

## APPENDIX: TERMS OF REFERENCE

### TERMS OF REFERENCE: CONTEMPT OF COURT

- 1.1 To recommend reform of the law of contempt, with the aim of clarifying this area of law and improving its consistency, coherence, and effectiveness.
- 1.2 The project will consider:
  - (1) codification and simplification of the law of contempt, including consideration of the way contempts of court are labelled, categorised, and defined;
  - (2) the extent to which certain contempts ought properly to be defined as criminal offences, including those areas where there is currently an overlap between the criminal law and the law of contempt;
  - (3) the responsibility for the adjudication, investigation and prosecution of contempts;
  - (4) courts' and tribunals' powers and protections relating to initiating and hearing contempt proceedings, committing defendants for contempt, and appeals;
  - (5) the effectiveness of the current provisions relating to contempt of court by publication (considered in its broadest sense) and breach of anonymity orders, including consideration of Article 10 rights under the European Convention on Human Rights, and the appropriateness of the penalties for breach;
  - (6) the appropriateness of penalties for contempt of court more generally, and whether there are alternative and more effective means of ensuring compliance with a court order;
  - (7) whether problems might arise from procedure in contempt proceedings, and whether there is scope for reform or synthesis of the relevant procedure rules; and
  - (8) the relationship between contempt and other offences against the administration of justice.
- 1.3 For the avoidance of doubt, this review will not be limited to contempt in the context of criminal proceedings or to criminal contempt.
- 1.4 The following topics are beyond the scope of this project:
  - (1) Substantive law relating to reporting restrictions and anonymity orders (rather than the law relating to their breach which is, for the avoidance of doubt, within scope).