Index

ACCEPTANCE FOR HONOUR
- Generally, **§ 32:2**
- Effect of, **§ 32:7**
- Intervention, conditions for effective, **§ 32:5 et seq.**

ACCEPTANCE OF BILL
- Additional name, **§ 24:118**
- Agent, by, **§ 24:117**
- Assignment distinguished, **§ 30:5**
- Certification of cheque as, **§ 36:109**
- Communication of, **§ 25:5**
- Conditional, **§ 24:127**
- Defined, **§ 23:3, § 24:114**
- Delivery of, **§ 24:115**
- Dishonour by refusal of, **§ 29:17**
- Draft distinguished, **§ 23:3**
- Drawee, by, **§ 24:116**
- Forged, **§ 25:71, § 25:114**
- Formalities of, **§ 24:114 et seq., § 24:123**
- Forms of
  - See FORMS OF ACCEPTANCE OF BILL
- Honour, for
  - See ACCEPTANCE FOR HONOUR
- Limitation period on bank's liability on, **§ 30:62**
- Meaning of term, **§ 23:3, § 24:114**
- Notification of, **§ 24:115, § 25:5**
- Partial, **§ 24:128**
- Particular place, at, **§ 24:130**
- Partnership, by, **§ 24:120**
- Presentment for
  - See also PRESENTMENT FOR ACCEPTANCE
  - generally, **§ 29:4 et seq.**
  - effect of failure, **§ 29:7**

ACCEPTANCE OF BILL—Cont'd
- Presentment for—Cont'd
  - place for, **§ 29:6**
  - requisites of due, **§ 29:8**
  - when required, **§ 29:5**
- Qualified, **§ 24:126, § 29:20**
- Recovery of money paid on forgery of, **§ 25:145**
- Signature, mere, **§ 24:123**
- Signature omitted, **§ 24:119**
- Supra protest, **§ 32:3**
- Tenor of, **§ 30:8**
- Time of, **§ 24:124**
- Trade, meaning of term, **§ 24:8**
- Types of
  - See also FORMS OF ACCEPTANCE OF BILL
  - generally, **§ 24:125**
- Virtual, **§ 24:123**
- Wrong designation of drawee in, **§ 24:122**

ACCEPTOR OF BILL
- Definition, **§ 23:3**
- Liability of
  - See also LIABILITIES OF PARTIES TO BILL, CHEQUE OR NOTE
  - generally, **§ 30:7 et seq.**
- Maker of note compared, **§ 37:83**
- Preclusions of, statutory, **§ 30:11**
- Primary party, as, **§ 30:9**
- Tenor or engagement of, **§ 30:8**

ACCESS TO FUNDS
- Credit payee's account, **§ 10:75**
- Customer, standard of care, **§ 9:43**
- Duty of bank, **§ 10:75**

ACCOMMODATION BILL
Defined, **§ 23:36**
Payment by party accommodated, **§ 31:14**

ACCOMMODATION PARTY TO BILL, CHEQUE OR NOTE
Generally, **§ 30:27 et seq.**
Anomalous endorsement, and, **§ 30:26**
Antecendent debt, and, **§ 25:144**
Co-sureties' rights, **§ 30:38**
Definition of, **§ 30:27**
Form of engagement, **§ 30:28**
Known to be such, **§ 30:32**
Liability of, **§ 30:30**
Release of, **§ 30:34**
Rights of, **§ 30:38**
Securities, dealings with, **§ 30:33**
Surety, as, **§ 30:28, § 30:34**
Value not received for item, **§ 30:29**

ACCORD AND SATISFACTION
Acceptance of cheque as, **§ 1:40**
Forms of accord, **§ 1:41**
Forms of satisfaction, **§ 1:47**
Interpretation of offers, **§ 1:41**
Statutory provision for, **§ 1:47**

ACCOUNT ADMINISTRATION
Generally, **§ 9:96**
Accepting deposits, **§ 9:117**
Account management agreements, **§ 9:99**
Appropriation of deposits, **§ 9:97**
Authorization to debit, **§ 9:99**
Bank's standard of care, **§ 9:39**
Cheque hold periods, **§ 9:28**
Commercially reasonable security on access, **§ 9:102**
Conventional forms of, **§ 9:20**
Customer's duty of care, **§ 9:43**
Denying withdrawals, **§ 9:117**
Duty to others
bank, by, **§ 9:113**
customer, by, **§ 9:116**

ACCOUNT ADMINISTRATION —Cont'd
Electronic access agreements, **§ 9:100**
Electronic notification, **§ 9:21**
Error correction, **§ 9:111**
Freezing
generally, **§ 9:117**
bank, by, **§ 9:117**
dispute, funds in, **§ 10:13**
Freezing Assets ampc. Act, **§ 9:119**
Mareva injunctions, **§ 9:123**
Special Economic Measures Act, and, **§ 9:119**
Limitation of actions, **§ 9:112**
Mirror accounts, **§ 9:98**
Mistake in, **§ 9:111**
Monitoring of accounts by bank, **§ 9:113**
Negative option marketing
statutory prohibitions, **§ 9:32**
Onus of proof, **§ 9:99**
Open banking
See OPEN BANKING
Risk of unauthorized debits, **§ 9:99**
Standard of care, **§ 9:102**
Statements of account, **§ 9:104**
Statutory terms, **§ 9:26**
User names and passwords, **§ 9:96**
Verification agreements, **§ 9:107**

