

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER F55

FORFEITED RECOGNIZANCES ACT

Showing the Law as at 15 December 2000

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FORFEITED RECOGNIZANCES ACT

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SCHEDULE: Writ of Execution

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FORFEITED RECOGNIZANCES ACT

Registrar to make list of forfeited recognizances

1. 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 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 Court, and of all persons whose recognizances shall have been certified as forfeited by or before the Magistrate or other proper officer.

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

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

Court to hear and determine the merits of each case

3. The Bailiff 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 amount in manner hereinafter directed.

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

4. In case any person summoned 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 or for arrest

5. When judgment has been given against any person in respect of any forfeited recognizances, a writ of execution, in the form in the Schedule shall be issued from the Registrar's office against the person and delivered to the Bailiff, which shall be the authority of the Bailiff for levying and recovering the forfeited recognizances and for taking into custody the body of the 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

6. Every person who shall be arrested under section 5 shall be lodged in prison until the next sitting of the Court, there to abide the judgment of the Court but, if any person so arrested and imprisoned shall give to the Bailiff good and sufficient bail for his appearance at the next sitting of the Court to abide the decision of the Court, and for the payment of the forfeited recognizances, or sum of money in lieu or satisfaction thereof, together with the costs awarded by the Court, then it shall be lawful for the Bailiff, and he is hereby required forthwith, to discharge the person out of custody.

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

7. If such person shall fail to appear at the next sitting of the Court in pursuance of his undertaking in that respect, the Court may 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, and the writ shall be delivered to the Bailiff, who shall proceed as therein directed, but the Court may, if in its discretion it thinks proper, order the discharge of the whole, or any part, of the forfeited recognizances, or of the sum of money paid, or to be paid, in lieu thereof.

Citation

8. This Act may be cited as the Forfeited Recognizances Act, Revised Statutes of Anguilla, Chapter F55.

SCHEDULE

(Sections 5 and 7)

WRIT OF EXECUTION

IN THE HIGH COURT

ANGUILLA

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 Bailiff of Anguilla.

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 our said High Court, bearing date the ……. day of …….……, ……, adjudged to pay in respect of a certain recognizance forfeited by him; 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 the said A.B., and lodge him in the prison at ……., there to await the decision of the presiding Judge of the said High Court, unless the said A.B., shall give sufficient security for his appearance at the said Court, for which you will be answerable, and have you then and there this writ.

Witness The Honourable ……., of our High Court the …… day of …….……, …….. .