

Committal for contempt of court: A lacuna of data

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Contempt of court is an offence that can result in a fine, seizure of assets or imprisonment (suspended or active) of up to two years. Despite the potentially heavy penalties following a finding of contempt, it is unclear how many people are imprisoned for contempt of court each year.

This briefing document provides a brief overview of the law of contempt¹, as well as the support that was (historically) available to those imprisoned for contempt. It then sets out the conflicting information as to how many people are imprisoned for contempt of court before concluding with further questions.

Contempt of court

Contempt of court can be either a civil or criminal offence. Generally, a civil contempt occurs when a person breaches some sort of injunctive order². By contrast, a criminal contempt occurs when a person interferes with the administration of justice³. Regardless of whether the contempt is civil or criminal, contempt must be proved to the criminal standard of proof; that is, beyond all reasonable doubt.

Previously, when somebody was committed to prison following a finding of contempt of court, there was a requirement for the Official Solicitor to be notified. This appears to be a result of historical precedent. It was the High Court of Chancery that saw the birth of a 'common injunction', whereby a judge could 'restrain parties to an action at common law either from proceeding with their action at law, or, having obtained judgment, from enforcing it'⁴. Perhaps unsurprisingly, therefore, it was the *Court of Chancery Act 1860* that directed the Solicitor to the Suitors Fund to visit, on a quarterly basis, the Queen's Prison and 'examine the prisoners confined there for Contempt'⁵. Upon a report to him, the Lord Chancellor could 'if he shall think fit, to assign a Solicitor to any such Prisoner, not only for defending him in *forma pauperis* but generally for taking such Steps on his Behalf as the Case may require'⁶. The Lord Chancellor was also alerted within fourteen days of any reception of prisoners to anywhere other than the Queen's Prison, and this alert was passed on to the Solicitor to the Suitors Fund⁷. In 1871, the Solicitor to the Suitors Fund became the Office of the Official Solicitor⁸. In 2012, it appears this duty was revoked by the then Lord Chancellor, and the Official

¹ The description of the law of contempt is accurate at the time of publication.

² *FW Aviation (Holdings) Limited v Vietjet Aviation Joint Stock Company* [2025] EWCA Civ 1458 [36].

³ *Ibid* [40]. See also *Her Majesty's Attorney General v Crosland* [2021] UKSC 15.

⁴ Philip H. Pettit (2014) *Equity and the Law of Trusts*, p4

⁵ *The Court of Chancery Act 1860*. [II]. Access from: <https://www.legislation.gov.uk/ukpga/Vict/23-24/149/contents/enacted> [Last Access: 25.2.2026]

⁶ *Ibid*.

⁷ *Ibid* [V].

⁸ Norman Turner (1977) *Wardship: the Official Solicitor's Role*, p30.

Solicitor no longer acts in this way⁹. A prison service document, updated in May 2026, suggests that the Official Solicitor continues to be notified if a person under the age of 18 is admitted to the youth estate following a finding of contempt of court¹⁰. However, this is not explicitly listed as one of the Official Solicitor's duties on her office's official government webpage¹¹.

Prisoners detained on grounds of contempt are treated as civil prisoners: they can, vote, (within reason) see their own doctor and dentist, and may be able to wear their own clothes¹². They must be released having served one half of their sentence¹³ unless the prisoner is also serving another sentence¹⁴. There is no licence term or post sentence supervision. In addition, a (not always observed) Practice Direction relating to open justice in committal clearly states that,

the court shall, in respect of all committal decisions, also either produce a written judgment setting out its reasons or ensure that any oral judgment is transcribed, such transcription to be ordered the same day as the judgment is given and prepared on an expedited basis¹⁵.

Prison population data

The Law Commission has identified 'a paucity of data on contempt findings and the sanctions imposed'¹⁶. In its consultation paper on contempt of court law, the Law Commission identified that 107 people were committed for contempt from 2020-2022¹⁷. I have verified that the available prison data (which reflects those admitted to the prison estate) does indeed demonstrate that, in 2020-2022, there was a total of

⁹ *Justice for Families Ltd v Secretary of State for Justice* [2014] EWCA Civ 1477 [47].

