

Index

ABUSE OF PROCESS

Generally, 4:1, 5:1, 6:3, 6:7, 6:19,
7:6, 11:22, 12:1, 12:2, 12A:26,
13:1, 13:2

ADMINISTRATIVE TRIBUNALS

Contempt jurisdiction of, 3:2, 4:1,
7:7, 10:1 to 10:4

AGENTS

Generally, 5:1, 7:9, 7:11

AIDERS AND ABETTORS

Generally, 4:9, 7:11, 7:15, 12:3

ALTERNATIVE SANCTIONS (TO CONTEMPT ORDER)

See Penalties

APOLOGY

Generally, 1:1, 5:11, 6:5, 6:20,
6:21, 12:1, 12:2, 12:4, 12A:7,
12A:14, 12A:25

APPEALS

Generally, 5:13, 13:1 to 13:9
Bail pending, 12:7, 13:9
Certiorari and, 13:4
Criminal Appeal Rules/Criminal
Appeal Practice Direction
(Ont.; applicability of), 13:1
Federal Courts, 4:18 to 4:19, 13:8
From interlocutory rulings, 1:1,
4:18, 4:20, 5:21, 13:1
From rulings on contempt jurisdic-
tion, 4:20
In facie contempt by witness, 6:8
Jurisdiction, 13:3
Sentences, 12:7, 13:5
Standard of review, 13:3
Stay of orders pending appeal, 13:6
Sub judice rule and, 2:11, 8:1, 8:3

APPEALS—Cont'd

Supreme Court of Canada, 13:9
“Unpurged contempts” and, 5:23,
12:6, 13:2
See also Purging contempt
Youth Criminal Justice Act and,
13:7

“ATTEMPTED CONTEMPT”

Generally, 1:1, 7:15

ATTIRE IN COURTROOM

Generally, 6:20

ATTORNEY-GENERAL IN CONTEMPT MATTERS

Generally, 3:2, 4:1, 4:16, 5:3, 5:11,
5:17, 12:1, 13:6

AUSTRALIAN LAW

Generally, App. A, 1:1, 3:5, 7:12
And sub judice rule, App. B, 8:4,
8:6, 9:3

AUTREFOIS ACQUIT

Generally, 12:2

BAIL AND BAIL COURT

Generally, 3:13, 5:27, 12A:3, 12:7,
13:9

BIFURCATED HEARING

Generally, 2:14, 4:14, 5:10, 5:13,
5:15

BILL C-19, REFORMING THE CRIMINAL LAW

Generally, 1:1

BURDEN OF PROOF

See also Reverse onus
Generally, 2:8, 2:10, 3:4, 3:6, 3:12,
5:1, 5:2, 5:7, 5:25, 7:2, 7:4,

BURDEN OF PROOF—Cont'd

7:11, 7:15, 7:23, 8:6

“CALCULATED” (MEANING OF)

Generally, 2:3, 6:4, 8:3, 9:3

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Generally, 1:1

Applicability, 3:1 to 3:16

Freedom of expression, 3:5, 7:11, 7:23, 8:1, 8:3, 8:6, 9:1, 9:3, 9:6, 11:20

Full answer and defence, 2:9, 3:7, 5:11, 6:4, 6:17, 9:4

Fundamental justice, 2:14, 3:5 to 3:7, 3:9, 3:10, 4:15, 5:1, 5:7, 5:10, 5:11, 12:11

Presumption of innocence, 3:5, 3:6, 3:10, 3:12, 5:1, 5:7

Remedies (s. 24), 3:14, 13:1

Reverse onus, 2:10, 3:12, 5:7, 7:11, 7:22

Right to be informed of offence charged, 3:7, 3:8, 5:11

Right to counsel, 3:6, 3:7, 3:15, 5:1

Right to jury trial, 2:9, 3:5, 3:11, 3:13, 4:1, 5:11, 6:4, 12:1

Self-crimination, 3:9, 5:1, 5:8, 6:8

Trial by independent and impartial tribunal, 3:6, 3:13, 5:1, 5:11, 8:6, 9:3

Witnesses, right to call, 3:6, 3:9, 5:8, 5:12, 9:4

CERTIORARI

Generally, 13:4

CHARGING LANGUAGE

Generally, 5:5

CHILDREN

Generally, 1:1, 3:9, 5:2, 5:7, 5:23, 7:11, 7:18

“CITE” FOR CONTEMPT

Generally, App. C, 2:8

CIVIL CONTEMPT

Generally, 2:6, 7:1 to 7:25, 11:1, 12:1, App. 12A:6, App. 12A:10

As distinct from criminal, 2:6, 3:4, 3:6, 5:14, 7:2, 7:16, 12:1, App. 12A:11

Jurisdiction (Supreme Court of Canada), 5:27, 13:9

CIVIL DISOBEDIENCE

See also Defences, conscientious objection

Generally, 5:10, 7:6, 7:20, 11:20

COMMENTARIES ON THE LAW OF ENGLAND (BLACKSTONE)

