



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART III

BAIL

Routine bail hearings

48 Forfeiture

- (1) If it appears to a court that a mandatory bail condition has been broken, it may—
 - (a) by order declare the recognizance to be forfeited; and
 - (b) order any person bound by the recognizance (whether as principal or surety) to pay the sum in which he is bound or such part of that sum, if any, as the court thinks fit.
- (2) “Mandatory bail condition” means a condition—
 - (a) to which bail granted under section 46 is subject as a result of section 47(3), (4) or (5); and
 - (b) in relation to which the court has taken a recognizance under section 47.
- (3) If the court which makes an order under subsection (1) is not a magistrates' court, it must—
 - (a) specify a magistrates' court which is, for the purposes of collection, enforcement and remission of the sum forfeited, to be treated as the court which ordered the forfeiture; and
 - (b) as soon as practicable give particulars of the recognizance to—
 - (i) in England and Wales, the justices' chief executive appointed by the magistrates' court committee whose area includes the petty sessions area, or
 - (ii) in Northern Ireland, the clerk of petty sessions for the petty sessions district,
for which the specified court acts.

Status: This is the original version (as it was originally enacted).

- (4) Any sum collected as a result of subsection (3)(a) must be paid to the Lord Chancellor.
- (5) The Lord Chancellor may, with the approval of the Treasury, make regulations as to the times at which and the manner in which accounts for, and payments of, sums collected as a result of subsection (3)(a) must be made and for the keeping and auditing of accounts in relation to such sums.
- (6) If a person fails to comply with any of the conditions of a bail bond taken by a court under section 47, the court may declare the bail to be forfeited.
- (7) Any bail forfeited by a court under subsection (6)—
 - (a) must be transmitted to the sheriff court having jurisdiction in the area where the proceedings took place; and
 - (b) is to be treated as having been forfeited by that court.