

Guidance for staff on Committal Hearings for Contempt of Court

This guidance is intended to assist staff across the Civil and Family Courts.

On 26 March 2015 the Lord Chief Justice made a Practice Direction on the principles which must now be applied to the listing and hearing of committal hearings for contempt of court. This Practice Direction formalises the interim Practice Guidance previously issued in May 2013 in relation to Family cases (see guidance [here](#)). The Practice Direction can be found at <https://www.judiciary.gov.uk/publications/practice-direction-on-committal-for-contempt-of-court-open-court/>

As a result of the Practice Direction, courts must now ensure that additional steps are taken when a committal hearing arises. These additional steps are outlined below.

Committal Hearings in Public

The general rule is that hearings are carried out in, and judgments and orders are made in, public. This rule applies to all civil and family hearings, whether on application or otherwise, for committal for contempt irrespective of the court in which they are heard or of the proceedings in which they arise.

For the avoidance of doubt this applies to committal hearings in all family cases, including those normally heard in private such as public and private law cases.

Impact for Listing Staff

Before listing such a hearing court staff should seek a direction from the Judge/Legal Adviser as to whether it should be listed in open court or if the Judge/Legal Adviser will need the case listing in open court just to give a judgment on it being heard in private.

It may be that staff discuss this issue generally with local judiciary and ensure listing guidelines are amended accordingly. Annex A confirms the format that should be used for displaying these cases on printed lists and staff must ensure they follow this.

For those courts that use eDiary you will need to manually edit hearing lists in Word. More guidance on this can be found [here](#):

Notification to Judicial Office and CopyDirect

Court staff are now required to notify Judicial Office and CopyDirect at certain stages of these hearings. Please see the breakdown below for more information:

Judicial Office should be contacted with details of all orders for committal for contempt of court and all suspended orders for committal for contempt of court. This is regardless of whether the hearing was listed in private or in public, and applies to both Civil and Family cases. An example of how this notification should be set out can be seen at <https://www.judiciary.gov.uk/publications/committal-for-contempt-of-court-open-court-the-county-court-at-preston/>.

All notifications for the Judicial Office should be emailed to

CopyDirect should be contacted where, in advance of the hearing, the Judge, either on application or of his own initiative, is considering holding the committal hearing in private; or where because of urgency it is not possible to list a public hearing in the ordinary court list the day ahead of the hearing. **Any notification of judgment to the Judicial Office (see above) should also be sent to CopyDirect.**

To notify CopyDirect of these circumstances you should call [redacted] informing them that you have an order, judgment or listing to inform them of, and they will then provide you with an email address to which you should send that notification. Notification to CopyDirect should be in Word format.

BAILII Website

There is a requirement that every judgment in these cases is placed on the BAILII website by the Judge concerned. Staff may be asked to assist with this and therefore judgments for publication should be sent to: [redacted] with a covering email explaining when the judgment can be published (i.e. after it's been given to the parties)

If the judgment is to be anonymised this must be done and approved by the Judge before sending to the website and any necessary wording regarding anonymity of any parties must also be approved by the Judge.

If you have any queries on this at all you can contact [redacted] or telephone him or [redacted].

Oral Judgments

In order to comply with the above, the Practice Direction also makes it clear that in every case where the Judge makes an oral judgment a transcript should be ordered by the Judge at public expense.

Staff should ensure that the transcript is provided as ordered by the Judge (this may just be the judgment that the case is heard in private).

If the hearing took place in a Magistrates Court and was not recorded the written facts and reasons form will be sufficient in place of a transcript.

Media Enquires

Staff should be as helpful as possible for any media enquiries but also must be mindful of the fact that you should not normally disclose any information that might identify a child – this includes the names of the parents of a child.

For example for cases listed for committal which involve children in response to a specific media enquiry you can inform them of the date and venue of the hearing but not any identifying information. This is of course subject to any reporting restriction order that has been made.

If you are in any doubt you must ask for directions from the judiciary and HMCTS Press Office. **Do not just refuse to provide any information outright.**

Please refer to the HMCTS Media Guidance for more details:

[redacted]

[redacted]

Annex A

As a general rule, committal hearings should be listed in the public court list as follows:

FOR HEARING IN OPEN COURT

Application by *(full name of applicant)* for the Committal to prison of *(full name of the person alleged to be in contempt)*

In those cases where the person alleged to be in contempt is subject to arrest for an alleged breach of an order, including a location or collection order or an order made under the Family Law Act 1996, the hearing shall be listed in the public court list as follows:

FOR HEARING IN OPEN COURT [add, where there has been a remand in custody: in accordance with the order of *(name of Judge)* dated *(date)*]

Proceedings for the Committal to prison of *(full name of the person alleged to be in contempt)* who was arrested on *(date)* in accordance with and for alleged breach of a [location/collection/Family Law Act 1996/other] order made by *(name of Judge)* on *(date)*.

Where it is not possible to publish these details in the public court list in the usual way the day before the hearing i.e., in such circumstances where the alleged contemnor is produced at court by the Tipstaff or a constable on the morning of the hearing, having been arrested over night, the following steps should be taken:

- (1) Where the public court list is prepared and accessible in electronic form, it should be updated with the appropriate entry as soon as the court becomes aware that the matter is coming before it;
- (2) Notice of the hearing should at the same time be placed outside the door of the court in which the matter is being, or is to be heard, and at whatever central location in the building the various court lists are displayed;
- (3) Notice should be given to the national print and broadcast media, via the Press Association's CopyDirect service, of the fact that the hearing is taking or is shortly due to take place.

Where, having decided to exercise its discretion to hold a committal hearing in private, the court further decides that the substantive committal application is to be adjourned to a future date, the adjourned hearing shall be listed in the public court list as follows:

FOR HEARING IN PRIVATE

**In accordance with the order of *(name of Judge)* dated *(date)*
[On the application of *(full name of applicant)*]
Proceedings for the Committal to prison of
*(full name of the person alleged to be in contempt)***