Generally, 1:1, 2:7, 2:11, 6:19

CONFLICT OF LAWS

Generally, 1:1, 4:4, 4:17, 7:13

CONSCIENTIOUS OBJECTION (DEFENCE OF)

See Defences

CONSENT JUDGMENTS

See Consent orders

CONSENT ORDERS

Generally, 4:16, 5:24, 7:5, 7:15, 7:18, 7:20, 11:10, 12A:9, 12A:22

CONSTITUTIONAL CONSIDERATIONS

Generally, 3:1 to 3:16, 7:18, 8:6, 9:1 to 9:5, 11:9

Jurisdiction, 3:1, 4:1, 6:19, 10:1

See also Jurisdiction

Order as constitutional remedy, 3:14, 13:1

CONSTRUCTIVE CONTEMPT

Generally, 4:12, 5:12

CONTEMPT EX FACIE

See also Orders and chapters treating specific contempts

- CONTEMPT EX FACIE—Cont’d**
 Generally, **1:1, 2:7, 2:9, 3:2, 3:4, 3:11, 5:1, 5:4, 5:10, 5:11, 6:8, 9:5, 10:1, 10:2, 11:2, 12A:1, 12A:25, 13:1**
 Appeals, **6:8, 13:1**
 Jurisdiction, **4:1**
 Mental element, **7:1, 9:3**
- CONTEMPT IN FACIE**
 Generally, **1:1, 6:2**
 Actus reus of, **6:2, 6:4**
 Constitution and, **3:2, 3:4, 3:6**
 Counsel and, **1:1, 2:7, 3:7, 3:13, 5:5, 6:3 to 6:7, 6:12, 12A:3**
 “double booking” by; carpenters, **1:1**
 Disrupting court proceedings, **1:1, 3:5, 4:14, 5:10, 6:3, 6:4, 6:12 to 6:14, App. 12A:11**
 Failure to appear in court, **5:17, 6:4, 9:3, 12A:6**
 Failure to be sworn or testify
 See Refusal to be sworn or testify; Witnesses
 Federal Court, **5:25**
 Fighting in court, **6:5, 6:13, 12A:5**
 Intoxication in court, **6:11, 12A:4**
 Jurisdiction, **4:1, 10:1**
 Mental element, **5:7, 5:23, 6:4**
 Obstructing access to courts of justice, **3:5, 6:18**
 Physical attacks on the court (contempt by projectile), **1:1, 6:15, 12A:13**
 Refusal to stand in courtroom, **6:16**
 Scandalizing the court and, **9:5, 11:14**
 Sub judice rule and, **8:3**
 Summary power/procedure
 See Summary; Procedure
 Verbal abuse of court, **1:1, 3:7, 5:10, 11:14**
 by counsel, **1:1, 6:5, 12A:3**
- CONTEMPT IN FACIE—Cont’d**
 Witnesses, **1:1, 5:1, 5:4, 5:10, 5:16, 5:17, 6:8, 11:12, 12:1, 12A:1, 12:2, 12:5, 13:1**
 See also Examination; Undertakings (breach of); Witnesses
 Young persons, **3:2**
 See also Criminal contempts
- CONTEMPT IN THE FACE OF THE COURT**
 See Contempt in facie
- CONTEMPT LAW — HISTORY OF**
 Generally, **1:1, 2:7, 2:10, 4:1, 5:10, 6:10, 10:4**
 Reform of, **1:1, 2:6, 5:2, 8:6, 13:1**
- CONTEMPT NOT IN THE FACE OF THE COURT**
 See Contempt ex facie
- CONTEMPT OF BODIES OTHER THAN COURTS OF LAW**
 Generally, **3:1, 10:1 to 10:4**
- CONTEMPT OF CONTEMPT ORDERS**
 Generally, **7:25**
- CONTEMPT OF COURT ACT, 1981 (U.K.)**
 Generally, **1:1, 3:5, 8:6, 9:3, 9:6**
- CONTEMPT PROCEEDINGS**
 Availability of, **5:2**
 Commencing, **5:3, 5:4, 5:19**
 See also Procedure
 Conduct of, **5:7 to 5:20**
 Definitions re, **2:1 to 2:18**
 Discontinuance/withdrawal of, **4:7, 4:17, 5:2, 7:13, 7:22, 12A:24**
 See Procedure; enforcing judgments
 Evidence in, **5:7 to 5:9**
 In absentia convictions, **7:25**