ACCOUNT VERIFICATION AGREEMENT
Generally, **§ 9:107**
Collecting bank as third-party beneficiary of, **§ 24:59**
Duty imposed by, **§ 9:43**
Forgery of drawer's signature, and, **§ 9:110**
Interpretation of, **§ 9:108**
Negligence of bank, and, **§ 9:109**
Preclusion of customer to deny forgery, **§ 25:84**

ACQUIRER
Definition of, **§ 7:123**

ACSS
See CLEARING SYSTEM FOR CHEQUES AND OTHER DEBITS

ACTION ON BILL OR NOTE
"Action" defined, **§ 23:4**
Counterclaim, included, **§ 23:4**
Day of grace, on last, **§ 24:17**
Set-off, included, **§ 23:4**

ADMINISTRATION OF ACCOUNT
Authorization to debit, **§ 9:99**
Security, reasonable levels of, **§ 9:102**

AEROPLAN FREQUENT FLIER MILES
Money, as, **§ 3:27**
Terms of issue, **§ 4:5**

AFT
See AUTOMATED FUNDS TRANSFER SYSTEM

AGENT
Authority and powers of
See AGENTS' POWERS
Collect bill or note, powers of, **§ 28:5**
Delivery of bill or note by, **§ 25:13**
Ratification of acts of, **§ 25:88**
Representative signatures
See REPRESENTATIVE SIGNATURE ON BILL, CHEQUE OR NOTE
Signature by procuration
See SIGNATURE BY PROCURATION
Signature of bill or note by
See AUTHORITY TO SIGN BILL, CHEQUE OR NOTE

AGENTS' POWERS
Generally, **§ 25:53**

AGENTS' POWERS—Cont'd
Apparent authority, **§ 25:56**
Customary authority, **§ 25:56**
Express actual authority, **§ 25:54**
Implied actual authority, **§ 25:55**
Indoor management rule, **§ 25:56**
Ordinary course dealings, **§ 25:56**

AIR MILES
Expiration of, class action, **§ 4:5**
Money, as, **§ 3:27**
Terms of issue, **§ 4:3**

ALBERTA TREASURY BRANCHES
See PROVINCIAL TREASURY BRANCHES

ALLOCATION OF PAYMENTS
See APPROPRIATION OF PAYMENTS

ALLONGE
Generally, **§ 27:7**

ANOMALOUS ENDORSEMENT OF BILL, CHEQUE OR NOTE
Generally, **§ 30:18 et seq.**
Accommodation party, and, **§ 30:25**
Anomalous, meaning of, **§ 30:22**
Application of BEA to, **§ 30:26**
Aval, distinguished, **§ 30:21**
Conditions of liability, **§ 30:22**
History of, **§ 30:21**
Liability of, **§ 30:19**

APPROPRIATION OF PAYMENTS
Generally, **§ 1:52**
Clayton's Case, rule in, **§ 1:52**
Creditor, by, **§ 1:52**
Debtor, by, **§ 1:52**
Judgment debts, on, **§ 1:57**
On-us items, of, **§ 10:22**
Presumptions, **§ 1:52**
Principal and interest, as between, **§ 1:55**

ARTIFICIAL INTELLIGENCE IN FINANCIAL SERVICES
Adversarial techniques and attack vectors
generally, **§ 46:5**
emerging threats, **§ 46:15**
model robustness testing, **§ 46:12**
AI and legal risk, financial institutions, **§ 44:13**
AIDA (Artificial Intelligence and Data Act), **§ 46:25**
AI-enabled threats
generally, **§ 46:15**
contractual provisions addressing, **§ 46:5**
insurance exclusions, **§ 46:9**
international standards, **§ 46:16**
AI notetaking, regulatory challenge, **§ 44:19**
AI regulation, Canada, **§ 44:5**
AI regulation, United States, **§ 44:6**
AI systems financial services
risk guidelines
internal risks, AI adoption, **§ 44:9**
useful sources on regulation, AI financial institutions, **§ 44:10**
Artificial intelligence: tort law, **§ 41:7**
Consumer protection, **§ 41:4**
Cyber risk management
See also CYBER RISK MANAGEMENT IN BANKING
contractual allocation, **§ 46:5**
Guideline B-13 (OSFI), **§ 40:11, § 42:3 to § 42:6, § 46:2, § 46:3**
KPI dashboards, **§ 46:12**
Documenting for AI use, **§ 41:5**
Financial services use cases, **§ 41:3**
Governance and uses of AI, **§ 41:2**
Guidance on AI risk management, **§ 44:4**

