
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 10

APPLICATIONS UNDER PART 4 OF THE FAMILY LAW ACT 1996

Recognizances

10.17.—(1) Where, in accordance with paragraph 2(1)(b)(ii) of Schedule 5 to the 1996 Act, the High Court or a county court fixes the amount of any recognizance with a view to it being taken subsequently, the recognizance may be taken by—

- (a) a district judge;
- (b) a police officer of the rank of inspector or above or in charge of a police station; or
- (c) the governor or keeper of a prison where the arrested person is in custody.

(2) The person having custody of an applicant for bail must release that applicant if satisfied that the required recognizances have been taken.

(A magistrates' court has a similar power to require a recognizance under Part 6 of the Magistrates' Courts Act 1980. Section 119 of that Act(1) provides a magistrates' court with a power to postpone the taking of a recognizance and rules made under section 144 of the Magistrates' Courts Act 1980 set out the people who may subsequently take the recognizance.)

(1) Section 119 was amended by section 77 of and paragraph 55 of Schedule 14 to the Criminal Justice Act 1982 (c.48).