CONTEMPT PROCEEDINGS

—Cont'd

Notice of
See Procedure, commencing proceedings
“Theoretical,” 2:6

“CONTUMACIOUS,”
“CONTUMACY,”
“CONTUMELIOUS”
Generally, 2:5, 2:6, 6:8, 7:2, 7:5

“CORPORATE VEIL”
Generally, 4:10, 7:9, 11:6

CORPORATIONS

See also Directors and officers;
Orders
Generally, 4:10

COSTS

Generally, 4:11, 5:24, 6:1, 6:3, 6:8,
6:10, 7:22, 12:1, 12A:2, 12:3,
12A:6, 12A:20, 12A:23,
12A:24; 12A:26

**COUNSEL, ADVICE OF, AS
DEFENCE OR MITIGATING
FACTOR**

Generally, 7:17, 8:2, 11:3
Contempts by, 1:1, 5:2, 6:20, 7:5,
7:11, 8:2, 12A:3, 12A:18
See also Contempt in facie
Costs liability, 6:4
See Costs; double-booking/
failure to appear in court

**COURT OFFICERS AND
EMPLOYEES**

Generally, 1:1, 5:25, 6:14
Counsel, contempts against, 1:1,
6:5, 9:6, 10:3
Interruption of proceedings, 9:5,
10:3

COURTS OF RECORD

Generally, App. C, 2:2, 4:1, 4:3,
5:27, 6:18, 10:1, 10:3

**COURTS OF SUPERIOR
JURISDICTION**

See Jurisdiction

COVID-19 PANDEMIC

Generally, 1:1, 3:5, 4:15, 6:20;
7:17, 12:1, 12A:13, 13:6

CRIMINAL CODE OF CANADA

Aboriginal contemnors and, 6:21,
12:2, 12:16
Alternative offences to contempt,
3:2, 3:6, 5:11, 5:16, 7:2, 7:11,
12:6
Appeals and, 13:1
Conviction for contempt summarily,
4:1, 4:3, 5:10, 6:1
Preservation of common law of
contempt, 4:8, 5:2, 5:11
Preserving order in court, 3:2, 3:6,
4:1, 5:10, 5:11, 6:1, 6:8
Provincial courts, power to preserve
order and punish witness, 4:1,
5:11
Sentencing and, 12:1 12:2
Sub judice rule and, 8:2, 8:4
Witnesses, 6:1, 6:10
Youth justice court and, 4:8, 6:1

CRIMINAL CONTEMPT

Generally, 2:6, 5:7, 5:24, 7:22,
12:2, 12A:11
Appeals from interlocutory ruling,
4:18
As distinct from civil, 2:6, 3:4, 3:6,
4:2, 5:7, 7:2, 7:16, 12:1, 12:2,
12A:11

**CRIMINAL RECORD (AND SUB
JUDICE RULE)**

Generally, 8:2

CRITICISM AS NOT CONTEMPT

Generally, 1:1, 2:2, 5:1, 5:2, 6:5
and per contra, 8:1, 9:1 to 9:3,
9:5
per contra, 11:14

CROSS-EXAMINATION

See Examination; Discovery (examination for); and other specific topics, e.g., Full answer and defence

CROWN COUNSEL, ATTACKS ON AS CONTEMPT

Generally, 1:1, 6:5

CROWN LIABILITY

Generally, 4:13, 7:9

DAGENAIS/MENTUK TEST

Generally, 3:5, 8:3, 8:4, 8:6

DEFAMATION/LIBEL

Generally, 1:1, 5:12, 5:15, 7:6, 8:3, 8:6, 9:3, 11:14, 11:23

DEFENCES

Breach not open, continuous, 11:11
Casual or accidental acts, 7:2, 11:1, 11:2

Conscientious objection, 3:2, 7:20, 11:20, 12:2, 12A:11

Consent order as, 4:16, 11:10
Corporate veil, 4:10, 7:9, 11:6

Court shows contempt for own process, 1:1, 11:22

Due diligence, 4:13, 4:14, 5:7, 11:2

Good faith, 1:1, 5:2, 5:4, 6:4, 6:5, 6:8, 6:14, 7:2, 8:4, 8:6, 9:1, 11:3, 11:4, 12A:20

