



# Bills of Exchange Act 1882

1882 CHAPTER 61 45 and 46 Vict

## PART II

### BILLS OF EXCHANGE

#### *Discharge of Bill*

#### **59 Payment in due course.**

- (1) A bill is discharged by payment in due course by or on behalf of the drawee or acceptor.  
“Payment in due course” means payment made at or after the maturity of the bill to the holder thereof in good faith and without notice that his title to the bill is defective.
- (2) Subject to the provisions herein-after contained, when a bill is paid by the drawer or an indorser it is not discharged; but
  - (a) Where a bill payable to, or to the order of, a third party is paid by the drawer, the drawer may enforce payment thereof against the acceptor, but may not re-issue the bill.
  - (b) Where a bill is paid by an indorser, or where a bill payable to drawer’s order is paid by the drawer, the party paying it is remitted to his former rights as regards the acceptor or antecedent parties, and he may, if he thinks fit, strike out his own subsequent indorsements, and again negotiate the bill.
- (3) Where an accommodation bill is paid in due course by the party accommodated the bill is discharged.

#### **60 Banker paying demand draft whereon indorsement is forged.**

When a bill payable to order on demand is drawn on a banker, and the banker on whom it is drawn pays the bill in good faith and in the ordinary course of business, it is not incumbent on the banker to show that the indorsement of the payee or any subsequent indorsement was made by or under the authority of the person whose indorsement it

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

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purports to be, and the banker is deemed to have paid the bill in due course, although such indorsement has been forged or made without authority.

**61 Acceptor the holder at maturity.**

When the acceptor of a bill is or becomes the holder of it at or after its maturity, in his own right, the bill is discharged.

**62 Express waiver.**

- (1) When the holder of a bill at or after its maturity absolutely and unconditionally renounces his rights against the acceptor the bill is discharged.

The renunciation must be in writing, unless the bill is delivered up to the acceptor.

- (2) The liabilities of any party to a bill may in like manner be renounced by the holder before, at, or after its maturity; but nothing in this section shall affect the rights of a holder in due course without notice of the renunciation.

**63 Cancellation.**

- (1) Where a bill is intentionally cancelled by the holder or his agent, and the cancellation is apparent thereon, the bill is discharged.

- (2) In like manner any party liable on a bill may be discharged by the intentional cancellation of his signature by the holder or his agent. In such case any indorser who would have had a right of recourse against the party whose signature is cancelled is also discharged.

- (3) A cancellation made unintentionally, or under a mistake, or without the authority of the holder is inoperative; but where a bill or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake, or without authority.

**64 Alteration of bill.**

- (1) Where a bill or acceptance is materially altered without the assent of all parties liable on the bill, the bill is avoided except as against a party who has himself made, authorised, or assented to the alteration, and subsequent indorsers.

Provided that, Where a bill has been materially altered, but the alteration is not apparent, and the bill is in the hands of a holder in due course, such holder may avail himself of the bill as if it had not been altered, and may enforce payment of it according to its original tenor.

- (2) In particular the following alterations are material, namely, any alteration of the date, the sum payable, the time of payment, the place of payment, and, where a bill has been accepted generally, the addition of a place of payment without the acceptor's assent.

**Modifications etc. (not altering text)**

C1 S. 64 excluded by [Decimal Currency Act 1969 \(c. 19\), s. 3\(2\)](#)

**Changes to legislation:**

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