



Bank Notes (Scotland) Act 1765

1765 CHAPTER 49 5 Geo 3

An Act to prevent the Inconveniences arising from the present Method of issuing Notes and Bills by the Banks, Banking Companies, and Bankers, in . . .
F1

Scotland.

Preamble.No notes to be issued in Scotland, but what shall be payable on demand.

WHEREAS a practice has prevailed in . . .^{F1} Scotland, of issuing notes, commonly called bank notes, for sums of money payable to the bearer on demand, or, in the option of the issuer or granter, payable at the end of six months, with a sum equal to the legal interest, from the demand to that time: And whereas notes, with such option as aforesaid have been and are circulated in that part of the United Kingdom to a great extent, and do pass, from hand to hand, as specie, whereby great inconveniences have arisen: For remedy whereof,

Textual Amendments

F1 Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#), s. 4(b)

Modifications etc. (not altering text)

C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)

Commencement Information

I1 Act commenced from 10.1.1765, and wholly in force on or before 15.5.1766.

[1.]

. . .^{F2}, it shall not be lawful for any person or persons whatsoever, bodies politick or corporate, to issue or give, or cause to be issued or given, within . . .^{F3} Scotland, any note, ticket, token, or other writing, for money, of the nature of a bank note, circulated, or to be circulated as specie, but such as shall be payable, on demand, in lawful money of Great Britain, and without reserving any power, or option of delaying payment thereof for any time, or term whatsoever; . . .^{F2}

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Bank Notes (Scotland) Act 1765 (repealed 5.11.1993). (See end of Document for details)

Textual Amendments

- F2** Words repealed by [Statute Law Revision Act 1964 \(c. 79\)](#)
F3 Words repealed by [Statute Law Revision Act 1948 \(c. 62\), s. 4\(b\)](#)

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^{F4}

Textual Amendments

- F4** [S. 2](#) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 1 Pt. IV](#)

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Persons acting contrary hereto, forfeit 500l. with full costs of suit.

And all and every person or persons whatsoever, bodies politick or corporate, and the legal administrators of such person or persons, bodies politick or corporate, who shall, . . . ^{F5}, issue, or cause to be issued, any note, ticket, token, or other writing, for money, of the nature of a bank note, circulated, or to be circulated, as specie, contrary to the directions of this Act before mentioned, and to the true meaning and intent thereof, shall for every such offence, forfeit and pay to the person or persons who shall inform and prosecute for the same, five hundred pounds sterling, with full costs of suit; to be sued for and recovered, by way of complaint, before the Court of Session, upon fifteen days notice to the person or persons, bodies politick or corporate, complained of; which complaint the said Court of Session is hereby authorised and required summarily to determine, without abiding the course of any roll.

Textual Amendments

- F5** Words repealed by [Statute Law Revision Act 1964 \(c. 79\)](#)

Modifications etc. (not altering text)

- C2** [S. 3](#) amended by [Common Informers Act 1951 \(c. 39\)](#)

4

Summary execution. Method of protesting where payment is denied, &c.

And for rendering the payment of all notes, accepted bills, . . . ^{F6}, tickets, tokens, or other writings, for money, of the nature of a bank, or banker's note, circulated, or to be circulated, as specie, in that part of the United Kingdom, more effectual, from and after the passing of this Act, summary execution shall proceed upon every such note, accepted bill, . . . ^{F6}, ticket, token, or other writing, at the instance of the holder thereof, against the person or persons, bodies politick or corporate, and the legal administrators of such person or persons liable in payment of the same, not only for the sum or sums therein contained, but also for the interest thereof from the time of demanding payment; and that a protest, taken at the office of the person or persons, bodies politick or corporate, liable in payment of the same, between the hours of nine in the morning and three in the afternoon, for not payment, or for not marking of any such note, accepted bill, . . . ^{F6}, ticket, token, or other writing, shall be registerable in the Courts of Session or other competent judicatories, at any time within six months after the date of such protest; that . . . ^{F7} [^{F7}the] usual execution of the law of Scotland, may pass

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thereupon, in the same manner as is competent by the law of Scotland, upon protests of bills of exchange, and inland bills duly registered.

Textual Amendments

- F6** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. IV](#)
- F7** S. 4 for from “letters of horning” to “the other” there is substituted (S.) “the” by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108(1)(2), Sch. 6 para. 2 Sch. 7 paras. 5, **9(1)**

5 No suspension to pass but upon a discharge.

And no suspension or list of such charge, or other execution, shall pass, but upon a discharge by the holder of the note or notes, accepted bills, . . . ^{F8} so protested; or upon an offer or tender made to him or her, in the form of an instrument, duly signed by a notary publick and two witnesses, of the full contents of such note or notes, bill or bills, with the legal interest thereof from the date of the protest, and also of the expenses of the protest, registration, and such diligence as shall have followed thereupon, to be certified by an account under the hand of the holder of such note or notes, accepted bills, . . . ^{F8}, or other writings, aforesaid, all in lawful money of Great Britain: Saving and reserving always to the person or persons, bodies politick or corporate, who shall make such payment, their action at common law, before any competent court, for repetition of any overcharge in such account of expences, and to the person or persons who shall have protested such note or notes, his, her, or their action, before any competent court, for what further damages he, she, or they, may have incurred by the undue delay of payment.

Textual Amendments

- F8** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. IV](#)

6 Protest may be made of several notes jointly.

And for preventing the unnecessary expence and delay of protesting each note, accepted bill, . . . ^{F9}, ticket, token, or other writing aforesaid, separately, the holder of such notes, accepted bills, . . . ^{F9}, tickets, tokens, or other writings, after prefixing to his or her protest the full tenor and contents of any one note, accepted bill, . . . ^{F9}, ticket, token, or other writing aforesaid, issued by the person or persons, bodies politick or corporate, against whom such protest is to be taken, may and shall subjoin thereto the dates and numbers of all other notes or writings aforesaid of the same tenor and contents whereof he or she shall then demand payment; which protest, being duly registered, as aforesaid, shall be sufficient warrant for . . . ^{F10} execution of the law for payment of the contents of the whole notes, accepted bills, . . . ^{F9}, tickets, tokens, or other writings aforesaid, so specified in the protest; any law, usage, or custom to the contrary notwithstanding.

Textual Amendments

- F9** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. IV](#)
- F10** Words repealed (S.) by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108, Sch. 7 paras. 5, 9(1), [Sch. 8](#)

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7 F11

Textual Amendments

F11 S. 7 repealed by Statute Law Revision Act 1867 (c. 59)

8 F12

Textual Amendments

F12 S. 8 repealed by Statute Law Revision Act 1871 (c. 116)

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