Ignorance of order, 4:13, 7:11, 11:5

Incapable of prosecution, 7:5, 11:7

Ineffective assistance of counsel, 11:21

Intent (lack of), 6:4, 11:2, 12A:18

Legal advice, 7:17, 8:2, 11:3

Matter no longer sub judice or is notorious, 9:3, 9:4, 11:15

Mistake of fact, 7:2, 11:19

Necessity, 1:1, 7:20 to 7:21, 11:18

Nonfeasance, 7:15, 11:8

Order null or ineffective, 3:3, 7:7, 7:18, 11:9

See also Orders, ambiguity in;

DEFENCES—Cont'd

Other contemnors not charged, 8:2

Parliamentary privilege, 9:3, 11:23

Professional ethics, 5:4, 5:12, 6:6, 6:7, 7:20, 8:4, 11:4

Reasonable/legitimate/justifiable excuse, 6:1, 6:8, 11:2, 11:12

Safety and security, 7:20

Solicitor-client confidentiality, 5:23, 7:11, 11:4

Trial not pending soon (re sub judice rule), 8:3, 11:16

Truth, 1:1, 9:3, 11:13, 11:14

DEFINITIONS RE CONTEMPT LAW

Generally, 2:1 to 2:18

DIEFENBAKER, JOHN

Generally, 6:3, 6:5

DIRECTIVES (OF ADMINISTRATIVE TRIBUNALS)

Generally, 3:5, 5:12, 7:7, 10:2

DIRECTORS AND OFFICERS (CORPORATE, ADMINISTRATIVE)

Generally, 4:10, 4:11, 5:1, 5:24, 7:11, 7:15, 7:16, 7:19, 11:7, 12:1, 12A:6

DISCOURTESY (VS. CONTEMPT)

Generally, 6:3, 6:4

DISCOVERY (EXAMINATION FOR)

Generally, 6:8, 7:5, 11:2, 12:2, 12A:1

DISOBEDIENCE OF COURT PROCESS AND PROCEDURES

See Contempt in facie and specific acts

DOUBLE JEOPARDY

Generally, 12:2, 12A:1

DUE DILIGENCE

See Defences

ELLETT

Generally, 11:22

EMPLOYEES

See also Court officers and employees

Generally, 5:1, 7:8, 7:9, 7:11, 7:17, 7:23, 9:3, 12A:10

ENDORSEMENTS

Generally, 5:24, 7:5

ESTATE LITIGATION

Generally, 7:22, 12:1, 12A:8

EVIDENCE

See also Witnesses; Examination; specific contempts

Generally, 5:7 to 5:9, 6:8, 7:4, 13:1

Affidavits, 5:8, 5:22, 5:26

Fresh, 5:8, 11:21, 12:2, 13:3

Hearsay, 5:7, 5:8, 6:5

EVIDENTIARY BURDEN

See also Burden of Proof and Canadian Charter of Rights and Freedoms, 2:10, 3:12

EXAMINATION FOR DISCOVERY

See Discovery (examination for)

EXAMINATION IN AID OF EXECUTION

Generally, 2:6, 5:5, 5:13, 5:23, 7:22, 12:1, 12A:1, 12:2, 12:6, 12A:8, 12A:27

EX MERO/PROPRIO MOTU

Generally, 2:15, 5:4

FAILURE/REFUSAL TO APPEAR OR BE SWORN IN COURT

See also Contempt in facie; Witnesses

FAILURE/REFUSAL TO APPEAR OR BE SWORN IN COURT

—Cont'd

Generally, 5:17, 6:4

(counsel), 6:8, 7:25, 12A:1,

12A:6, 12A:7, 13:1

FAILURE TO TESTIFY

See Failure/refusal to appear or be sworn in court; Witnesses

FAMILY LAW

See also Children; Judgment debt orders; Orders

Generally, 1:1, 5:2, 5:7, 5:11, 5:16, 6:8, 7:4, 7:22, 7:23, 12:1, 12:2, 12:7, 12A:20, 12A:21

FEDERAL COURT OF APPEAL

Generally, 13:8

Jurisdiction, 4:19

FEDERAL COURT OF CANADA

Generally, 5:25

FEIGNED/FOB ACTION

Generally, 6:19

FOREIGN ORDERS

Generally, 4:17, 7:13

FREEDOM OF EXPRESSION

See Canadian Charter of Rights and Freedoms

FRIVOLOUS/VEXATIOUS LITIGANTS

See Vexatious proceedings and litigants

FULL ANSWER AND DEFENCE

See Canadian Charter of Rights and Freedoms

FUNCTUS OFFICIO

Generally, 3:2, 4:1, 12:2

FUNDAMENTAL JUSTICE

See Canadian Charter of Rights and Freedoms; Natural justice (fairness)

