



Bills of Exchange Act 1882

1882 CHAPTER 61 45 and 46 Vict

[^{F1}PART 4A

PRESENTMENT OF CHEQUES AND OTHER INSTRUMENTS BY ELECTRONIC MEANS

[^{F1}89E Compensation in cases of presentment by electronic means

- (1) The Treasury may by regulations make provision for the responsible banker to compensate any person for any loss of a kind specified by the regulations which that person incurs in connection with electronic presentment or purported electronic presentment of an instrument.
- (2) In this section “electronic presentment or purported electronic presentment of an instrument” includes—
 - (a) presentment of an instrument to which section 89A applies under that section;
 - (b) presentment of any other instrument by any means involving provision of an electronic image by which it may be presented for payment;
 - (c) purported presentment for payment by any means involving provision of an electronic image of an instrument that may not be presented for payment in that way;
 - (d) provision, in purported presentment for payment, of—
 - (i) an electronic image that purports to be, but is not, an image of a physical instrument (including an image that has been altered electronically), or
 - (ii) an electronic image of an instrument which has no legal effect; or
 - (e) provision, in presentment or purported presentment for payment, of an electronic image which has been stolen.
- (3) In this section, the “responsible banker”, in relation to electronic presentment or purported electronic presentment of an instrument, means—
 - (a) the banker who is authorised to collect payment of the instrument on a customer's behalf, or
 - (b) if the holder of the instrument is a banker, that banker.

Changes to legislation: There are currently no known outstanding effects for the Bills of Exchange Act 1882, Section 89E. (See end of Document for details)

- (4) In this section—
- (a) references to an instrument include references to an instrument which has no legal effect (whether because it has been fraudulently altered or created, or because it has been discharged, or otherwise);
 - (b) in relation to an electronic image which is not an image of a physical instrument, references to the instrument are to a purported instrument (of which it purports to be an image); and
 - (c) in relation to an instrument which is not a bill of exchange or promissory note, references to the holder are to the payee or indorsee of the instrument who is in possession of it or, if it is payable to bearer, the person in possession of it.
- (5) Regulations under this section may in particular make provision for—
- (a) the responsible banker to be required to pay compensation irrespective of fault;
 - (b) the amount of compensation to be reduced by virtue of anything done, or any failure to act, by the person to whom compensation is payable.
- (6) Nothing in this section or regulations under it is to be taken to—
- (a) prevent the responsible banker claiming a contribution from any other person, or
 - (b) affect any remedy available to the responsible banker in contract or otherwise.
- (7) Except so far as regulations under this section provide expressly, nothing in this section or regulations under it is to be taken to affect any liability of the responsible banker which exists apart from this section or any such regulations.]

Textual Amendments

- F1** Pt. 4A inserted (26.3.2015, 31.7.2016 in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), ss. **13(2)**, 164(4)

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