ARTIFICIAL INTELLIGENCE IN FINANCIAL SERVICES —Cont'd
Intersection between AI and industry regulations, **§ 41:9**
confidentiality and intellectual property, **§ 41:11**
employment, **§ 41:10**
human rights considerations, **§ 41:12**
ownership of AI product, **§ 41:13**
privacy and data protection, **§ 41:14**
technology, **§ 41:15**
Introduction, **§ 41:1, § 44:1**
Laws/regulation, regulating AI, **§ 44:7**
OSFI / GRI, **§ 44:16**
OSFI / GRI workshop findings, **§ 44:15**
OSFI Guideline B-13, **§ 40:11, § 42:3 to § 42:6, § 46:1**
Ownership and licensing of intellectual property rights, **§ 41:6**
Privilege and AI, work product doctrine, **§ 44:20**
Quebec regulation, **§ 44:21**
Regulation, **§ 41:8**
Regulation affecting financial institutions, United States, **§ 44:12**
Regulation internationally, **§ 44:8**
Regulatory focus, high-impact AI systems, **§ 44:17**
Regulatory perspective, **§ 44:2**
Risk management AI systems, Canadian financial institutions, **§ 44:14**
Risks and legal considerations, **§ 44:3**
Securities law requirements for, use of AI, **§ 44:11**
Specific issues, legal risk analysis AI, **§ 44:18**

ATM
See AUTOMATED TELLER MACHINE

AUTHORITY TO SIGN BILL, CHEQUE OR NOTE
Generally, **§ 23:6, § 25:52 et seq.**
Agents, of, **§ 25:53**
Bank officers, to certify cheque, **§ 36:99**
Express actual authority, **§ 25:54**
Forged signature
See FORGED SIGNATURE
Implied actual authority, **§ 25:55**
Incomplete instruments, **§ 25:18**
Indoor management rule, and, **§ 25:56**
Lack of, defence, **§ 28:28**
Liability of agent where lacking, **§ 25:127**
Ordinary course dealings, and, **§ 25:56**
Preclusion from denying
See PRECLUSION TO DENY FORGED SIGNATURE
Procuration, signature by
See SIGNATURE BY PROCURATION
Ratification of forgery, **§ 25:88**
Representative signatures
See REPRESENTATIVE SIGNATURE ON BILL, CHEQUE OR NOTE
Unauthorized signature
See UNAUTHORIZED SIGNATURE

AUTHORIZED FOREIGN BANK
Participation in clearing and settlement systems, **§ 7:88**

AUTOMATED BANKING MACHINE
Networks, **§ 15:52**
Shared cash dispensing, **§ 15:53**
The Exchange, **§ 15:54**

AUTOMATED CLEARING AND SETTLEMENT SYSTEM (ACSS)
Generally, **§ 11:1 et seq.**

AUTOMATED CLEARING AND SETTLEMENT SYSTEM (ACSS)—Cont'd
Clearing, **§ 11:63**
Default, **§ 11:72**
Exchange of items, **§ 11:40**
Legal foundation, **§ 11:15**
Participants, **§ 11:21**
Returns, **§ 11:49 to § 11:52**
Clearing agents and group clearers, and, **§ 11:49**
Exceptional cases, **§ 11:49**
Interpretation of rule, **§ 11:49**
Late return as payment, **§ 11:49**
Risk management, **§ 11:16**
Settlement, **§ 11:66**
USBES item clearing, **§ 11:85 et seq.**
See also US DOLLAR BULK EXCHANGE SYSTEM

AUTOMATED FUNDS TRANSFER SYSTEM
Generally, **§ 17:28**
Authorized transactions, **§ 17:38**
Credit items, **§ 17:28**
Exchange for settlement, **§ 11:56**
Fraudulent transactions, **§ 17:43**
Glossary, **§ 17:29**
ISO items, **§ 17:28**
Legal relations, **§ 17:38**
Overview, **§ 17:28**
Processing of, **§ 17:31**
Types of payment processed, **§ 17:30**
Unauthorized transactions, **§ 17:40**
Unreturnability of items, **§ 11:56**

AUTOMATED TELLER MACHINE
Generally, **§ 15:50 et seq.**
Interac, and, **§ 15:53**
One-bank systems, **§ 15:51**
Unreturnability of items, **§ 11:56**

AVAILABILITY OF FUNDS
Bank account, in, **§ 10:4**
Collecting bank's duty to credit account, **§ 10:75**
Immediately available funds, **§ 3:30**
LVTS payment, **§ 12:38**
Reasonable notice of termination, **§ 9:166**
Uncleared effects, **§ 10:4**

AVAL
Anomalous endorsement, and, **§ 30:20**
Payee's enforcement of, **§ 26:54**

BANK
Capacity to form banking relationship
See also BANKING RELATIONSHIP
generally, **§ 9:14**
Claims against by defrauded corporate customer
See UNAUTHORIZED CREDIT TRANSFERS
Definitions,
Bills of Exchange Act, **§ 23:5, § 23:38, § 36:8, § 38:9**
credit union, includes, **§ 8:25, § 8:31**
federal statutes in general, **§ 8:25**
Interpretation Act, in, **§ 8:25**
other contexts, **§ 8:27**
popular term, not one of art, **§ 8:27**
provincial statutes, **§ 8:26**
Negligence of
See NEGLIGENCE OF BANK
Party to banking relationship, **§ 9:9**

BANK ACCOUNT
Administration of
See ACCOUNT ADMINISTRATION
Authorization to debit, **§ 9:99**
Branch of
See BRANCH OF ACCOUNT

