
SCHEDULE 2 CCR ORDER 34

PENAL AND DISCIPLINARY PROVISIONS

Rule 1 Issue and service of summons for offence under section 14, 92 or 124 of the Act

Where –

- (a) it is alleged that any person has committed an offence under section 14, 92 or 118 of the Act by assaulting an officer of the court while in the execution of his duty, or by rescuing or attempting to rescue any goods seized in execution, or by wilfully insulting a judge, juror, witness or any officer of the court and the alleged offender has not been taken into custody and brought before the judge; or
- (b) a complaint is made against an officer of the court under section 124 of the Act for having lost the opportunity of levying execution,
the court officer shall issue a summons, which shall be served on the alleged offender personally not less than 8 days before the return day appointed in the summons.

Rule 1A Committal under section 14, 92 or 118 of the Act

Rule 1(5) of Order 29 shall apply, with the necessary modifications, where an order is made under section 14, 92 or 118 of the Act committing a person to prison.

Rule 2 Notice to show cause before or after fine under section 55 of the Act

Before or after imposing a fine on any person under section 55 of the Act for disobeying a witness summons or refusing to be sworn or give evidence, the judge may direct the court officer to give to that person notice that if he has any cause to show why a fine should not be or should not have been imposed on him, he may show cause in person or by witness statement or affidavit or otherwise on a day named in the notice, and the judge after considering the cause shown may make such order as he thinks fit.

Rule 3 Non-payment of fine

- (1) If a fine is not paid in accordance with the order imposing it, the court officer shall forthwith report the matter to the judge.
- (2) Where by an order imposing a fine, the amount of the fine is directed to be paid by instalments and default is made in the payment of any instalment, the same proceedings may be taken as if default had been made in payment of the whole of the fine.
- (3) If the judge makes an order for payment of a fine to be enforced by warrant of execution, the order shall be treated as an application made to the district judge for the issue of the warrant at the time when the order was received by him.

Rule 4 Repayment of fine

If, after a fine has been paid, the person on whom it was imposed shows cause sufficient to satisfy the judge that, if it had been shown at an earlier date, he would not have imposed a fine

or would have imposed a smaller fine or would not have ordered payment to be enforced, the judge may order the fine or any part thereof to be repaid.