



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART VI

#### RECOGNIZANCES

##### *Other provisions*

#### **117 Warrant endorsed for bail.**

(1) A justice of the peace on issuing a warrant for the arrest of any person may grant him bail by endorsing the warrant for bail, that is to say, by endorsing the warrant with a direction in accordance with subsection (2) below.

[<sup>F1</sup>(1A) Subsection (1) is subject to section 115(1) of the Coroners and Justice Act 2009 (bail decisions in murder cases to be made by Crown Court judge).]

- (2) A direction for bail endorsed on a warrant under subsection (1) above shall—
- (a) in the case of bail in criminal proceedings, state that the person arrested is to be released on bail subject to a duty to appear before such magistrates' court and at such time as may be specified in the endorsement;
  - (b) in the case of bail otherwise than in criminal proceedings, state that the person arrested is to be released on bail on his entering into such a recognizance (with or without sureties) conditioned for his appearance before a magistrates' court as may be specified in the endorsement;

and the endorsement shall fix the amounts in which any sureties and, in a case falling within paragraph (b) above, that person is or are to be bound.

[<sup>F2</sup>(3) Where a warrant has been endorsed for bail under subsection (1) above—

- (a) where the person arrested is to be released on bail on his entering into a recognizance without sureties, it shall not be necessary to take him to a police station, but if he is so taken, he shall be released from custody on his entering into the recognizance; and
- (b) where he is to be released on his entering into a recognizance with sureties, he shall be taken to a police station on his arrest, and the custody officer there

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*Status: Point in time view as at 01/02/2010.*

*Changes to legislation: Magistrates' Courts Act 1980, Section 117 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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shall (subject to his approving any surety tendered in compliance with the endorsement) release him from custody as directed in the endorsement.]

**Textual Amendments**

- F1** S. 117(1A) inserted (1.2.2010) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 75** (with s. 180); S.I. 2010/145, art. 2(2), Sch. para. 25(b)
- F2** S. 117(3) substituted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), **ss. 47(8)(b)**, 51, 52

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