



# Bills of Exchange Act 1882

1882 CHAPTER 61 45 and 46 Vict

## PART V

### SUPPLEMENTARY

**90 Good faith.**

A thing is deemed to be done in good faith, within the meaning of this Act, where it is in fact done honestly, whether it is done negligently or not.

**91 Signature.**

- (1) Where, by this Act, any instrument or writing is required to be signed by any person it is not necessary that he should sign it with his own hand, but it is sufficient if his signature is written thereon by some other person by or under his authority.
- (2) In the case of a corporation, where, by this Act, any instrument or writing is required to be signed, it is sufficient if the instrument or writing be sealed with the corporate seal.

But nothing in this section shall be construed as requiring the bill or note of a corporation to be under seal.

**92 Computation of time.**

Where, by this Act, the time limited for doing any act or thing is less than three days, in reckoning time, non-business days are excluded.

“Non-business days” for the purposes of this Act mean—

- (a) [F1Saturday] Sunday, Good Friday, Christmas Day;
- (b) A bank holiday under [F2the M1Banking and Financial Dealings Act 1971:];
- (c) A day appointed by Royal proclamation as a public fast or thanksgiving day.
- [F3(d) A day declared by an order under section 2 of the Banking and Financial Dealings Act 1971 to be a non-business day.]

Any other day is a business day.

*Changes to legislation: There are currently no known outstanding effects for the Bills of Exchange Act 1882, Part V. (See end of Document for details)*

**Textual Amendments**

- F1 Word inserted by [Banking and Financial Dealings Act 1971 \(c. 80\), s. 3\(1\)\(3\)](#)
- F2 Words substituted by [Banking and Financial Dealings Act 1971 \(c. 80\), s. 4\(4\)](#)
- F3 S. 92(d) added by [Banking and Financial Dealings Act 1971 \(c. 80\) s. 4\(4\)](#)

**Marginal Citations**

- M1 [1971 c. 80.](#)

**93 When noting equivalent to protest.**

For the purposes of this Act, where a bill or note is required to be protested within a specified time or before some further proceeding is taken, it is sufficient that the bill has been noted for protest before the expiration of the specified time or the taking of the proceeding; and the formal protest may be extended at any time thereafter as of the date of the noting.

**94 Protest when notary not accessible.**

[<sup>F4</sup>(1)] Where a dishonoured bill or note is authorised or required to be protested, and the services of a notary cannot be obtained at the place where the bill is dishonoured, any householder or substantial resident of the place may, in the presence of two witnesses, give a certificate, signed by them, attesting the dishonour of the bill, and the certificate shall in all respects operate as if it were a formal protest of the bill. The form given in Schedule 1 to this Act may be used with necessary modifications, and if used shall be sufficient.

[<sup>F5</sup>(2) In subsection (1), “ notary ” includes a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to any activity which constitutes a notarial activity (within the meaning of that Act). ]

**Textual Amendments**

- F4 S. 94 renumbered (1.1.2010) as s. 94(1) by [Legal Services Act 2007 \(c. 29\), s. 211\(2\), Sch. 21 para. 10\(a\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/3250, art. 2\(h\)](#)
- F5 S. 94(2) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), s. 211\(2\), Sch. 21 para. 10\(b\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/3250, art. 2\(h\)](#)

**95 Dividend warrants may be crossed.**

The provisions of this Act as to crossed cheques shall apply to a warrant for payment of dividend.

**96** ..... <sup>F6</sup>

**Textual Amendments**

- F6 S. 96, Sch. 2 repealed by [Statute Law Revision Act 1898 \(c. 22\)](#)

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**97 Savings.**

- (1) The rules in bankruptcy relating to bills of exchange, promissory notes, and cheques, shall continue to apply thereto notwithstanding anything in this Act contained.
- (2) The rules of common law including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to bills of exchange, promissory notes, and cheques.
- (3) Nothing in this Act or in any repeal effected thereby shall affect—
  - (a) . . . <sup>F7</sup> any law or enactment for the time being in force relating to the revenue:
  - (b) The provisions of the <sup>M2</sup>Companies Act 1862, or Acts amending it, or any Act relating to joint stock banks or companies:
  - (c) The provisions of any Act relating to or confirming the privileges of the Bank of England or the Bank of Ireland respectively:
  - (d) The validity of any usage relating to dividend warrants, or the indorsements thereof.

**Textual Amendments**

**F7** Words repealed by [Statute Law Revision Act 1898 \(c. 22\)](#)

**Marginal Citations**

**M2** [1862 c. 89.](#)

**98 Saving of summary diligence in Scotland.**

Nothing in this Act or in any repeal effected thereby shall extend or restrict, or in any way alter or affect the law and practice in Scotland in regard to summary diligence.

**99 Construction with other Acts, &c.**

Where any Act or document refers to any enactment repealed by this Act, the Act or document shall be construed, and shall operate, as if it referred to the corresponding provisions of this Act.

**100 Parole evidence allowed in certain judicial proceedings in Scotland.**

In any judicial proceeding in Scotland, any fact relating to a bill of exchange, bank cheque, or promissory note, which is relevant to any question of liability thereon, may be proved by parole evidence: Provided that this enactment shall not in any way affect the existing law and practice whereby the party who is, according to the tenour of any bill of exchange, bank cheque, or promissory note, debtor to the holder in the amount thereof, may be required, as a condition of obtaining a sist of diligence, or suspension of a charge, or threatened charge, to make such consignment, or to find such caution as the court or judge before whom the cause is depending may require.

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#### **Textual Amendments**

**F8** Words repealed by [Prescription and Limitation \(Scotland\) Act 1973 \(c. 52\), s. 16\(2\) Sch. 5 Pt. I](#)

**Changes to legislation:**

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