



# Bills of Exchange Act 1882

1882 CHAPTER 61 45 and 46 Vict

## PART II

### BILLS OF EXCHANGE

#### *General Duties of the Holder*

#### **51 Noting or protest of bill.**

- (1) Where an inland bill has been dishonoured it may, if the holder think fit, be noted for non-acceptance or non-payment, as the case may be; but it shall not be necessary to note or protest any such bill in order to preserve the recourse against the drawer or indorser.
- (2) Where a foreign bill, appearing on the face of it to be such, has been dishonoured by non-acceptance it must be duly protested for non-acceptance, and where such a bill, which has not been previously dishonoured by non-acceptance, is dishonoured by non-payment it must be duly protested for non-payment. If it be not so protested the drawer and indorsers are discharged. Where a bill does not appear on the face of it to be a foreign bill, protest thereof in case of dishonour is unnecessary.
- (3) A bill which has been protested for non-acceptance may be subsequently protested for non-payment.
- (4) Subject to the provisions of this Act, when a bill is noted or protested, [<sup>F1</sup>it may be noted on the day of its dishonour and must be noted not later than the next succeeding business day]. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.
- (5) Where the acceptor of a bill becomes bankrupt or insolvent or suspends payment before it matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.
- (6) A bill must be protested at the place where it is dishonoured: Provided that—

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*Changes to legislation: There are currently no known outstanding effects for the Bills of Exchange Act 1882, Section 51. (See end of Document for details)*

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- (a) When a bill is presented through [<sup>F2</sup>a postal operator], and returned by post dishonoured, it may be protested at the place to which it is returned and on the day of its return if received during business hours, and if not received during business hours, then not later than the next business day:
  - (b) When a bill drawn payable at the place of business or residence of some person other than the drawee has been dishonoured by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.
- (7) A protest must contain a copy of the bill, and must be signed by the notary making it, and must specify—
- (a) The person at whose request the bill is protested:
  - (b) The place and date of protest, the cause or reason for protesting the bill, the demand made, and the answer given, if any, or the fact that the drawee or acceptor could not be found.
- [<sup>F3</sup>(7A) In subsection (7) “ 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). ]
- (8) Where a bill is lost or destroyed, or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.
- (9) Protest is dispensed with by any circumstance which would dispense with notice of dishonour. Delay in noting or protesting is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate the bill must be noted or protested with reasonable diligence.

#### Textual Amendments

- F1** Words substituted by [Bills of Exchange \(Time of Noting\) Act 1917 \(c. 48\), s. 1.](#)
- F2** Words in s. 51(6)(a) substituted (26.3.2001) by [S.I. 2001/1149, art. 3\(1\), Sch. 1 para. 4\(6\)](#)
- F3** S. 51(7A) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), s. 211\(2\), Sch. 21 para. 9](#) (with ss. [29, 192, 193](#)); [S.I. 2009/3250, art. 2\(h\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Bills of Exchange Act 1882, Section 51.