**IDENTIFICATION OF
CRIMINALS ACT**

Generally, 12A:11

IMPLIED CONTEMPT

Generally, 1:1, 2:17

**INDEPENDENT AND IMPARTIAL
TRIBUNAL**See Canadian Charter of Rights and
Freedoms**INDICTABLE****OFFENCE/INDICTMENT,
PROCEEDING BY**Generally, 1:1, 3:6, 3:11, 4:1, 5:4,
5:11, 5:16**INDIGENOUS PERSONS**Generally, 1:1, 3:2, 3:3, 3:13, 4:6,
6:13, 7:12, 12:2, 12A:3,
12A:16**INJUNCTIONS**

See Orders; Contempt ex facie

INSTANTER PROCEDURE

See also Summary, power

Generally, 1:1, 2:7, 2:8, 3:6, 3:7,
3:9, 3:15, 5:10, 5:11, 5:15,
5:18, 5:26, 6:8, 6:12, 6:17,
9:4, 12:2**INTENT**See also Mental element under
specific contemptsGenerally, App. A, 2:2, 2:5, 2:6,
5:7, 6:4, 6:5, 6:8, 6:11, 6:14,
6:19, 7:2, 7:3, 7:5, 7:12, 7:23,
8:6, 11:3, 11:19, 12A:18

Constructive, 4:12

**INTERIM CONTEMPT FINDING
(NON-EXISTENT)**

Generally, 5:1

INTERVENERS

Generally, 1:1, 3:16, 5:6

**JOURNALISTIC SOURCES
PROTECT ACT**Generally, 1:1, 3:5, 5:12, 5:19, 6:9,
7:12, 12A:2**JOURNALISTS; REFUSAL TO
IDENTIFY SOURCES**Generally, 1:1, 3:5, 5:4, 5:12, 5:19,
6:9, 12A2

Scandalizing the court, 1:1

See also that topic and see
Journalistic Sources Protec-
tion Act**JUDGMENT DEBT ORDERS**Generally, 4:7, 7:22, 12:1, 12:6,
12A:22**JURISDICTION**

Generally, 4:1 to 4:20, 6:5, 7:3

Aiders/abettors, 4:9, 7:11, 7:15,
12:3

Attornment to, 4:5

See also Administrative tribunals;
Federal Court of Canada;
Federal Court of Appeal;
Supreme Court of Canada;
Tax Court of Canada

Consent orders, 4:16, 11:10

Constitutional, 3:2, 7:3

Courts of inferior and superior juris-
diction, 3:2, 4:2Courts of record, App. C, 2:2, 4:1,
4:3 5:27, 6:19, 10:1, 10:3

Federal Court, 4:4, 4:19

Judge citing accused also presiding
on contempt motion, 2:15, 5:1,
5:11

Magistrates, 4:1, 5:10

Non-parties, 4:9, 7:9, 7:11

Rabbinical court, App. A

Timing of hearing, 4:14, 5:2, 5:12

Tribunals and commissions, 3:2,
4:1, 6:8, 7:7, 10:1 to 10:4Young persons and offenders, 3:2,
4:8, 6:1

JURORS

Generally, **App. B, 6:5, 8:2, 8:3, 8:6, 9:6, 10:3**

Contempt hearing before, **5:1, 5:15**
Contempts by, **1:1, 6:11, 8:6, 12A:4**
Sequestration of, **8:3, 8:6**
See also Sub judice rule

JURY TRIAL

See Canadian Charter of Rights and Freedoms, right to jury trial

LAW AND LIFE (ROBERTS)

Generally, **1:1**

LAW SOCIETY INTERVENTION AS ALTERNATIVE OR SUPPLEMENT TO CONTEMPT CITATION

Generally, **5:2, 6:3, 6:6, 8:4, 9:3, 12:1, 12A:8**

LEGISLATURES, CONTEMPT OF

Generally, **10:4**

MAREVA INJUNCTIONS

Generally, **2:6, 5:1, 5:21, 5:22, 7:17, 11:4, 12:1, 12A:8, 12A:14**

MAROT PRISONNIER ECRIT AU ROI POUR SA DELIVRANCE (MAROT)

Generally, **1:1**

MENS REA

See Intent

MENTAL ILLNESS

Generally, **5:2**

MINISTERS OF THE CROWN

Generally, **1:1, 4:13, 4:14, 5:4, 5:12, 7:9, 9:3, 12:1, 12A:25**

MISANTHROPE, LE (MOLIÈRE)

