



**PART X. - SURETY OF THE PEACE AND GOOD BEHAVIOUR.**

**209. INFORMATION PRAYING FOR SURETY OF THE PEACE.**

Where a written information is laid before a Magistrate that a person has—

- (a) threatened—
  - (i) to do to the complainant or to his wife or child, or a person under his care or charge, bodily injury; or
  - (ii) to burn or injure his house; or
  - (iii) to commit a breach of the peace towards him or his wife or child or that other person,

or to procure others to commit any such injury; or

- (b) used language indicating an intention to commit any such breach of the peace or to do any such injury or procure it to be committed or done,

and that the complainant is in fear of the defendant, and the complainant prays that the defendant may be required to find sufficient sureties to keep the peace, proceedings may be had under this Part.

**210. INFORMATION PRAYING FOR SURETY TO BE OF GOOD BEHAVIOUR.**

Where a written information on oath is laid before a Magistrate that a person is a person of evil fame, and the complainant prays that the defendant may be required to find sufficient sureties to be of good behaviour, proceedings may be had under this Part.

**211. EVIDENCE IN SUPPORT.**

On the laying of information under Section 209 or 210, the Magistrate may receive corroborating affidavits of third persons in support of the matters stated in the information.

**212. WARRANT.**

(1) Subject Subsection (2), on the laying of an information under Section 209 or 210, the Magistrate may—

- (a) issue the same process to procure the attendance before a Court of the person against whom the information is laid as is specified by this Act in the case of persons charged with simple offences; and
- (b) if the information is laid on oath—issue a warrant in the first instance.

(2) If a Magistrate is satisfied that an information referred to in Subsection (1) is laid from malice or for vexation only, he may refuse to issue process.

**213. PROCEEDINGS ON APPEARANCE OF DEFENDANT.**

Subject to this Part, where a person appears or is brought before a Court under this Part the procedure and the powers of the Court are the same, and the provisions of this Act, with the necessary modifications, apply as on an information of a simple offence.

**214. CASE TO BE DISMISSED, OR SURETY OF THE PEACE, ETC., REQUIRED.**

After hearing the evidence relating to an information under Section 209 or 210, the Court may—

- (a) dismiss the case; or
- (b) require the defendant immediately, or at some time to be specified by the Court, to enter into a recognizance, oral or in writing, with or without sureties, in such reasonable amount as the Court thinks fit, to keep the peace or be of good behaviour, as the case may be, for such time as it thinks fit, or in default—commit the defendant to a correctional institution or police lock-up for such time as the Court thinks fit, not exceeding six months, unless in the meantime the required recognizance is given.

**215. NOTICE OF RECOGNIZANCES.**

Notice of a recognizance under Section 214 shall be given to the parties bound in the same manner as of other recognizances under this Act.

**216. DISCHARGE.**

If the defendant is in custody under commitment for want of sureties at the time when he enters into a recognizance under Section 214, the Magistrate taking the recognizance shall issue to the officer-in-charge of the correctional institution or police lock-up in which the defendant is held a warrant to release him.

**217. FORFEITING RECOGNIZANCE.**

Where a recognizance to keep the peace or to be of good behaviour is entered into by a person as principal or surety, a Court,—

- (a) on application made to it to declare the recognizance to be forfeited; and
- (b) on proof of a conviction of the principal bound by the recognizance of an offence which is in law a breach of the condition of the recognizance; and
- (c) on proof that written notice signed by the person seeking to put the recognizance in force has, at least seven days before the date of making the application, been personally served on or left at the usual or last-known place of abode of the person bound by the recognizance, or each of those persons if more than one, that an application will then and there be made that the recognizance be declared forfeited,

may declare the recognizance forfeited, and may make an order for payment of any amount due under the recognizance.

**218. COSTS.**

Costs may be awarded on proceedings under this Part in the same manner and to the same extent, and are recoverable by the same process, as on an information of a simple offence.