



ST. CHRISTOPHER AND NEVIS

CHAPTER 4.09

FORFEITED RECOGNISANCES ACT

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

FORFEITED RECOGNISANCES ACT

Act 4 of 1877 ... in force 7th December 1877

Page

3

CHAPTER 4.09

FORFEITED RECOGNISANCES ACT

ARRANGEMENT OF SECTIONS

1. Short title
2. Registrar to make list of forfeited recognisances
3. List to be signed by Judge, and defaulters to be summoned to appear before Court
4. Court to hear and determine the merits of each case
5. If person summoned makes default, case may be determined in his or her absence
6. Execution to be issued against defaulter for seizure of goods, etc., or for arrest
7. Persons arrested to be imprisoned, or give bail for appearance at next sitting of Court
8. If person fail to appear, Court may order execution to issue against sureties

SCHEDULE

CHAPTER 4.09

FORFEITED RECOGNISANCES ACT

AN ACT TO PROVIDE FOR FORFEITED RECOGNISANCE; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Forfeited Recognisances Act.

Registrar to make list of forfeited recognisances.

2. The Registrar of the High Court shall, before the close of the last day's sitting of the Court, make out a list of all persons bound by recognizance to appear, or who shall have been bound for the appearance of any other person at the said Court, and who shall have made default, or whose principal, or other person for whom they are so bound, shall have made default to appear at the said Court, and of all persons whose recognisances shall have been certified as forfeited by or before any Magistrate or other proper officer.

List to be signed by Judge, and defaulters to be summoned to appear before Court.

3. The list so made out shall be signed by the presiding Judge and delivered to the Provost-Marshal, who shall forthwith summon all persons whose names appear on such list to appear before the Court, on a day to be named in the summons, to show cause why the penalty of the recognisances should not be enforced.

Court to hear and determine the merits of each case.

4. The Provost-Marshal shall forthwith make a return thereto of all persons who have been summoned as aforesaid, and the Court shall proceed to hear and determine the merits of each case; and the Court shall have power, wholly or in part, to remit the amount in which the party may stand bound, or to enforce the same in manner hereinafter directed.

If person summoned makes default, case may be determined in his or her absence.

5. In case any person summoned, as aforesaid, to appear before the Court refuses or neglects so to do, the Court may, upon proof of the service of summons being made, proceed to hear and determine the merits of the case, and to give judgment therein as if such person were present.

Execution to be issued against defaulter for seizure of goods, etc., or for arrest.

6. When judgment shall have been given against any person in respect of any forfeited recognisances, a writ of execution, in the form set out in the Schedule shall be issued from the Registrar's office against such person, and delivered to the Provost-Marshal, which shall be the authority of such Provost-Marshal for levying and recovering such forfeited recognisances, and for taking into custody the body of such person in case sufficient goods and chattels, lands and tenements shall not be found whereon levy may be made.

Persons arrested to be imprisoned, or give bail for appearance at next sitting of Court.

7. Every person who is arrested under the provisions of section 6 shall be lodged in prison until the next sitting of the Court, there to abide the judgment of the Court:

Provided always that if any person so arrested and imprisoned shall give to the Provost-Marshal good and sufficient bail for his or her appearance at the next sitting of the Court to abide the decision of the Court, and for the payment of such forfeited recognisances, or sum of money in lieu or satisfaction thereof, together with such costs as shall be awarded by the Court, then, and in such case, it shall be lawful for the Provost-Marshal, and he or she is hereby required, forthwith to discharge such person out of custody.

If person fail to appear, Court may order execution to issue against sureties.

8. If such person shall fail to appear at the next sitting of the Court in pursuance of his or her undertaking in that respect, it shall be lawful for the Court to order that a writ of execution, in the form set out in the Schedule with such alterations as may be necessary to suit the facts, be issued from the Registrar's office against the surety or sureties of the person so bound as aforesaid, and such writ shall be delivered to the Provost-Marshal, who shall proceed as therein directed:

Provided that the Court may, if in its discretion it thinks proper, order the discharge of the whole, or any part, of the forfeited recognisances, or of the sum of money paid, or to be paid, in lieu thereof.

SCHEDULE

(Sections 6 and 8)

IN THE SUPREME COURT OF THE EASTERN CARIBBEAN

SAINT CHRISTOPHER OR NEVIS (AS THE CASE MAY BE) CIRCUIT.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

To the Provost-Marshal of the Circuit.

We command you that of the goods and chattels, lands and tenements and debts of A.B., of, you cause to be levied the sum of, which said sum of money the said A.B. was by a judgment of the High Court, bearing date the day of, adjudged to pay in respect of a certain recognisance forfeited by him or her; and, in case you cannot find sufficient goods and chattels, lands and tenements and debts of the said A.B., then you are to take the body of A.B., and lodge him or her in the prison at Basseterre, there to await the decision of the presiding Judge of the Court next thereafter to be held in this Circuit, unless A.B., gives sufficient security for his or her appearance at the Court, for which you will be answerable, and have you then and there this writ.

Witness The Honourable *Judge* of the Supreme Court
the day of 20
