



THE JUDICIARY

THE PROCEDURE FOR BAIL REFUND



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1. What is bail?

Bail is an agreement between the applicant or his/her sureties and the Court that the applicant will attend court when required, and that should the applicant abscond, in addition to the Court issuing warrants of arrest, a sum of money or property directed by the Court to be deposited, will be forfeited to the Court.

2. Is bail money refundable?

YES, cash paid as bail is refundable. According to the laws of Uganda, cash bail ordered by Courts is to be refunded after the conclusion of a case unless the same has been **forfeited** to the State in the course of a trial.

3. What is the procedure for bail refund?

The current procedure for cash bail refund is as follows:

- 1** Apply in writing to the Court that granted the bail, for a bail refund. Contents of the application are;
 - a. Full name of the applicant
 - b. Address and phone contact
 - c. Bank account details/Mobile Money number. The bank account/Mobile Money number should be registered in the name of the applicant who is the person to whom bail was granted.
- 2** Attach to the application the following documents;
 - a. Original bail bond form received from Court,
 - b. The original general receipt that was issued by Court and
 - c. The original URA acknowledgment receipt (where applicable).
- 3** The Court where the application is made shall extract the Court order for the bail refund. The same shall be signed, sealed by the Judicial Officer and attached to the application.
- 4** The Cashier of the Court shall then prepare a requisition for the refund with the aforementioned documents addressed to the Permanent Secretary/Secretary to the Judiciary. This requisition is signed and submitted by the Head of the Station, and not the applicant.
- 5** The signed requisition for bail refund is then delivered by a Staff of the Court to the Permanent Secretary/Secretary to the Judiciary for processing of the refund directly to the account of the applicant.

4. How long does it take to get a refund?

As long as all the necessary documentation is in order, a bail refund should take **7 working days** from the time the application is lodged at the office of the Permanent Secretary/Secretary to the Judiciary. If there are queries to the documents filed, the refund may take a little longer, but in any case, it is expected that it takes about **15 working days**. Such queries may include:





- a. Incorrect bank details being availed by the applicant,
- b. The account being dormant,
- a. The authenticity of the supporting documents is questionable

5. Non-refundable monies

Payments made following the legitimate payment procedure for deposits of cash bail are the only ones that are refundable. The Judiciary shall not refund/be held responsible for any of the following:

- a. Amounts not paid directly in the bank
- b. Payments made in corridors of Court to any Staff of the Judiciary, middlemen 'bush lawyers', advocates (if any) etc.
- c. Payments made in advance or before bail is granted to any Staff of the Judiciary or other actors in the Criminal Justice chain.

All the above payments are considered bribes and the Judiciary condemns this.

6. Who are the key Court Officials in a cash bail process?

Judicial Officer- at grant to determine and pronounce the amount of money payable. At refund, to sign the requisition that is sent to the Secretary to the Judiciary and ensure the same is delivered by the Cashier or designated Staff of the Court.

Court Clerk- paperwork and file movement from the Registry to the Court, from Court to the cash office for assessment, after payment to fill the bail bond form ensure the accused and sureties have signed and taken to the Judicial Officer to sign. The Clerk thus moves the file and **not** money

Cashier- assessment, issue the general receipt and prepare the requisition for signature by the Head of Court and submit the request to the Secretary to the Judiciary

7. What is our appeal to the public?

- a. Pay only the amount pronounced by the Judicial Officer in open Court. Do not accept to pay money that is not pronounced by the Court.
- b. Insist on making payments in the bank and obtain a receipt for the payment.
- c. Maintain good custody of original documents evidencing payment of bail monies, as these will subsequently support your bail refund applications.
- d. Attend to your bail faithfully to avoid forfeiture.
- e. Those that are eligible for refund, should follow the bail refund procedures.
- f. Stand against corruption and be part of the fight against this vice, otherwise you may lose your would be refundable payment.

8. What is our commitment?

One of the Judiciary's service delivery commitments to the people of Uganda is to provide services honestly and transparently The Judiciary remains committed to transparency in bail grants and refunds as governed by the Law.





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