BANK ACCOUNT—Cont'd
Cash concentration, **§ 9:98**
Closing, onus on customer to oppose, **§ 9:163**
Contract terms, **§ 9:20**
Deposit
See BANK DEPOSIT
Disclosures, statutorily required, **§ 9:60**
Duty of care, **§ 9:5, § 9:39**
Duty to others regarding, operation of, **§ 9:113**
Error correction, **§ 9:107**
"Freezing" by bank, **§ 9:167**
Governing law, **§ 9:19**
Netting
See NETTING
Open banking
See OPEN BANKING
Partnership, of, **§ 25:128**
Property in funds after certification, **§ 36:118, § 36:125**
Repayment, place of
See BRANCH OF ACCOUNT
Reporting, duty or custom, **§ 9:104**
Segregated funds, **§ 3:45**
Statements
See STATEMENT OF ACCOUNT
Termination of banking relationship, **§ 9:162 et seq.**
Trust
See TRUST OF DEPOSIT
Verification agreement
See ACCOUNT VERIFICATION AGREEMENT

BANK ACT
Amendments in 2018 (Bill C-74), **§ 9:127**
Bills of Exchange Act not to affect, **§ 23:61**
Confidentiality, duty, **§ 9:55**
Consumer protection, **§ 8:18**
Customer complaint procedures, **§ 7:147**

BANK ACT—Cont'd
Disclosure requirements, **§ 9:60**
Expanded scope of activity qua information, **§ 8:14**
Permitted activities, **§ 8:14**
Purpose and use of s. 437, **§ 10:2**

BANK ACT REGULATIONS
Access to funds, **§ 9:28, § 10:69**
Credit business, **§ 13:10**
Electronic documents, **§ 9:21**

BANK ACT SECURITY
Background, **§ 8:18**
Section 437(3), **§ 9:144**

BANK CHEQUES
Countermand of, **§ 10:45, § 36:67**
Definition, **§ 36:54 et seq.**
Parties to, **§ 24:63**
Stale, when, **§ 36:60**

BANK CREDIT
Money, as, **§ 3:17**
Transfer as payment, **§ 1:33**

BANK DEPOSIT
Definition, **§ 9:67**
Location of, **§ 3:41**

BANK DRAFT (BANK CHEQUE, OFFICIAL CHEQUE)
Conversion of, **§ 24:16; § 25:91, § 33:5**

BANKER
Confidentiality, duty of
See CONFIDENTIALITY, BANKERS' DUTY OF
Definition of, **§ 8:2, § 8:6**
Fiduciary obligation and
See FIDUCIARY OBLIGATIONS OF BANKERS
Knowledge of breach of trust, **§ 9:141**
Knowledge of wrongful conduct, **§ 9:141**

BANKER—Cont'd
Lien
See BANKER'S LIEN
Meaning of, **§ 8:2**
Negligence of, **§ 9:49**
Payments by
See PAYMENTS BY BANKERS
Relationship with customers
See BANKING RELATIONSHIP
Standard of care, **§ 9:39**
Termination of banking relationship by bank, reason for, **§ 9:26**
Who is, for purposes of constitutional law, **§ 8:2**
duty to pay cheques, **§ 10:3**

BANKERS' ACCEPTANCES
Generally, **§ 24:6**

BANKER'S LIEN
Generally, **§ 9:145**
Holder with a lien, **§ 9:151**
PPSAs and, **§ 9:146**
Priority relative to PPSA, **§ 9:159**
Property subject to, **§ 9:147**
Realization, rights of, **§ 9:151**
Source of lien, **§ 9:145**

BANK FOR INTERNATIONAL SETTLEMENTS
Angell Report, **§ 7:5**
Basle Accord, **§ 7:4**
Central bank oversight principles, **§ 7:9**
Collateral in cross-border transactions, **§ 7:9**
Committee on Payments and Financial Market Infrastructures, **§ 7:8, § 7:10**
Core Principles
generally, **§ 7:8**
CDS and, **§ 19:58**
LVTS and, **§ 12:60**
Due diligence, **§ 18:101**
Lamfalussy Report, **§ 7:6, § 21:4**

BANK FOR INTERNATIONAL SETTLEMENTS—Cont'd
Payments system policy reports, other, **§ 7:7, § 7:10**
Principles for Financial Market Infrastructures, **§ 7:8**
Principles of oversight, **§ 5:21**
Report on interdependencies, **§ 7:9**
Report on system interdependencies, **§ 12:5**
Risk analysis, **§ 7:7**
Risk in foreign exchange markets, **§ 21:4**
Risk management, **§ 19:58**

BANKING
Bank Act restrictions on, **§ 8:6, § 8:23**
Business of, distinguished
See also BUSINESS OF BANKING
generally, **§ 8:10, § 8:28**
Constitutional law
See also CONSTITUTIONAL LAW
generally, **§ 8:1, § 8:2**
identifying tests, **§ 8:2**
Credit unions and caisses, by, **§ 8:24**
Definitional difficulties, **§ 8:6**
Evolution of, **§ 8:1**
Institution, includes trust company, **§ 8:27**
Meaning of, **§ 8:28**
Reach of federal power, **§ 8:24**
Relationship of banker and customer
See BANKING RELATIONSHIP
Trust companies, by, **§ 8:24**

