
STATUTORY INSTRUMENTS

1981 No. 552

The Magistrates' Courts Rules 1981

RECOGNIZANCES AND BAIL

Recognizance to keep the peace, etc., taken by one court and discharged by another

82. Where a magistrates' court acting for any petty sessions area makes an order under section 116 of the Act of 1980 discharging a recognizance entered into before a magistrates' court acting for any other petty sessions area, the clerk of the court that orders the recognizance to be discharged shall send a copy of the order of discharge to the clerk of the court acting for that other petty sessions area.

Application to vary order for sureties or dispense with them

83. Where a person has been committed to custody in default of finding sureties and the order to find sureties was made at the instance of another person, an application under section 118 of the Act of 1980 shall be made by complaint against that other person.

Notice of enlargement of recognizances

84.—(1) If a magistrates' court before which any person is bound by a recognizance to appear enlarges the recognizance to a later time under section 129 of the Act in his absence, it shall give him and his sureties, if any, notice thereof.

(2) If a magistrates' court, under section 129(4) of the Act of 1980, enlarges the recognizance of a surety for a person committed for trial on bail, it shall give the surety notice thereof.

Directions as to security, etc.

85. Where a magistrates' court, under section 3(5) or (6) of the Bail Act 1976, imposes any requirement to be complied with before a person's release on bail, the court may give directions as to the manner in which and the person or persons before whom the requirement may be complied with.

Requirements to be complied with before release

86.—(1) Where a magistrates' court has fixed the amount in which a person (including any surety) is to be bound by a recognizance, the recognizance may be entered into—

- (a) in the case of a surety in connection with bail in criminal proceedings where the accused is in a prison or other place of detention, before the governor or keeper of the prison or place as well as before the persons mentioned in section 8(4)(a) of the Bail Act 1976;
- (b) in any other case, before a justice of the peace, a justices' clerk, a police officer who either is of the rank of inspector or above or is in charge of a police station or, if the person to be bound is in a prison or other place of detention, before the governor or keeper of the prison or place.

(2) The clerk of a magistrates' court which has fixed the amount in which a person (including any surety) is to be bound by a recognizance or, under section 3(5) or (6) of the Bail Act 1976, has imposed any requirement to be complied with before a person's release on bail shall issue a certificate

in the prescribed form showing the amount and conditions, if any, of the recognizance or, as the case may be, containing a statement of the requirement; and a person authorised to take the recognizance or do anything in relation to the compliance with such requirement shall not be required to take or do it without production of such a certificate as aforesaid.

(3) If any person proposed as a surety for a person committed to custody by a magistrates' court produces to the governor or keeper of the prison or other place of detention in which the person so committed is detained a certificate in the prescribed form to the effect that he is acceptable as a surety, signed by any of the justices composing the court or the clerk of the court and signed in the margin by the person proposed as surety, the governor or keeper shall take the recognizance of the person so proposed.

(4) Where the recognizance of any person committed to custody by a magistrates' court or of any surety of such a person is taken by any person other than the court which committed the first-mentioned person to custody, the person taking the recognizance shall send it to the clerk of that court:

Provided that, in the case of a surety, if the person committed has been committed to the Crown Court for trial or under any of the enactments mentioned in rule 17(1), the person taking the recognizance shall send it to the appropriate officer of the Crown Court.

Notice to governor of prison, etc. where release from custody is ordered

87. Where a magistrates' court has, with a view to the release on bail of a person in custody, fixed the amount in which he or any surety of such a person shall be bound or, under section 3(5) or (6) of the Bail Act 1976, imposed any requirement to be complied with before his release—

- (a) the clerk of the court shall give notice thereof to the governor or keeper of the prison or place where that person is detained by sending him such a certificate as is mentioned in rule 86(2);
- (b) any person authorised to take the recognizance of a surety or do anything in relation to the compliance with such requirement shall, on taking or doing it, send notice thereof by post to the said governor or keeper in the prescribed form and, in the case of a recognizance of a surety, shall give a copy of the notice to the surety.

Release when recognizances have been taken or requirements complied with

88. Where a magistrates' court has, with a view to the release on bail of a person in custody, fixed the amount in which he or any surety of such a person shall be bound or, under section 3(5) or (6) of the Bail Act 1976, imposed any requirement to be complied with before his release and given notice thereof in accordance with these Rules to the governor or keeper of the prison or place where that person is detained, the governor or keeper shall, when satisfied that the recognizances of all sureties required have been taken and that all such requirements have been complied with—

- (a) in the case of bail in criminal proceedings, unless he is in custody for some other cause, release him;
- (b) in the case of bail otherwise than in criminal proceedings, take the recognizances of that person if this has not already been done and, unless he is in custody for some other cause, release him.

Procedure under s. 13 of the Courts Act 1971

89. Where under section 13(7) of the Courts Act 1971(1) a magistrates' court commits to custody or releases on bail a person who has been arrested in pursuance of a warrant issued by the Crown

(1) 1971 c. 23.

Court, or the officer in charge of a police station releases such a person on bail under section 13(6) of that Act, the clerk of the magistrates' court or the officer, as the case may be, shall forthwith notify the appropriate officer of the Crown Court of the action which has been taken and, if that person has been released, shall transmit to the appropriate officer of the Crown Court as soon as practicable—

- (a) in the case of bail in criminal proceedings, a copy of the record made in pursuance of section 5 of the Bail Act 1976 relating to such bail;
- (b) in the case of bail otherwise than in criminal proceedings, the recognizance of that person.

Bail records to be entered in register

90. Any record required by section 5 of the Bail Act 1976 to be made by a magistrates' court (together with any note of reasons required by subsection (4) of that section to be included) shall be made by way of an entry in the register and shall contain the particulars set out in the appropriate form prescribed for the purpose.

Notice of change of time for appearance

91. Where—

- (a) a person has been granted bail under section 43(1) of the Act of 1980 and the magistrates' court before which he is to appear appoints, under section 43(2), a later time as the time at which he is to appear; or
- (b) a magistrates' court further remands a person on bail under section 129 of that Act in his absence,

it shall give him and his sureties, if any, notice thereof.

Notification of bail decision after arrest while on bail

92. Where a person who has been released on bail and is under a duty to surrender into the custody of a court is brought under section 7(4)(a) of the Bail Act 1976(2) before a justice of the peace, the justice shall cause a copy of the record made in pursuance of section 5 of that Act relating to his decision under section 7(5) of that Act in respect of that person to be sent—

- (a) in the case of a magistrates' court, to the clerk thereof; or
- (b) in the case of any other court, to the appropriate officer thereof.

Provided that this rule shall not apply where the court is a magistrates' court acting for the same petty sessions area as that for which the justice acts.

Variation of arrangements for bail on committal to Crown Court

93. Where a magistrates' court has committed a person on bail to the Crown Court for trial or under any of the enactments mentioned in rule 17(1) and subsequently varies any conditions of the bail or imposes any conditions in respect of the bail, the clerk of the court shall send to the appropriate officer of the Crown Court a copy of the record made in pursuance of section 5 of the Bail Act 1976 relating to such variation or imposition of conditions.

(2) 1976 c. 63; section 7(4) was amended by the [Criminal Law Act 1977 \(c. 45\)](#), section 65(4) and Schedule 12.