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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 750.

6 May 1977.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 58 of 1977: Bills of Exchange Amendment Act, 1977.

No. 750.

6 Mei 1977.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 58 van 1977: Wisselwysigingswet, 1977.

ACT

To amend the Bills of Exchange Act, 1964, so as to define certain expressions; to abolish the duty to protest an inland bill for non-acceptance or non-payment; to provide for the giving of notice of dishonour also on the next succeeding business day instead of on a Saturday; and for protesting a bill also on the next succeeding business day instead of on a Saturday or on the next succeeding business day if, after having been dishonoured and returned through the post, it is received on a Saturday or after business hours and the next day is a Saturday; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 21 April 1977.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 1 of
Act 34 of 1964.

1. Section 1 of the Bills of Exchange Act, 1964 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of “delivery” of the following definition:
“‘foreign bill’ means any bill which is not an inland bill;”; and
- (b) by the insertion after the definition of “indorsement” of the following definition:
“‘inland bill’ means a bill which is or purports to be drawn and payable in the Republic;”.

Amendment of
section 47 of
Act 34 of 1964.

2. Section 47 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

- “(5) In the absence of special circumstances, it is deemed that notice is not given within a reasonable time for the purposes of paragraph (j) of subsection (1), unless notice is given or the notice is posted—
- (a) on the business day next after the day on which the bill is dishonoured; or
 - (b) if that business day is a Saturday, on the business day next after that Saturday.”.

Amendment of
section 49 of
Act 34 of 1964.

3. Section 49 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
“(1) (a) If a foreign bill has been dishonoured by non-acceptance, it must be duly protested for non-acceptance, and if such a bill which has not been previously dishonoured by non-acceptance, is dishonoured by non-payment, it must be duly

WET

Tot wysiging van die Wisselwet, 1964, ten einde sekere uitdrukkings te omskryf; die plig om 'n binnelandse wissel weens nie-akseptasie of nie-betaling te protesteer, af te skaf; voorsiening te maak vir kennisgewing van dishonorerings ook op die eersvolgende sakedag in plaas van op 'n Saterdag, en vir protesterings van 'n wissel ook op die eersvolgende sakedag in plaas van op 'n Saterdag of op die eersvolgende sakedag, indien dit, nadat dit gedishonoreer en oor die pos teruggestuur is, ontvang word op 'n Saterdag of na kantoorure en die volgende dag 'n Saterdag is; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 April 1977.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wisselwet, 1964 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van
artikel 1 van
Wet 34 van 1964.

- (a) deur na die omskrywing van „bankier” die volgende omskrywing in te voeg:
„binnelandse wissel” 'n wissel wat in die Republiek getrek en betaalbaar is of heet aldus getrek en betaalbaar te wees;”; en
- (b) deur voor die omskrywing van „endossement” die volgende omskrywing in te voeg:
„buitelandse wissel” 'n wissel wat nie 'n binnelandse wissel is nie;”.

2. Artikel 47 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

Wysiging van
artikel 47 van
Wet 34 van 1964.

- „(5) By ontstentenis van besondere omstandighede word daar geag dat kennis nie binne 'n redelike tydperk vir die doeleindes van paragraaf (j) van subartikel (1) gegee word nie, tensy kennis gegee of die kennisgewing gepos word—
- (a) op die eerste sakedag na die dag waarop die wissel gedishonoreer is; of
 - (b) indien daardie sakedag 'n Saterdag is, op die eerste sakedag na daardie Saterdag.”.

3. Artikel 49 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 49 van
Wet 34 van 1964.

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
„(1) (a) Indien 'n buitelandse wissel deur nie-akseptasie gedishonoreer is, moet dit behoorlik weens nie-akseptasie geprotesteer word, en indien so 'n wissel wat nie voorheen deur nie-akseptasie gedishonoreer is nie, deur nie-betaling gedishono-

Act No. 58, 1977

BILLS OF EXCHANGE AMENDMENT ACT, 1977.

protested for non-payment: Provided that if such 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, and no further presentment for payment to, or demand on, the drawee is necessary.

- (b) If such a bill so dishonoured is not so protested the drawer and indorsers are discharged.
- (c) If such a bill has been accepted as to part, it must be so protested as to the balance.”;
- (b) by the insertion after subsection (1) of the following subsection:
 - “(1A) (a) If an inland bill has been dishonoured by non-acceptance or non-payment it may be protested for non-acceptance or non-payment, as the case may be, but it shall not be necessary so to protest any such bill to hold the drawer or any indorser liable.
 - (b) If such 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 may be protested for non-payment, and in such event no further presentment for payment to, or demand on, the drawee is necessary.”;
- (c) by the substitution for subsection (3) of the following subsection:
 - “(3) (a) Subject to the provisions of this Act, if it is intended to protest a bill, it must be protested not later than on the business day next after the day on which it is dishonoured, or, if such business day is a Saturday, not later than on the business day next after that Saturday.
 - (b) If it is intended to protest a bill in terms of paragraph (a) of the proviso to subsection (5), it must be protested—
 - (a) if received during business hours, on the day of its return or, if that day is a Saturday, not later than on the business day next after that Saturday; or
 - (b) if not received during business hours, not later than on the next business day, not being a Saturday.”; and
 - (d) by the substitution for paragraph (b) of subsection (5) of the following paragraph:
 - “(b) a bill protested as is contemplated in the proviso to paragraph (a) of subsection (1) or in paragraph (b) of subsection (1A) must be protested at the place where it is expressed to be payable.”.