BANKING RELATIONSHIP
Banker's duty of confidentiality, **§ 9:50**
Contractual basis of, **§ 9:1 et seq.**

BANKING RELATIONSHIP —Cont'd
Duty of care on bank
See also NEGLIGENCE OF BANK
appropriate products, to provide only, **§ 9:49**
standard of care, **§ 9:39**
upon opening account, **§ 9:4**
Duty of care on customer, **§ 9:43**
Equality of customers' treatment, **§ 9:49**
Formation, **§ 9:1 et seq., § 9:20**
electronic documents, by, **§ 9:22**
formalities, **§ 9:17**
Implied terms, **§ 9:33**
Negligent banking, whether a tort, **§ 9:49**
Parties to
bank, **§ 9:9**
customer, **§ 9:12**
Privacy, and, **§ 9:27**
Termination
bank, by, **§ 9:163**
customer, by, **§ 9:162**
single service only, **§ 9:167**
Terms
generally, **§ 9:20 et seq.**
agreements, **§ 9:20**
implied, **§ 9:33**
statutorily imposed, **§ 9:26**
Transactional validity of, **§ 9:13**

BANK NOTE DISTRIBUTION SERVICE ("BNDS")
Generally, **§ 24:15**

BANK NOTES
See BANK OF CANADA NOTES

BANK OF CANADA
Generally, **§ 5:1**
Bank Rate, **§ 5:15**
BIS principles of oversight, **§ 5:21**
Cash setting, **§ 5:16**

BANK OF CANADA—Cont'd
Clearing and settlement functions, **§ 5:2 et seq.**
Corporate status, **§ 5:1**
Credit crisis, in, **§ 5:17**
Crown agent, not, **§ 5:1**
Custodian of financial assets, **§ 5:10**
Daily balance auctions, **§ 5:16**
Default, determination in LVTS, **§ 12:42**
Designated payment systems, consequences, **§ 7:82**
Digital currency plan, **§ 4:50**
Extraordinary transactions, **§ 5:17**
Fees, **§ 7:72**
Fiscal agency, **§ 5:1**
Guaranty of LVTS, **§ 12:39**
High Availability Banking System, **§ 5:5**
Liquidity advances, **§ 5:3**
Miscellaneous settlement related powers, **§ 5:13**
Note-issuing powers
See also BANK OF CANADA NOTES
generally, **§ 2:7, § 5:1**
Oversight, **§ 5:20**
Oversight of clearing and settlement systems, **§ 7:65**
Payment Clearing and Settlement Act powers, **§ 7:65**
Powers, **§ 5:17, § 5:19**
Principles of, **§ 5:20**
Regulatory strategy, **§ 5:22**
Representation at regional exchange points, **§ 11:28**
Reserve accounts, abolition of, **§ 5:2**
Resolution authority, **§ 5:24**
Risk management standards, **§ 5:23**
Settlement accounts, **§ 5:2**
Settlement agent services, **§ 5:11**
Settlement functions, **§ 5:10**
Statutory mandate, **§ 5:1**
Systemic risk intervention, **§ 5:17**

BANK OF CANADA—Cont'd
Target band of inflation, **§ 5:15**
Target rate of interest, **§ 5:15**
Transfer of unclaimed balances to, **§ 9:93**

BANK OF CANADA NOTES
Generally, **§ 2:7**
Authority to issue, **§ 2:7**
Bank Note Distribution Service (''BNDS''), **§ 2:11**
Counterfeit, **§ 3:114**
Distribution system, **§ 2:11**
Legal tender, **§ 2:35**
Lost or destroyed, **§ 33:4**
National distribution system, **§ 2:11**
Promissory notes, as, **§ 2:10, § 37:6**
Refusal to accept, **§ 2:39 et seq.**
Tender of, **§ 2:35**
Value outstanding, **§ 2:9**

BAR-EX
See REAL ESTATE CLOSING FUNDS MANAGEMENT SYSTEM

BEARER OF BILL, CHEQUE OR NOTE
Blank designation of payee, as, **§ 24:43**
Cash, item payable to, **§ 24:37**
Definition, **§ 23:7, § 24:37**
Holder, and, **§ 23:7**
Instrument naming as payee, **§ 23:7**
Meaning of, **§ 24:37**
Non-existing payee, **§ 24:48, § 24:53**
See also NON-EXISTING OR FICTITIOUS PAYEES
Payee blank, **§ 24:37**
Transfer by, **§ 27:27**
Warranties on transfer by, **§ 27:28**

BILL OF EXCHANGE
Codification of law, **§ 22:8**
Complete and regular, **§ 26:21**

BILL OF EXCHANGE—Cont'd
Consumer bill
See CONSUMER BILL OR NOTE
Definition of, **§ 24:7 et seq.**
Draft, and, **§ 23:3, § 24:7 et seq.**
Foreign bills, **§ 23:26, § 35:9**
Foreign language, in, **§ 24:15**
Formal validity of
See FORMAL VALIDITY OF BILL, CHEQUE OR NOTE
Inland bills, **§ 23:26, § 35:10**
Instrument not qualifying, effect of, **§ 24:26**
Property attributes of, **§ 25:3**
Seal, under, **§ 25:145**
Single instrument, whether need be, **§ 24:7 et seq.**

