitting.

(2) Such punishment shall in no case exceed a fine of seven hundred and fifty dollars or one month’s imprisonment without hard labour.

(3) The Court shall in punishing by fine order that the fine shall be paid within a definite time, not less than fourteen days and that in default of payment the offender shall be imprisoned without hard labour for any term not exceeding one month.

(Amended by Act 7 of 1976)

Contempts other than those committed in presence and hearing of the Court.

4. (1) All contempts of Court other than those committed in the presence and hearing of the Court when sitting shall be dealt with and determined only by means of a rule of the Court which may be applied for by any person calling upon the defendant to show cause why he or she should not be attached for contempt of Court.

(2) The rule of Court referred to in subsection (1) shall contain with certainty the words or acts alleged to constitute the contempt of Court, and shall be served at least seven clear days before the return day thereof, except in the case of a contempt of Court by spoken or written comment on legal proceedings then pending, in which case the rule of Court shall be made returnable without delay.

(3) The rule of Court shall be directed to the Provost-Marshal, and shall be served on the defendant personally, or, if he or she cannot be found, then a copy of the same shall be left with some responsible person at the last known place of residence or business of the defendant.

(4) The rule of Court shall be heard and determined on the return day thereof by the Judge of the said Court, or the person for the time being acting as such, and by a jury to be summoned and empanelled in the same manner as a jury to try issues in the said Court is summoned and empanelled.

(5) On the hearing of such rule of Court the defendant shall plead, and thereupon evidence shall be taken on both sides orally and the defendant shall be a competent witness in his or her own behalf, and the same rules as to summoning and compensation of witnesses, their examination, cross-examination and re-examination,

the admissibility or otherwise of evidence, the addresses of counsel, and the Judge's charge to the jury, observed in the High Court on the hearing of actions, shall apply to, and be observed on, the hearing of such rule of Court.

(6) The jury sworn to try the issues, both of law and fact, of such rule shall give a general verdict of guilty or not guilty upon the whole matter, both of law and fact, put in issue upon such rule and shall not be required or directed by the Court or Judge before whom such rule shall be tried to return any other verdict or finding whatsoever.

(7) On a verdict of guilty being returned by the jury, the Court shall, in the case of a contempt of Court by spoken or written comment on legal proceedings then pending, order the defendant to pay a fine not exceeding one thousand five hundred dollars or to be imprisoned without hard labour for any term not exceeding six months, and in all other cases the Court shall order the defendant to pay a fine not exceeding one thousand five hundred dollars and in default of payment within a definite time, not less than fourteen days, to be imprisoned without hard labour for any term not exceeding one month.

(Amended by Act 7 of 1976)

When defendant entitled to costs.

5. Whenever the defendant shall be acquitted he or she shall be entitled to his or her costs from the person obtaining the rule of Court, and on his or her being convicted he or she shall pay costs, and such costs shall be taxed by the Registrar in the usual manner, who on taxing the same shall enter up judgment in his or her office with the other judgments entered in his or her office for the amount of such costs, and execution shall be issued thereon by the Registrar in the usual manner.

Judge personally interested shall not sit.

6. Any Judge referred to or affected by the contempt alleged so as to be personally interested in the matter shall not sit on the hearing of the said rule nor on the hearing of any appeal allowed under this Act.

(Amended by Acts 7 of 1976 and 9 of 1989)

Appeal from order of magistrate or coroner.

7. Any person who shall be ordered by any magistrate or by any coroner to pay a fine or be imprisoned for contempt of Court may at the time of such order or within two days thereafter give notice to the committing magistrate, or coroner in accordance with the provisions of section 60 of the Eastern Caribbean Supreme Court (Saint Christopher and Nevis) Act, Cap. 3.11 of his or her intention to appeal to the Court of Appeal, and the giving of such notice shall operate as a stay of such order, and such person shall not be detained in custody.

(Amended by Acts 15 of 1965, 17 of 1975 and 6 of 1976)

Reservation of certain powers to High Court.

8. Nothing hereinbefore contained shall be deemed to interfere with or affect the power now possessed by the Court to punish, by attachment or otherwise, any person who disobeys a process of the Court directed to him or her, or who disobeys any order or direction of the Court.

Allocation of fines.

9. All fines and penalties to be paid under this Act shall be paid into the public Treasury.

Appeal Rules.

10. An appeal from any conviction sentence or order of the High Court under the provisions of this Act shall lie to the Court of Appeal in accordance with the rules applicable to appeals in criminal cases.

(Inserted by Act 6 of 1976)
