

CHAPTER 9

THE EVIDENCE (BANKERS' BOOKS) ACT

Arrangement of Sections

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CHAPTER 9**THE EVIDENCE (BANKERS' BOOKS) ACT***Commencement: 7 October, 1930***An Act relating to the law of evidence with respect to bankers' books.****1. Interpretation**

In this Act, unless the context otherwise requires—

“bank” or “banker” means any person carrying on the business of banking in Uganda (including the PostBank Uganda Limited established under the Uganda Communications Act, and any branch of that bank), and, for the purpose of sections 2, 3 and 4, includes any person carrying on the business of banking in Kenya or Tanzania; the fact that any such bank is a PostBank Uganda Limited bank may be proved by a certificate purporting to be under the hand of the managing director or an assistant managing director;

“bankers' books” includes ledgers, day books, cash books, account books and all other books used in the ordinary business of the bank;

“legal proceeding” means any civil or criminal proceeding or inquiry (including an arbitration) in which evidence is or may be given, in Uganda, and, for the purposes of section 6, includes any such proceeding or inquiry in Kenya or Tanzania.

2. Mode of proof of entries in bankers' books

Subject to this Act, a copy of any entry in a banker's book shall, in all legal proceedings, be received as *prima facie* evidence of that entry, and of the matters, transactions and accounts recorded in it.

3. Proof that a book is a banker's book

(1) A copy of an entry in a banker's book shall not be received in evidence under this Act unless it is first proved that the book was, at the time of the making of the entry, one of the ordinary books of the bank, and that

the entry was made in the usual and ordinary course of business, and that the book is in the custody or control of the bank.

(2) Such proof may be given by a partner or officer of the bank, and may be given orally or by an affidavit sworn before any commissioner or person authorised to take affidavits.

4. Verification of copy

(1) A copy of an entry in a banker's book shall not be received in evidence under this Act unless it is further proved that the copy has been examined with the original entry and is correct.

(2) Such proof shall be given by some person who has examined the copy with the original entry, and may be given either orally or by an affidavit sworn before any commissioner or person authorised to take affidavits.

5. Case in which banker, etc. not compellable to produce book, etc.

A banker or officer of a bank shall not, in any legal proceedings to which the bank is not a party, be compellable to produce any banker's book the contents of which can be proved under this Act, or to appear as a witness to prove the matters, transactions and accounts recorded in a banker's book, unless by order of a court made for special cause.

6. Court may order inspection, etc.

(1) On the application of any party to a legal proceeding, a court may order that the party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of those proceedings.

(2) An order under this section may be made either with or without summoning the bank or any other party, and shall be served on the bank three clear days before it is to be obeyed, unless the court otherwise directs.

7. Costs

(1) The costs of any application to a court under or for the purposes of this Act, and the costs of anything done or to be done under an order of a court made under or for the purposes of this Act, shall be in the discretion

of the court, which may order the costs or any part of the costs to be paid to any party by the bank, where the costs have been occasioned by any default or delay on the part of the bank.

(2) Any such order against a bank may be enforced as if the bank were a party to the proceedings.

8. Computation of time

Sunday and any day declared to be a public holiday under the Public Holidays Act shall be excluded from the computation of time under this Act.

History: Cap. 7 (Revised Edition, 2000)

Cross References

Public Holidays Act, Cap. 174

Uganda Communications Act, Cap. 106 (Revised Edition, 2000)