¹⁰ Prison Service Order (2020) - Unconvicted, Unsented and Civil Prisoners [3.4]. Access from: <https://assets.publishing.service.gov.uk/media/6a05cd0e22977ebc82cb3f95/pso-4600-unconvicted-unsentenced-civil-prisoners.pdf> [Last Access: 2.6.2026]

¹¹ Official Solicitor and the Public Trustee – About Us Access from: <https://www.gov.uk/government/organisations/official-solicitor-and-public-trustee/about> [Last Access: 5.6.2026]

¹² Prison Reform Trust - Unconvicted, Unsented and Civil Prisoners. Access from: <https://prisonreformtrust.org.uk/adviceguide/unconvicted-unsentenced-and-civil-prisoners/> [Last Access; 2.6.2026]

¹³ *Criminal Justice Act* 2003; 258(2).

¹⁴ *Ibid*; 258(3).

¹⁵ Practice Direction: Committal for Contempt of Court – Open Court [14]. Access from: https://www.judiciary.uk/wp-content/uploads/2022/07/practice-direction-committals-for-contempt-2-2.do_.pdf [Last Access: 19.2.2026]

¹⁶ Contempt of Court: Report (Part 1) on Liability, p2 [Para 1.7]. Access from: <https://lawcom.gov.uk/publication/contempt-of-court-report-part-1-on-liability-report/> [Last Access 25.02.2026]

¹⁷ CP 262 – Contempt Consultation Paper 262 (July 2024), pp317-318 [para 10.12]. <https://cdn.websitebuilder.service.justice.gov.uk/uploads/sites/54/2025/01/Contempt-of-Court-Consultation-Paper-9-July-2024-Web-1.pdf> [Last Access 25.02.2026]

107 prison receptions for people in contempt¹⁸. This is a significant decrease; in 2015 alone, there were 140 prison receptions for contempt of court¹⁹. A review of published judgments does not tell us enough, as the Law Commission notes:

because there are no procedural rules that require publication of judgments in contempt proceedings in the Crown Court or a magistrates' court, even where committal is ordered, it is highly likely that there are many more people who have been imprisoned for contempt, and many more again in both the civil and criminal courts who have been subject to contempt proceedings and have received non-custodial penalties²⁰.

In 2025, Lord Pearson of Rannoch (Non-Affiliated) asked the government, 'how many people are in prison in England and Wales for contempt of court'. Lord Timpson (Labour; Minister of State for Prisons, Probation and Reducing Reoffending) responded on 6 March 2025:

The number of people in prison for contempt of court is published annually as part of the Department's Offender Management Statistics publication. As at 30 June 2024 (latest available published data), there were 9 people in prison for contempt of court in England and Wales²¹.

Does publicly accessible data support the claim that, as at 30 June 2024, there were 9 people in prison for contempt of court?

Since the 2022 receptions data was published, the public Offender Management Statistics have ceased to report contempt of court as a distinct category of offence, and has subsumed those imprisoned for contempt of court into the general category of "non-criminal"²². It is also worth emphasising that not one of the data entries for the relevant period refers to nine prisoners²³. The source of Lord Timpson's answer is

¹⁸ Offender Management Statistics Quarterly: October to December 2022

<https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2022> See "Receptions 2022" and, within that, Table A2.12, "Non-criminal admissions into prison by type of committal and sex". [Last Access 25.02.2026]

¹⁹ Ibid. One hypothesis I advance is that the decrease in prison receptions was partly because of the COVID pandemic, which saw delayed court hearings, and well-documented pressures on prison capacity.