Generally, **1:1**

MISCELLANY-AT-LAW (MEGARRY)

Generally, **1:1, 6:15**

NATURAL JUSTICE (FAIRNESS)

Generally, **App. A, 2:9, 3:5, 5:1, 5:4, 5:5, 5:8, 5:10, 5:11, 5:13, 6:8, 11:14, 12:1, 12:2, 12A:13**

NECESSITY (DEFENCE OF)

See Defences

NO-CONTACT ORDERS

Generally, **12A:19**

NONFEASANCE

Generally, **7:15, 11:8**

NON-PARTIES

See Orders; Aiders and abettors

NOTICE

See Procedure, commencing proceedings

OFFICERS OF THE COURT, CONTEMPTS AGAINST

See Contempt in facie; Court officers and employees

ONUS

See Burden of Proof

ORDERS

See also Consent orders; Contempt ex facie; Family law; and other specific categories

Alternative remedies for breach, **5:21, 7:22, 8:26, 12:1**

Ambiguity in/clarity of, **5:2, 7:2, 7:4, 7:7, 7:17, 7:20, 10:2, 12A:17**

Ambit of, **7:9, 7:15**

And aiders/abettors, **4:9, 7:11, 7:15, 12:3 and passim**

Application of (to whom), **7:8 to 7:12**

Breach of, **7:1 to 7:25**

Compliance deadline, **2:17, 7:14, 7:15, 7:17, 12A:27**

ORDERS—Cont'd

- Contempt
 - court supervision of, **3:2, 12A:22**
- Corporations, **7:12**
- Criminal Code of Canada and s. 127, **3:2**
- Definition of, **7:5**
- Family law
 - See Family law
- Federal Court, **5:26**
- Final versus interlocutory, **1:1, 5:21, 5:22, 13:1**
- Foreign, enforcement of, **7:13**
- Impossible of compliance, **3:9, 5:23, 7:19, 7:20, 12:1**
- Intellectual property and, **2:6, 4:17, 7:5, 7:15, 12:1, 12A:10**
- Interlocutory, **12:1**
- Judgment debtors and, **4:7, 5:23, 7:22, 12:1, 12:6, 12A:6, 12A:22**
- Non-parties to, **4:9, 7:8 to 7:11**
- Notice of, **2:6, 7:1, 7:10, 7:11, 11:14, 12A:11**
- Open, continuous defiance of, **2:6, 7:16, 11:11, 12:1**
- Setting aside, **5:8, 5:22**
- Stay of pending appeal, **13:6**
 - third parties
 - See Aiders/abettors; Jurisdiction; tribunal, filing of, **7:7, 10:2**
- Wrong/ineffective in law, **7:7, 7:18 to 7:19, 11:4**
 - See also specific types of orders

PARLIAMENT — CONTEMPT OF

- Generally, **10:4**
- Privilege
 - defence of, **11:23**

PAROLE

- Generally, **4:20, 12:2, 12A:6, 12A:8, 12A:11**

PENALTIES

- See Sentencing and specific topics (e.g., Orders, breach of)

PICKETING (AS CONTEMPT)

- Generally, **2:1, 4:2, 5:6, 5:10, 6:2, 6:18, 7:2, 7:11, 7:23**

PLAIDEURS, LES (RACINE)

- Generally, **1:1**

PRESS

- See also Journalists; publication bans
- Generally, **App. C, 3:5, 4:1, 5:1, 7:6, 7:12, 7:15, 8:1, 8:2 to 8:4, 8:6, 10:1, 11:13, 12A:15, 12A:24**
- Sub judice rule, **3:5, 8:1 to 8:6, 11:13, 12A:24**
 - See also Canadian Charter of Rights and Freedoms; Sealing orders

PRESUMPTION OF INNOCENCE

- See Canadian Charter of Rights and Freedoms

PRIVILEGE

- Defence of, **3:5**
- Journalistic, **5:23, 7:12, 9:2, 11:4, 11:23**

PROCEDURE

- Generally, **5:1 to 5:27**
 - See also separate related headings (e.g., Appeals, Costs, Orders, etc.); Canadian Charter of Rights and Freedoms
- Adjournments, **4:1, 5:1, 5:4, 5:8, 5:10, 6:4, 6:8**
- Appeals, **12:7**
- Commencing proceedings, **5:3, 5:4, 5:19**
- Federal Courts, **5:25**
- Particulars, **3:6, 3:12, 5:4, 5:5**
- Stay of contempt proceedings, **5:13, 13:6**

