

BILLS SUPPLEMENT

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Bill No. 20 *Trial on Indictments*
 (Amendment) Bill **1997**

THE TRIAL ON INDICTMENTS (AMENDMENT)
BILL, 1997.

MEMORANDUM

The object of this Bill is to amend the Trial on Indictments Decree, 1971 (Decree No. 26 of 1971)—

- (a) to streamline the provisions of section 14A relating to bail;
- (b) to make provision for enabling the prosecution particularly in fraud cases and cases of forgery, etc to obtain relevant documents in the custody of a bank needed for prosecution of a particular offence.

BART KATUREEBE,
Minister of Justice and Attorney-General.

**THE TRIAL ON INDICTMENTS (AMENDMENT)
BILL, 1997.**

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Amendment of Decree No. 26 of 1971.
3. New section on documents in custody of banks.

A Bill for an Act

ENTITLED

**THE TRIAL ON INDICTMENTS (AMENDMENT)
ACT, 1997.**

An Act to amend the Trial on Indictments Decree, 1971.

BE IT ENACTED by Parliament as follows:

1. This Act may be cited as the Trial Indictments (Amendment) Act, 1997. Short title.

2. The Trial on Indictments Decree, 1971, in this Act referred to as the Decree, is amended by substituting for section 14A the following new section— Amendment
Decree No.
26 of 1971.

"Release
on bail." 14A. (1) Notwithstanding section 14 of this Decree, the court may refuse to grant bail to a person accused of an offence specified in subsection (2) of this section, if he does not prove to the satisfaction of the court—

(a) that exceptional circumstances exist justifying his release on bail; and

(b) that he will not abscond when released on bail.

(2) An offence referred to in subsection (1) of this section is—

- (a) an offence triable only by the High Court;
- (b) an offence under the Penal Code relating to acts of terrorism or cattle rustling;
- (c) an offence under the Firearms Act, 1970 punishable by sentence of imprisonment of not less than ten years;
- (d) abuse of office contrary to section 83 of the Penal Code where it is alleged that public funds not less than two million shillings is lost as a result of the commission of the offence;
- (e) rape, contrary to section 117 of the Penal Code;
- (f) embezzlement, contrary to section 257 of the Penal Code where it is alleged that public funds not less than two million shillings is lost as a result of the commission of the offence;
- (g) causing financial loss, contrary to section 258 of the Penal Code where it is alleged that public funds not less than two million shillings is lost as a result of the commission of the offence;
- (h) corruption, contrary to section 1 of the Prevention of Corruption Act, 1970;
- (i) bribery of a member of a public body, contrary to section 4 of the Prevention of Corruption Act, 1970; and

Act No. 23
of 1970.

Act No. 8
of 1970.

(j) any other offence in respect of which a Magistrates' Court has no jurisdiction to grant bail.

(3) In this section "exceptional circumstances" means any of the following—

(a) grave illness certified by a medical officer of the prison or other institution or place where the accused is detained as being incapable of adequate medical treatment while the accused is in custody;

(b) a certificate of no objection signed by the Director of Public Prosecutions; or

(c) the infancy or advanced age of the accused.

(4) In considering whether or not the accused is likely to abscond, the court may take into account the following factors—

(a) whether the accused has a fixed abode within the jurisdiction of the court or is ordinarily resident outside Uganda;

(b) whether the accused has sound securities within the jurisdiction to undertake that the accused shall comply with the conditions of his bail; and

(c) whether the accused has on a previous occasion when released on bail failed to comply with the conditions of his bail; and

(d) whether there are other charges pending against the accused".

3. The Decree is amended by inserting immediately after section 136 the following section.

New section
on
document
in custody
of banks.

† "Obtaining
copies or
originals of
documents
in custody
of bank.

136A. (1) For the purposes of any investigation of a crime, a bank manager or any officer of the bank authorised by the bank shall, upon request in writing by the Director of Public Prosecutions or a police officer not below the rank of Inspector, authorised in writing by the Director of Public Prosecutions, supply without delay to the Director of Public Prosecutions or the police officer, a copy or copies of any document in the custody of the bank against a receipt signed by the Director of Public Prosecutions or the police officer; and the receipt shall be countersigned by the bank manager.

(2) Where it is necessary that the original of any document in the custody of the bank should be inspected or that tests should be carried out on it, the Director of Public Prosecutions or a police officer not below the rank of Inspector, authorised in writing by the Director of Public Prosecutions may apply to the bank for the original and a bank manager or an officer of the bank authorised by the bank shall deliver the original to the Director of Public Prosecutions or the police officer against a receipt signed by the Director of Public Prosecutions or the police officer.

(3) When the original of a document in the custody of a bank is to be delivered under subsection (2) of this section, the Director of Public Prosecutions or the police officer referred to in that subsection shall give to the bank manager a photocopy of the original certified by the Director of Public Prosecutions or the police officer and by the bank manager or authorised officer to be a true copy of the original.

(4) A document certified under subsection (3) to be a true copy of an original of a document in the custody of the bank may be tendered by the banker as the original document for all purposes".

(5) A police officer acting under this section shall be responsible to the Director of Public Prosecutions for anything to be done by that officer under this section.

(6) This section shall have effect notwithstanding the provisions of the Evidence (Bankers' Books) Act".

Cap. 44.