

THE RECOGNIZANCES AND SURETIES OF THE
PEACE ACT

Cap. 333.
Act
22 of 1997.

[15th May, 1908.]

1. This Act may be cited as the Recognizances and Sureties of the Peace Act. Short title.

Recognizances

2.—(1) In all recognizances taken in or returnable to any court, when any person shall make default therein, it shall be lawful for such court to issue a warrant to the Bailiff, in the form in Schedule A, for recovery by distress and sale of the goods and chattels of such person of the penalty of such recognizance and for recovery as costs, of an amount equal to three per cent of the penalty of the recognizance, so, however, that any such amount shall not exceed one hundred thousand dollars; and in default of payment or recovery of such penalty and costs, the person so making default shall be liable to be imprisoned for a period not exceeding six months: Recognizances, how enforceable.

Schedule A.

22/1997
S. 2(b).

Provided always, that it shall be lawful for such court, on cause shown, to remit the penalty and costs in whole or in part, or to discharge the recognizance without issuing a warrant of distress on such terms as such court may think fit.

(2) The Minister may from time to time, by order, subject to negative resolution, vary the percentage or the maximum amount, as the case may be, specified in subsection (1) for recovery of costs. 22/1997
S. 2(c).

Bailiff's fees.

3.—(1) Subject to any order of the court the Bailiff shall be entitled to retain as a fee the costs recovered under any such warrant.

(2) When on the execution of any warrant either—

(a) the penalty and costs are not recovered; or

(b) the penalty and costs are remitted in whole or in part,

the court may in its absolute discretion make an order for the payment out of the Consolidated Fund to the Bailiff of a sum equal to the costs referred to in paragraph (a) or to the amount of the costs remitted, as the case may be.

Notice to be given to sureties.

4. Every Judge, Justice, or other officer before whom any recognizance shall be entered into, is hereby required to give or cause to be given to each of the persons or sureties entering into recognizance, at the time of doing so, a written notice in the form or to the effect in the Schedule B, adapting the same to the particular circumstances of each case; and every such Judge, Justice or other officer shall in every such recognizance mention the names in full and the profession, trade or occupation of every person entering into such recognizance, and the parish or place of his residence.

Schedule B.

Sureties of the Peace

Procedure in cases for binding persons over to keep the peace or be of good behaviour.

5. The power of Justices, upon complaint of any person, to adjudge a person to enter into a recognizance and find sureties to keep the peace, or to be of good behaviour, shall be exercised by an order upon complaint, or upon complaint on oath where a warrant issues in the first instance, and all the provisions of the Justices of the Peace Jurisdiction Act relating to summary convictions shall apply accordingly, and the complainant and defendant and witnesses may be called and examined and cross-examined, and the complainant and defendant shall be subject to costs as in the case of any other complaint.

Witnesses and costs.

6. The court may order the defendant, in default of compliance with any order made under the provisions of section 5, to be imprisoned for a period not exceeding six months.

Imprisonment for disobedience to order.

7. Where a recognizance conditioned to keep the peace, or to be of good behaviour, under section 5, has been entered into by any person as principal or surety, a court of summary jurisdiction having jurisdiction in the parish in which such recognizance was entered into, upon proof of the conviction of the person, bound as principal by such recognizance of any offence which is in law a breach of the condition of the same, may by conviction adjudge such recognizance to be forfeited, and adjudge the persons bound thereby, whether as principal or sureties, or any of such persons, to pay the sums for which they are respectively bound.

Forfeiture of recognizance, and order thereon.

8. Where a recognizance as aforesaid has under the provisions of section 7 been adjudged to be forfeited, and the persons bound thereby have been adjudged to pay the sums for which they were respectively bound, payment of any sum so adjudged to be payable shall be enforced in like manner as if it were a sum adjudged by a court of summary jurisdiction to be paid as a penalty, which the enactment under which such penalty is made payable provides no mode of enforcing.

Enforcement of penalty.

9. Any sum paid by a surety on behalf of his principal in respect of a security under sections 5 to 8, together with all costs, charges and expenses incurred by such surety in respect of the same, shall be deemed a civil debt due to him from the principal, and may be recovered in the Resident Magistrate's Court of the parish where such debt arose, or where the principal resides or carries on business, irrespective of the amount thereof, as moneys paid by the surety for his principal at his request, and all methods now in force in a Resident Magistrate's Court for obtaining judgment of a civil debt, and for enforcing satisfaction therefor, may be resorted to by the surety against his principal.

Proceedings by surety against his principal for recovery of money paid by him in respect of the security.

RECOGNIZANCES AND SURETIES OF THE PEACE

(Section 2)

SCHEDULE A

Form of Warrant

Elizabeth II, by the Grace of God, of Jamaica, and of Her Other Realms and Territories, Queen, Head of the Commonwealth.

To the Bailiff of the _____ Court, for the parish of _____

You are hereby required and commanded to levy the sum of \$ _____ upon the goods and chattels of _____

of the parish of _____, and make payment of the moneys so levied to the Clerk of the Courts for the parish of _____ . And if you cannot levy the said sum of

\$ _____ by reason of there being no goods or chattels to be found belonging to the said _____, then that you take the body of the said _____ and lodge him in

the _____ prison to await the decision of the said _____ Court at the next sitting thereof unless

the said _____ shall give sufficient security for his appearance at such _____ Court.

And have you then and there this warrant.

Witness _____ for the parish of _____, at _____ day of _____, 19 _____, the _____

(Seal or signature of Judge,
or as the case may be.)

(Section 4)

SCHEDULE B

In the _____ Court for the parish of _____

Take notice that you _____, of _____ are bound in the sum of \$ _____ and

your sureties _____, of _____, in the sum of \$ _____ each, to appear at the _____ Court,

for the parish of _____, to be holden at _____ on the _____ day of _____, now next, and unless

you personally make your appearance accordingly the recognizance entered into by yourself and sureties will be forthwith ordered to be forfeited and the amount thereof levied on your goods and chattels, and in default of sufficient goods and chattels that you and each of you may be imprisoned for such period as the Court may think just, not exceeding six months.

Dated the _____ day of _____, 19 _____.

(Signature of the Judge,
or as the case may be.)