BILL PAYMENT SERVICES
ACSS-based, **§ 18:73 et seq.**
E-mail payments
Interac Email, **§ 18:119**
on-us e-mail payments, **§ 18:114**
Epost, **§ 18:113**
Error correction, **§ 18:89**
On-us bill payment systems, **§ 18:114**
TelPay, **§ 18:115**

BILLS IN SETS
Generally, **§ 34:1**
Operation, **§ 34:2**

BILLS OF EXCHANGE ACT
Amendment of, **§ 22:8**
Bank Act, not affected by, **§ 23:61**
Canada, history of, **§ 22:8**
Canon of interpretation, **§ 23:42**
Common law preserved by, **§ 23:65**
Constitutional jurisdiction, **§ 22:9**
History of codification, **§ 22:8**
Interpretation of
See INTERPRETATION OF BILLS OF EXCHANGE ACT

BILLS OF EXCHANGE ACT—Cont'd
Precedence over ACSS Rules, **§ 11:113**
Quebec, and, **§ 23:66**
Repeal of prior statutes by, **§ 23:62**

BILLS OF EXCHANGE ACT, S. 165(3)
Generally, **§ 10:91 et seq.**
Collecting bank, and, **§ 10:93**
Conditions precedent to application, **§ 10:97**
Conversion of cheques, and, **§ 25:91**
Defences of drawer, **§ 10:105**
Endorsement forged, and, **§ 25:98, § 25:101**
History and purpose, **§ 10:92, § 22:8**
Holder in due course, bank not, **§ 10:104**
Legal effect, **§ 10:96**
Legislative reform
generally, **§ 10:94**
judicial interpretation of, **§ 10:95**
Non-application of, **§ 10:106**
Restrictive endorsement, and, **§ 27:17**

BITCOIN
Generally, **§ 4:26 et seq., § 4:27**
See VIRTUAL CURRENCY; DIGITAL CURRENCY
Constitutional law competence of Parliament, **§ 4:34**
Currency, as, **§ 2:22**
Income tax issues, and, **§ 4:41, § 40:25**
Legal analysis, **§ 4:28**
Regulation of, **§ 4:33**
Senate of Canada Report on, **§ 4:35**
System description, **§ 4:27**
Transfer, legal effect of, **§ 4:38**

BLOCK CHAIN
Decentralized Autonomous Organizations (DAOs), **§ 40:29.80**
Definition, **§ 40:2**
Documentation, **§ 40:29**
Financial Services, Advantages and Challenges, **§ 40:7.30, § 40:7.70**
Payment transfer, **§ 40:26**
Privacy, **§ 40:10**
Risks, **§ 40:20, § 40:24**
Trading and finance instruments, **§ 40:28**
Uses, **§ 40:3, § 40:4**
Virtual Payment transfer, **§ 40:6**
platforms, **§ 40:8**

BNDS
See BANK NOTE DISTRIBUTION SERVICE

BONA FIDE PURCHASE
Common law tracing in, **§ 3:51**
Deemed trusts, and, **§ 3:88**
Equitable tracing, in, **§ 3:74**

BRANCH OF ACCOUNT
Countermand, notice to, **§ 36:73**
Designation of, **§ 9:82**
Organizational unit under ACSS Rules, as, **§ 10:28**

BREACH OF TRUST
Knowing assistance, **§ 9:142**
Knowing receipt, **§ 9:143**
Supreme Court decisions, **§ 9:137**

BUSINESS DAY/JURIDICAL DAY
Defined
See NON-BUSINESS DAY/NON-JURIDICAL DAY

BUSINESS OF BANKING
Generally, **§ 8:1**
Banking distinguished
See also BANKING
generally, **§ 8:10, § 8:28**

BUSINESS OF BANKING—Cont'd
Business of insurance distinguished, **§ 8:18**
Credit unions and caisses, by, **§ 8:24**
Definitions, **§ 8:2, § 8:6**
Meaning of
generally, **§ 8:28**
constitutional law, in, **§ 8:6**
Non-card-based payments, as, **§ 13:2, § 15:5**
Provincial corporations, by, **§ 8:23**
Provincial enactments affecting, **§ 8:18**

CAISSES POPULAIRES
"Bank" for certain purposes, **§ 36:8**
Banking by, **§ 8:24**

CANADA BONDS
Bills of Exchange Act, and, **§ 37:8**
Negotiable instruments at common law, **§ 37:8**

CANADA POST
Epost
See BILL PAYMENT SERVICES

CANADIAN CODE OF DEBIT CARD PRACTICES
See DEBIT CARDS

CANADIAN CODE OF PRACTICE FOR CONSUMER DEBIT CARD SERVICES
Generally, **§ 7:47, § 15:6**
Applications, competing, **§ 15:9**
Cardholder contract, **§ 15:64**
Commentary on, **§ 15:8**
Commissioner's Guidance, validity of, **§ 15:13**
Compliance agreements, with FCAC, **§ 7:116**
Customer accounting, **§ 15:62**
Dispute resolution, **§ 15:62, § 18:44**
History of, **§ 15:6**