PROCEDURE—Cont'd

Summary, 1:1, 2:6, 2:9, 3:6, 3:11, 3:15, 4:1, 5:4, 5:10 to 5:12, 9:4, 13:1, 13:4

See also Instanter procedure; Summary

Supreme Court of Canada, 5:27

Tax Court of Canada, 5:26

See also Jurisdiction

PROCESS SERVERS (ABUSE OF)

Generally, 1:1, 2:7

PROFESSIONAL REGULATION AS ALTERNATIVE TO CONTEMPT PROCEEDINGS

Generally, 5:2

PROOF (BURDEN/STANDARD OF)

See Burden of Proof

PUBLIC INTEREST

See Defences, conscientious objection

PUBLICATION BANS

See Publish; Press; Sub judice rule

PUBLISH

Definition of, 7:6

Sealing orders, 7:12

PURGING CONTEMPT

Generally, 2:16, 5:15, 5:19, 7:2, 12:1

by compliance, 12:4

Apology and, 1:1, 5:11, 12:1, 12:4, 12A:14, 12A:22

Effect of failure to purge, 5:23, 7:24, 12:1, 13:2

QUEBEC CIVIL LAW

Generally, App. C, 1:1, 2:6, 3:2, 3:9, 5:1, 7:3, 11:2, 12:1, 13:3

RABBINICAL COURT, ALLEGED CONTEMPT OF

Generally, App. A, 1:1

REASONABLENESS

See Defences

REFUSAL TO BE SWORN OR TESTIFY

Generally, 2:7, 3:6, 3:13, 4:1, 5:1, 5:4, 6:4, 6:8; 6:10, 6:17, 9:3, 12A:1, 12:2, 12A:2, 12A:3, 12A:6, 13:1

REFUSAL TO STAND IN COURT

Generally, 6:16

REMEDIATION ORDER

Generally, 1:1, 12A:17

RESTAINO J.

Generally, 1:1

REVERSE ONUS

Generally, 2:10, 3:10, 5:7, 7:11, 7:22

RICHARDSON C.J. (COMMON BENCH)

Generally, 1:1

RIGHT OF AUDIENCE (EFFECT ON BY PERSISTING CONTEMPT)

See Purging contempt

RULE NISI

Definition, 2:10

RULE OF LAW

Generally, 1:1, 2:2, 3:2, 3:3, 3:5, 3:11, 4:7, 5:3, 5:5, 6:18, 7:1, 7:20, 8:1, 8:6, 9:2, 9:3, 12:1, 12:2, 12:6, 12A:9, 12A:11

SANCTIONS

See also Sentencing

Alternative to contempt citation, 5:21, 8:6

SCANDALIZING THE COURT

See also Canadian Charter of Rights and Freedoms, freedom of expression

SCANDALIZING THE COURT**—Cont'd**

Generally, **1:1, 2:12, 5:7, 5:12, 6:5, 8:2, 9:1 to 9:6, 11:15, 12:1.**
 R. v. Nicol and (re jury verdict),
App. B

SEALING ORDERS

Generally, **1:1, 7:12, 7:15, 12A:15**

**SECOND MISCELLANY-AT-LAW,
A, (MEGARRY)**

Generally, **1:1**

SELF-CRIMINATION

See also Canadian Charter of Rights
and Freedoms

Generally, **3:9, 5:1, 5:8, 6:8**

**SELF-REPRESENTED
LITIGANTS**

Generally, **1:1, 2:18, 12:2, 13:1**

SENTENCING

See also under specific contempts

Aboriginal (indigenous)
contemnors, **6:21, 12:2, 12:16**

Aiders/abettors, **12:3**

Apology and, **12:1, 12:2, 12:4,
12A:14, 12A:24; 12A:25;**

Appeals, **12:7, 13:5**

Community service, **4:20, 7:25,
12:1, 12:2, 12A:10, 12A:11,
12A:27, 13:6**

Contumacy and, **7:2, 12:1**

Digest, **App. 12A**

Double jeopardy, **12A:1, 12:2**

Family law orders and, **5:2, 12:2,
12:20, 12:21**

Fines, **1:1, 4:1, 5:2, 7:22, 10:1,
12:1, 12:2, 12A:9, 12A:10,
12A:13, 12A:16, 12A:20,
12:24**

