

CONTEMPT OF COURT

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Paul Elek London

First published in Great Britain 1976 by
Elek Books Limited
54-58 Caledonian Road
London N1 9RN

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ISBN 0 236 31087 9

Printed in Great Britain by
Jolly & Barber Ltd
Rugby, Warwickshire

To Michèle, Anne-Marie and Mark

Preface

Contempt of court is a subject which is of considerable historical interest and yet of fundamental contemporary importance. The historical aspects of the subject have long been admirably covered in the writings of Sir John Fox. Until recent years there has, however, been no attempt to provide a statement of the modern English law of contempt. Oswald's authoritative and frequently humorous work, *Contempt of Court*, although still of considerable value in many areas, was last edited in 1910. In 1973 the gap was partly filled by Borrie and Lowe's *The Law of Contempt*, but it is felt that, notwithstanding this book's several qualities, there remains ample room for an alternative approach. Many important cases have come before the courts in the last few years including *Attorney-General v. Times Newspapers Ltd*, *Balogh v. Crown Court at St. Albans*, *Heatons Transport (St. Helens) Ltd v. Transport and General Workers Union* and *R. v. Socialist Worker Printers and Publishers Ltd*. The scope of the subject is indicated by the fact that these cases involve matters as diverse as a proposed article on responsibility for the thalidomide tragedy, an alleged attempt to release laughing gas into a court, non-observance of a labour injunction, and the purported disclosure of the identity of a witness in blackmail proceedings. In addition to such cases there has also been the report of the committee under the late Lord-Justice Phillimore, and its recommendations for reform of the law of contempt are discussed in the course of this book.

My aim in writing the book is to provide a comprehensive and critical account of the modern English law of contempt of court. It is my hope that this will be of value to all who are concerned with the many aspects of the subject, whether as students, teachers, journalists or their legal advisers, or as practitioners involved in cases where breach of a court order or undertaking is in issue. To this end I have included a certain amount of theoretical discussion as well as a reasonably full citation of the authorities. Frequent reference is made to Commonwealth decisions both for purposes of comparison and as being illustrative of general principles. The same is true of the law as it has developed in the United States of America, especially in regard to matters such as the distinction between criminal and civil contempt, punishment and the mode of trial. Contempt of Parliament has, however, been excluded as being a separate subject in its own right which is fully covered in Erskine May's *Parliamentary Practice*.

I have received considerable help and encouragement from many sources in writing the book. My pleasure in thanking them is not diminished by the thought that they may suffer guilt through association. All are entitled to the standard disclaimer and responsibility for remaining errors is mine alone. I owe a particular debt to Professor J. C. Smith of Nottingham University, who was instrumental in awakening my interest in the subject and, indeed, in law in general. More recently Professor Brian Hogan of Leeds University has helped con-

siderably both by reading through substantial parts of the manuscript and by being readily available to talk through problems and help formulate ideas. My thanks are due to him and to Mr John Tinnion, Mrs Margaret Richards and Mr Peter Seago, who also gave me considerable assistance. Outside the university world I acknowledge and am grateful for the help I received from persons such as Mr Norman Turner, the Official Solicitor to the Supreme Court; Mr Harold Evans, editor of the *Sunday Times*; Mr R. J. Marshall and Mr B. A. Jennings of the BBC; Mr Charles Wintour, editor of the *Evening Standard*; Mr Hugh Allardyce, Barrister-at-Law, who prepared the index and the table of cases; and Joanna Evans, who helped to remove some of the worst of the infelicities of style. Finally, I acknowledge with particular gratitude the help I received from my wife, Michèle, and children, whom I am conscious of having neglected for far too long when writing the book.

I have endeavoured to state the law on the basis of the materials available to me in Leeds as at January 1st 1975, although it has been possible to take account of some subsequent developments.

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