CANADIAN CODE OF PRACTICE FOR CONSUMER DEBIT CARD SERVICES—Cont'd
Interpretive memoranda, validity of, **§ 15:13**
Liability for use, **§ 15:78**
Loss allocation under, **§ 15:34**
Mandatory provisions, **§ 15:7**
Mobile phone payments, application to, **§ 16:6**
Negative option, **§ 15:9**
PIN-less cards, **§ 15:43**
See also PIN-LESS POINT OF SALE ITEMS
PIN-less cards, non-application to, **§ 15:48**
Premium card marketing, **§ 15:9**
Receipt, whether required in all cases, **§ 15:8**

CANADIAN DEPOSITORY FOR SECURITIES LTD.
CDSX generally
See CDSX
CDSX Procedures, **§ 19:14**
Corporate history, **§ 19:4**
Cross-border services, **§ 19:68 et seq.**
Default and suspension of participants, **§ 19:74 et seq.**
Deposits, forms of, **§ 19:31**
Entitlements processing, **§ 19:39**
Legal relations with participants, **§ 19:14**
Participant agreement, **§ 19:15**
Payment, acceptable, **§ 19:49**
Payment exchange
generally, **§ 19:46**
book entry, **§ 19:48**
Payment risk, legal analysis of, **§ 19:81**
Registered ownership of securities, **§ 19:54**
Regulatory approvals
generally, **§ 19:6**

CANADIAN DEPOSITORY FOR SECURITIES LTD.—Cont'd
Regulatory approvals—Cont'd
payments system related, **§ 19:12**
securities related, **§ 19:7**
Risk management, **§ 19:61**
Rules, binding force of, **§ 19:18**
Securities trades settlement, history of, **§ 19:1 et seq.**
pre-1970, **§ 19:1**
1970 to 1996, **§ 19:2**
1996 to date, **§ 19:3**
Services
cross-border, **§ 19:68 et seq.**
depository service, **§ 19:31**
entitlements processing, **§ 19:39**
same day CAD/USD settlement, **§ 21:19**
settlement service, **§ 19:40, § 19:45**
trade processing, **§ 19:41**
Settlement, **§ 19:45**
Situs of deposited securities, **§ 19:19**
Systems history, **§ 19:5**

CANADIAN DERIVATIVES CLEARING CORPORATION
Accounts
generally, **§ 20:16**
administration of, **§ 20:22**
Corporate history, **§ 20:10**
Designation under PCSA, **§ 20:11**
Legal relations with participants, **§ 20:18**
Margin requirements, **§ 20:28**
Membership
generally, **§ 20:13**
legal relations of members, **§ 20:13**
qualifications for, **§ 20:13, § 20:28**
Operations overview
generally, **§ 20:19**
contract issue, **§ 20:20**

CANADIAN DERIVATIVES CLEARING CORPORATION —Cont'd
Operations overview—Cont'd
netting, **§ 20:16, § 20:23**
payment, **§ 20:25**
settlement, **§ 20:24, § 20:26**
trade reporting and novation, **§ 20:21**
Payment Clearing and Settlement Act, and, **§ 20:11, § 20:31**
Regulatory relations, **§ 20:11**
Risk management, **§ 20:27**
Rules, publication of, **§ 20:12**
Statutory protections, **§ 20:31**

CANADIAN PAYMENTS ACT
Designation of payment systems under
generally, **§ 7:101**
consequences of, **§ 7:105**
criteria of, **§ 7:102**
foreign systems, application to, **§ 7:108**
Enforceability of Part 2, **§ 7:110**

CANADIAN PAYMENTS ASSOCIATION
Board of Directors of
generally, **§ 6:35 et seq.**
classes of directors, **§ 6:36**
composition of, **§ 6:36**
duties of, **§ 6:40**
election, **§ 6:37**
eligibility, **§ 6:37**
history of, **§ 6:35**
Brand name, **§ 6:1**
By-laws, **§ 6:29**
application to members, **§ 11:111**
application to public, **§ 11:112**
Capital, **§ 6:3**
Compliance panels
effect on public, **§ 11:112**
Corporate law, **§ 6:2**
Duties, **§ 6:13**
Executive officers, **§ 6:41**

CANADIAN PAYMENTS ASSOCIATION—Cont'd
Executives, **§ 6:41**
Guidelines and best practices, **§ 6:33**
Insolvency of, **§ 6:15**
Meetings
members, of, **§ 6:25**
Member Advisory Council
generally, **§ 6:47 et seq.**
appointment of members, **§ 6:48**
duties, **§ 6:49**
meetings, **§ 6:50**
policy rationale, **§ 6:47**
Membership, **§ 6:16 et seq.**
classes of, **§ 6:18**
commencement of, **§ 6:26**
evolution of, **§ 6:16**
significance of, **§ 6:17**
suspension of, **§ 6:27**
termination of, **§ 6:28**
Ministerial control over, **§ 6:5, § 6:34**
Objects, **§ 6:7**
Payments volume and value, **§ 1:5**
Powers, **§ 6:14**
President, **§ 6:41**
Quasi-public institution, **§ 6:4**
Regulatory regime, **§ 6:5**
Risk analysis, **§ 7:23**
Rules, **§ 6:30**
Stakeholder Advisory Council
generally, **§ 6:42 et seq.**
composition, **§ 6:44**
duties, **§ 6:43**
meetings of, **§ 6:46**
objects, **§ 6:43**
selection, **§ 6:45**
Standards, **§ 6:31**
Statements of principle, **§ 6:32**

