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STATUTORY INSTRUMENTS

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**1981 No. 1675**

**The Magistrates' Courts (Northern Ireland) Order 1981**

PART XI

RECOGNIZANCES AND BAIL

*Recognizances to keep the peace or to be of good behaviour*

**Power to bind over**

**127.**—(1) Subject to this Article, a magistrates' court may order a person to enter into a recognizance to keep the peace or to be of good behaviour or to keep the peace and be of good behaviour—

- (a) upon a complaint that such person should be called upon to show cause why he should not be ordered to be so bound; or
- (b) upon convicting a person of an offence and in lieu of or in addition to any sentence which the court may lawfully impose; or
- (c) in the case of a person present before such court without any formal application to the court to make such order.

(2) The period during which a person may be ordered to be bound by a recognizance under paragraph (1) shall not exceed two years.

(3) A complaint under paragraph (1)(a) may be laid before a justice of the peace <sup>F1</sup>....

(4) Subject to paragraph (3), a summons to the person against whom such complaint is made or a warrant for his arrest (whether in the first instance or in default of appearance) may in all respects be issued as if the complaint were one alleging the commission of a summary offence.

(5) Without prejudice to Article 18(4)—

- (a) proceedings upon the hearing of a complaint under this Article shall be conducted, and
- (b) the person against whom the complaint is made and such witnesses as he may call may give evidence and be cross-examined,

in the same manner as in proceedings for a summary offence and the court may remand such person, whether in custody or on bail, for the same period and subject to the same conditions as in such last-mentioned proceedings.

(6) Any order against such person for the payment of costs made in proceedings under this Article shall be enforceable in the same manner as an order for the payment of a sum adjudged to be paid by a conviction of a magistrates' court.

(7) If any person ordered to enter into a recognizance by a magistrates' court under this Article fails to comply with the order, the court may commit him to prison for a period not exceeding six months or until he complies with the order, whichever is the shorter.

(8) Nothing in this Article shall derogate from the provisions of <sup>F2</sup> Article 36(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998] or section 7(1) of the Probation Act (Northern

**Status:** Point in time view as at 31/10/2016.

**Changes to legislation:** The Magistrates' Courts (Northern Ireland) Order 1981, Cross Heading: Recognizances to keep the peace or to be of good behaviour is up to date with all changes known to be in force on or before 15 June 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)

Ireland) 1950 or any other enactment authorising a magistrates' court to require a person to give security for good behaviour or for keeping the peace.

- F1** Words in art. 127(3) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 86(25), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F2** 1998 NI 9

### **Discharge of recognizances to be of good behaviour, etc., on application by surety**

**128.**—(1) Where a surety to a recognizance to keep the peace or to be of good behaviour, or to keep the peace and to be of good behaviour, has reason to suspect that the person bound as principal has been or is about to be guilty of conduct which was or would be a breach of the conditions of the recognizance, he may make a complaint to any justice of the peace<sup>F3</sup>...and that justice may, either issue a warrant against the said person to bring him before a resident magistrate out of petty sessions, or issue a summons to him to appear before a court of summary jurisdiction.

(2) The resident magistrate before whom the said person is brought under any such warrant or the court of summary jurisdiction before which he appears in answer to any such summons may order him—

- (a) to enter into a new recognizance; or
- (b) deal with him as if he were a person who had failed to comply with an order to enter into a recognizance;

and may in any case order that the first-mentioned recognizance shall be discharged.

(3) A warrant shall not be issued under this Article unless the complaint is in writing and substantiated on oath.

- F3** Words in art. 128(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 86(26), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

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