



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART VI

RECOGNIZANCE'S

Recognizance's to keep the peace or be of good behaviour

116 Discharge of recognizance to keep the peace or be of good behaviour on complaint of surety

- (1) On complaint being made to a justice of the peace for any area to which this section applies by a surety to a recognizance to keep the peace or to be of good behaviour entered into before a magistrates' court that the person bound by the recognizance as principal has been, or is about to be, guilty of conduct constituting a breach of the conditions of the recognizance, the justice may, if the complaint alleges that the principal is, or is believed to be, in that area, or if the recognizance was entered into before a magistrates' court for that area, issue a warrant to arrest the principal and bring him before a magistrates' court for that area or a summons requiring the principal to appear before such a court; but the justice shall not issue a warrant unless the complaint is in writing and substantiated on oath.
- (2) The magistrates' court before which the principal appears or is brought in pursuance of such a summons or warrant as aforesaid may, unless it adjudges the recognizance to be forfeited, order the recognizance to be discharged and order the principal to enter into a new recognizance, with or without sureties, to keep the peace or to be of good behaviour.
- (3) The areas to which this section applies are any county, any London commission area and the City of London.