²⁰ CP 262 – Contempt Consultation Paper 262 (July 2024), p2 [para 1.6]. <https://cdn.websitebuilder.service.justice.gov.uk/uploads/sites/54/2025/01/Contempt-of-Court-Consultation-Paper-9-July-2024-Web-1.pdf> [Last Access 25.02.2026]

²¹ <https://questions-statements.parliament.uk/written-questions/detail/2025-02-24/HL5170/> [Last Access: 20.2.2026]

²² Guide to Offender Management Statistics, October 2024. Access from: https://assets.publishing.service.gov.uk/media/67218ac13ce5634f5f6ef454/Guide_to_Offender_Management_Statistics_.pdf p10; 14 [Last Access 25.02.2026]

²³ Offender Management Statistics, April to June 2024. Access from: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2024>. For data on non criminal prisoners, see: "Prison Receptions April to June 2024", Table 2_Q_1. [Last Access 25.02.2026]

therefore unclear. Jurisdiction-specific statistics also do not identify how many orders for committal are issued. While the Civil Justice Statistics²⁴ provides the number of warrants for committal that were issued by the county court, this does not specify how many warrants were: stayed or set aside, (un)successfully executed, or issued simply for the purpose of bringing a defendant before the court²⁵.

On 5 February 2026 I conducted a search on the Judiciary website for any judgments relating to committal for contempt of court that were published on or after 1 January 2024 and Published on or before 30 December 2024. This timeframe took into account that some judgments are published late, and produced 108 results. Keeping in mind that a prisoner imprisoned for contempt alone will have an automatic release at the halfway point of a sentence, and relying only on judgments published in that period, I only identified six people who would have been imprisoned as at 30 June 2024. It is worth noting some limitations. This was a scoping review, and it is possible that some people were imprisoned as at 30 June 2024 because of lengthy sentences handed down in 2023 or judgments that were not published until 2025. In addition, and as noted above, some may be imprisoned on order of the Crown of Magistrates' Court, for which there is no requirement to publish a judgment. Furthermore, not all committal judgments are published on the Judiciary website, and some are not categorised in the appropriate way.

A lack of adequate judgment publication is not a new problem. In 2014 Sir James Munby, sitting in the Court of Appeal (Civil Division), had cause to remark the following:

Mr [John] Hemming's [MP, appearing for the appellant] point, which appears to be borne out by an analysis he has conducted for us of the committal cases which appear on BAILII, is that for a very large number of these committals there is no judgment to be found on BAILII. This, if true, and every indication is that unhappily it is true, is a very concerning state of affairs²⁶.

Sir James Munby was at least able to refer to official statistics that revealed how many people were imprisoned for contempt of court, notwithstanding the fact that there was no official record of *why* they were so detained. Now, inconsistent judgment publication combines with missing statistics to create not so much of a data gap but more of a

²⁴ Civil Justice Statistics Quarterly, October – December 2025. Access from: <https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-october-to-december-2025> [Last Access: 20.04/2026]

²⁵ The statistician's comment explains that 'a warrant of committal allows for enforcing an order where the penalty for failing to comply is imprisonment. It authorises the bailiff to arrest and deliver the person to prison or the court' (my emphasis). See section 7.2, sub-heading "warrants issued": <https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-october-to-december-2025/guide-to-civil-justice-statistics-quarterly#civil-court-level-data-csv-information> [Last Access: 20.04.2026]

²⁶ *Justice for Families Ltd v Secretary of State for Justice* [2014] EWCA Civ 1477 [44].

data desert. As such, there appears to be no clear way of identifying how many people are imprisoned for contempt of court.

Questions

- 1) How many committal proceedings are initiated each year? By whom?
- 2) What is the outcome of committal proceedings?
 - 2.1) How many defendants are found in contempt of court for some (or all) of the allegations, and how many are found not to have committed contempt of court?
 - 2.2) How do judges justify different penalties?
- 3) How many people are handed prison sentences for contempt of court? How many of these are immediate, how many suspended, and what is the rationale for the difference between the two?
- 4) How are decisions made as to length of sentence?
- 5) Is imprisonment occurring as a result of civil or criminal contempt?
- 6) Should the Official Solicitor, or some other office, be responsible for oversight of committals following a finding of contempt?
- 7) How frequent is an application to purge contempt?
- 8) Why do Offender Management Statistics no longer identify contempt of court as its own distinct category of prisoner group?
- 9) How do the public perceive committal proceedings?

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