



Bills of Exchange Act 1882

1882 CHAPTER 61

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) Sunday, Good Friday, Christmas Day;
- (b) A bank holiday under the Bank Holidays Act, 1871, or Acts amending it;
- (c) A day appointed by Royal proclamation as a public fast or thanksgiving day.

Any other day is a business day.

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

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.

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 Repeal

The enactments mentioned in the second schedule to this Act are hereby repealed as from the commencement of this Act to the extent in that schedule mentioned.

Provided that such repeal shall not affect anything done or suffered, or any right, title, or interest acquired or accrued before the commencement of this Act, or any legal proceeding or remedy in respect of any such thing, right, title, or interest.

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) The provisions of the Stamp Act, 1870, or Acts amending it, or any law or enactment for the time being in force relating to the revenue:
 - (b) The provisions of the 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.

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 gist 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.

This section shall not apply to any case where the bill of exchange, bank cheque, or promissory note has undergone the sesennial prescription.