

COMMITTAL FOR CONTEMPT OF COURT

PRACTICE GUIDANCE

issued on 4 June 2013 by

**SIR JAMES MUNBY, PRESIDENT OF THE FAMILY DIVISION and
PRESIDENT OF THE COURT OF PROTECTION**

1 This Practice Guidance is supplemental to the Practice Guidance issued on 3 May 2013.

2 Paragraph 5 of that Guidance provides that committal applications in the Court of Protection or the Family Division should at the outset be listed and heard in public. This applies to every committal application without exception. The application should be shown in the public court list as follows:

FOR HEARING IN OPEN COURT

Application by [full names of applicant] for
the Committal to prison of
[full names of the person alleged to be in contempt]

3 The Guidance recognises that the Court of Protection and, when the application arises out of proceedings relating to a child, the Family Division, is vested with a discretionary power to hear a committal application in private. It emphasises that this discretion should be exercised only in exceptional cases where it is necessary in the interests of justice and that if the court decides to exercise its discretion to sit in private the judge should, before continuing the hearing in private, give a judgment in public setting out the reasons for doing so. If the judge, having decided to continue in private, adjourns the hearing to a future date the application should be shown in the public court list as follows:

FOR HEARING IN PRIVATE

in accordance with the order of [name of judge] dated [date]
Application by [full names of applicant] for
the Committal to prison of
[full names of the person alleged to be in contempt]

4 A person who is not a party to the proceedings is not entitled as of right to a copy of the application notice. The court may, however, authorise such a person to obtain a copy. Given the nature of committal proceedings the court in every case where a committal application is made should, unless there are exceptional circumstances, direct that, upon payment of any appropriate charge that may be required, a copy of the application notice is to be made available to any person who requests it. If in an exceptional case the court decides that a copy of the application notice is not to be made available the judge must set out in writing the reasons for doing so.

5 For the avoidance of doubt this Practice Guidance and the previous Guidance issued on 3 May 2013 also apply to committal applications in family proceedings in the County Court and to committal applications in the Family Proceedings Court. In the case of committal applications in the Family Proceedings Court any reference in the Guidance to a judgment is to be understood as a reference to written reasons provided in accordance with rule 27.2 of the Family Procedure Rules 2010.

6 Whenever a committal application in the Court of Protection or the Family Division or in family proceedings in the County Court is being heard in public the judge and the advocates should be robed.