First offenders, **5:14, 12:1, 12A:1,
12:2, 12:5, 12:6, 12A:11,
12A:13, 12A:16**

Guilty plea and, **5:2, 5:14, 6:21,
8:6, 12:5, 12A:11, 12A:19**

SENTENCING—Cont'd

Indeterminate sentence, **12:1, 12:6,
12A:9, 13:6**

Judgment debtors, **4:7, 12A:22**

See also Family law; Orders

Jump principle/laddering/step up,
1:1, 12:2, 12A:27

Principles, **7:5, 12:2, 613**

Procedure, **5:11, 5:15, 5:23; 12:2**

Purging contempt, effect of, **4:5,
12:1, 12:2**

Range, **12:6**

Sanctions available, **12:6**

Stay of, **3:5**

Temporary absence, **4:20**

Young persons, **6:1**

**SHOW-CAUSE HEARING,
DEFINITION**

Generally, **2:10**

**SOCIAL MEDIA, EFFECT OF ON
CONTEMPT LAW**

Generally, **1:1, 2:6, 7:16, 8:2, 8:6,
12A:16**

STANDARD OF PROOF

See Burden of proof

**STAY OF PROCEEDINGS
PENDING APPEAL**

Generally, **13:6**

STRICT LIABILITY

Generally, **8:6, 11:2**

STRICTISSIMI JURIS

Generally, **2:13, 5:2, 5:4, 6:8, 7:4,
7:11, 7:22**

STRIKING OUT PLEADINGS

Generally, **2:17, 2:18, 5:21, 6:8,
9:3, 12:1, 12A:14, 12A:27**

SUB JUDICE RULE

Generally, **App. C, 1:1, 2:2, 2:11,
2:12, 3:5, 4:12, 5:7, 5:24, 8:1**

SUB JUDICE RULE—Cont'd
to 8:6, 9:3, 11:3, 11:13, 11:17,
12A:24

See also Canadian Charter of
Rights and Freedoms,
freedom of expression

Constructive intent and, 2:7, 4:12

Counsel and, 8:2, 8:4

Mental element, 8:2, 11:3

Mistrial as remedy for breach, 8:2,
8:3, 8:6, 12A:24

Scandalizing the court and, 2:12,
9:3

SUMMARY

Definition, 2:9

Power, 5:4, 5:10 to 5:13, 6:4

See also Instant process, proce-
dure

See Procedure

SUPREME COURT OF CANADA

Contempt powers and procedure,
5:27

TAX COURT OF CANADA

Generally, 5:2, 5:26, 13:9

THEORETICAL CONTEMPT

Generally, 2:6

THREE-PRONGED TEST

Generally, App. C, 1:1, 7:4, 7:17

**TIMING OF CONTEMPT
HEARING/PROCEEDINGS**

Generally, 4:14, 5:2, 5:12

TOEWS, VIC

Generally, 1:1

**TRIAL BY INDEPENDENT
TRIBUNAL**

See Canadian Charter of Rights and
Freedoms, fundamental justice;
procedure

See Procedure and specific topics
(e.g., Summary procedure)

TRIAL BY JURY

Gilbert and Sullivan operetta, 1:1,
11:22

**TRIBUNALS AND
COMMISSIONS**

Jurisdiction, 3:2

Orders, 5:2, 7:7, 10:2

UNDERTAKINGS

Breach of, 2:2, 3:13, 5:1, 5:5, 5:21,
5:23, 6:6, 7:5, 12:1, 12:6,
12A:23, 13:3

UNIONS

Generally, 2:6, 3:5, 4:11, 5:19,
5:24, 6:18, 6:19, 7:7, 7:10,
7:11, 7:15, 7:23, 11:9, 12:2,
12A:11, 13:6

Secondary picketing by, 7:23

VENUE

Change of, 6:19, 7:6, 8:3, 8:6

**VEXATIOUS PROCEEDINGS
AND LITIGANTS**

Generally, 1:1, 2:18, 5:2, 6:19,
7:11; 7:15, 12:1, 12A:9,
12A:26

VICARIOUS LIABILITY

Generally, 4:5, 4:13, 7:9, 7:11

WITNESSES

See also Contempt in facie; Crimi-
nal Code of Canada; Evidence;
Journalists; Undertakings
(breach of)

Commencing proceedings, 5:4

Compellability, 3:9, 5:1, 5:26, 6:8

Contempts by, 1:1, 4:1, 5:1, 5:4,
5:10, 5:11, 5:16, 5:17, 6:8,
11:12, 12:1, 12A:1, 12:2, 12:5,
13:1

Proceedings outside Canada, 5:10

Tampering with/threatening, 6:10,
12:1

**YOUNG PERSONS AND
OFFENDERS**
Generally, 3:2, 4:8, 6:1, 13:7