Amendment of
section 70 of
Act 34 of 1964.

4. Section 70 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

- “(b) subject to the provisions of this Act, the interpretation of the contract of the drawer, indorser, acceptor, or acceptor for honour *supra* protest, of a bill is determined by the law of the place where such contract is made: Provided that if an inland bill is indorsed outside the Republic, the indorsement shall as regards the payer be interpreted according to the law of the Republic;”.

Short title.

5. This Act shall be called the Bills of Exchange Amendment Act, 1977.

WISSELWYSIGINGSWET, 1977.

Wet No. 58, 1977

reer word, moet dit behoorlik weens nie-betaling geprotesteer word: Met dien verstande dat indien so 'n wissel wat só getrek is dat dit betaalbaar is by die sake- of woonplek van iemand anders as die betrokke, deur nie-akseptasie gedishonoreer is, dit weens nie-betaling geprotesteer moet word, en geen verdere aanbieding vir betaling of eis aan die betrokke nodig is nie.

- (b) Indien so 'n wissel wat aldus gedishonoreer is, nie aldus geprotesteer word nie, word die trekker en endossante bevry.
- (c) Indien so 'n wissel geaksepteer word wat 'n gedeelte daarvan betref, moet dit aldus geprotesteer word wat die balans betref.'';
- (b) deur na subartikel (1) die volgende subartikel in te voeg:
 - „(1A) (a) Indien 'n binnelandse wissel deur nie-akseptasie of nie-betaling gedishonoreer is, kan dit weens nie-akseptasie of nie-betaling, na gelang van die geval, geprotesteer word, maar dit is nie nodig om so 'n wissel aldus te protesteer ten einde die trekker of 'n endossant aanspreeklik te hou nie.
 - (b) Indien so 'n wissel wat só getrek is dat dit betaalbaar is by die sake- of woonplek van iemand anders as die betrokke, deur nie-akseptasie gedishonoreer is, kan dit weens nie-betaling geprotesteer word, en in so 'n geval is geen verdere aanbieding vir betaling of eis aan die betrokke nodig nie.'';
- (c) deur subartikel (3) deur die volgende subartikel te vervang:
 - „(3) (a) Behoudens die bepalings van hierdie Wet, indien dit die voorneme is om 'n wissel te protesteer, moet dit geprotesteer word nie later nie as op die eerste sakedag na die dag waarop dit gedishonoreer is, of, indien dié sakedag 'n Saterdag is, nie later nie as op die eerste sakedag na daardie Saterdag.
 - (b) Indien dit die voorneme is om 'n wissel ingevolge paragraaf (a) van die voorbehoudsbepaling by subartikel (5) te protesteer, moet dit geprotesteer word—
 - (a) indien dit gedurende kantoorure ontvang word, op die dag waarop dit weer ontvang word of, indien dié dag 'n Saterdag is, nie later nie as op die eerste sakedag na daardie Saterdag; of
 - (b) indien dit nie gedurende kantoorure ontvang word nie, nie later nie as op die eersvolgende sakedag wat nie 'n Saterdag is nie.''; en
 - (d) deur paragraaf (b) van subartikel (5) deur die volgende paragraaf te vervang:
 - „(b) 'n wissel wat geprotesteer word soos beoog in die voorbehoudsbepaling by paragraaf (a) van subartikel (1) of in paragraaf (b) van subartikel (1A) geprotesteer moet word op die plek waar dit betaalbaar gestel is.'';

4. Artikel 70 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

- „(b) behoudens die bepalings van hierdie Wet, word die uitleg van die kontrak van die trekker, endossant, akseptant, of akseptant ter ere ná protes, van 'n wissel bepaal deur die reg van die plek waar dié kontrak gesluit word: Met dien verstande dat indien 'n binnelandse wissel buite die Republiek geëndosseer word, die endossement, wat die betaler betref, ooreenkomstig die reg van die Republiek uitgelê word.'';

Wysiging van
artikel 70 van
Wet 34 van 1964.

5. Hierdie Wet heet die Wisselwysigingswet, 1977.

Kort titel.

