

5 (c) the drawer of the cheque fails to make the payment in response to such demand to the payee or holder in due course of the cheque, within ninety days of the date of the demand.

10 (3) Where a drawee bank has dishonoured a cheque by writing the words “refer to drawer”, “account closed” or “payment countermanded by drawer” on the cheque or such words are stated in a cheque return notification issued by a collecting bank, it shall be presumed that the cheque was dishonoured due to insufficiency of funds in the account of the drawer.

15 Institution of legal action. **82B.** The payee or holder in due course of a cheque which has been returned unpaid due to insufficiency of funds in the account of the drawer may institute legal action as the claimant within thirty days of the expiration of the period specified in paragraph (c) of subsection (2) of section 82A.

20 Jurisdiction. **82C.** The jurisdiction to hear and determine an offence under this Ordinance shall be vested with the Magistrate’s Court within whose local jurisdiction -

25 (a) where the cheque is deposited for collection through the account of the payee or holder in due course of the cheque, the branch of the bank in which such payee or holder in due course maintains the account, is  
30 situated; or

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- 5 (b) where the cheque is presented for payment by the payee or holder in due course of the cheque to the branch of the drawee bank, the branch of the drawee bank in which the drawer maintains the account, is situated.

10 Conclusive evidence of a dishonoured cheque. **82D.** The following shall be treated as conclusive evidence of a cheque dishonoured due to the insufficiency of funds in the account of the drawer: -

- 15 (a) the cheque return notification issued by the collecting bank;
- (b) the deposit slip acknowledged by the collecting bank; or
- (c) the cheque returned by the drawee bank.

20 Presumption in favour of the payee or holder in due course of the cheque. **82E.** It shall be presumed unless the contrary is proved, that the payee or holder in due course of the cheque received the cheque for the discharge, in whole or in part, of any debt or other liability of the drawer.

Offences by a body of persons. **82F.** Where a body of persons is convicted for an offence under this Ordinance, then –

- 25 (a) if that body of persons is a body corporate, every director, manager, or secretary of that body corporate at the time of the commission of such offence;