CANADIAN TIRE MONEY
Money, as, **§ 4:3**

CANCELLATION OF BILL, CHEQUE OR NOTE
Generally, **§ 31:29 et seq.**
Eligible bill, of, **§ 31:32**
Evidence of, **§ 31:30**
Intention to cancel, materiality of, **§ 31:31**
Renunciation in another document, **§ 31:30**
Truncation of cheque, as, **§ 31:32**

CAPACITY OF PARTIES TO BILL, CHEQUE OR NOTE
Generally, **§ 25:31 et seq.**
Adult co-signers, liability of, **§ 25:39**
Canadian common law of, **§ 25:38**
Cheques, special rules for, **§ 25:34**
Common law of, preserved, **§ 23:65**
Conflicts of law, in, **§ 35:20**
Corporations, of, **§ 25:35**
Defence of lack, **§ 25:33**
Deposit, to make, **§ 9:8**
English law model, **§ 25:37**
Incapacity, defence of, **§ 25:44**
Infants, of, **§ 25:36**
Intoxicated persons, of, **§ 25:43**
Married woman, of, **§ 25:45**
Mental incompetents, of, **§ 25:40**
Municipal corporation, of, **§ 25:46**
Statutory preclusion to deny, **§ 25:51**

CASH
Bill or note payable to, **§ 24:37, § 24:44, § 24:48**
"Cash card"
See DEBIT CARDS
"Cash purchase," meaning of, **§ 38:4**
Cheque as, **§ 3:29**
Cheque made payable to, **§ 24:37**
Definition, **§ 3:29**
"On deposit" meaning of, **§ 3:29**
Tender for purchase, **§ 2:34**

CASH CARDS
See PREFUNDED PAYMENT PRODUCTS

CASH MANAGEMENT SERVICES
Generally, **§ 9:98**
Mirror accounts, **§ 9:98**

CDCC
See CANADIAN DERIVATIVES CLEARING CORPORATION

CDOR
See INTEREST

CDS
See CANADIAN DEPOSITORY FOR SECURITIES LTD.

CDSX
See also CANADIAN DEPOSITORY FOR SECURITIES LTD.
Accounts
funds accounts, **§ 19:20**
securities accounts, **§ 19:21**
Default by a participant, **§ 19:74**
Deposited securities
legal character of, **§ 19:55**
registered ownership of, **§ 19:54**
situs of, **§ 19:52**
transfer of entitlement to, **§ 19:57**
Depository service
See also withdrawal of securities, and funds, infra
generally, **§ 19:31**
eligible securities, **§ 19:31**
forms of deposit, **§ 19:32**
warranty by depositor, **§ 19:35**
withdrawal of securities and funds, **§ 19:37**
Designation under PCSA, **§ 7:73**
DetNet, **§ 19:43**
Entitlements processing, **§ 19:39**
Legal effects of CDSX transfers, **§ 19:51**

CDSX—Cont'd
Overview of system, **§ 19:19**
Participants, **§ 19:22**
Payment exchange
acceptable payment, **§ 19:46**
default by participant at, **§ 19:74**
Payment risk, legal analysis of, **§ 19:81**
Pledge, type "L," **§ 19:50**
Registered ownership of securities, **§ 19:54**
Risk management
generally, **§ 19:51, § 19:61**
international standards, **§ 19:58**
legal analysis of, **§ 19:81**
perverse consequences, possible, **§ 19:81**
Securities Transfer Act, effects of
See SECURITIES TRANSFER ACT
Settlement cycles, **§ 19:45**
Settlement service, **§ 19:40**
Situs of deposited securities, change of, **§ 19:52**
Suspension of participant
generally, **§ 19:74**
discretionary power, **§ 19:76**
specific grounds for, **§ 19:74, § 19:75**
Suspension of services, judicial orders
generally, **§ 19:78**
eligible financial contracts, **§ 19:79**
System overview
generally, **§ 19:19**
funds accounts, **§ 19:20**
securities accounts, **§ 19:21**
Trade processing
generally, **§ 19:41**
Type "L" pledges, **§ 19:50**
Withdrawal of securities, and funds, **§ 19:37**

CENTRAL BANK DIGITAL CURRENCY
Bank of Canada's Plan, **§ 4:50**
Central bank digital currency and stablecoins, **§ 40:32**
Critique, **§ 4:50(i)**

CERTIFICATE OF DEPOSIT
Generally, **§ 9:68**
Confusion with deposit account, **§ 9:34**
Promissory note distinguished, **§ 37:5**
Situs of, **§ 9:81**

CERTIFIED CHEQUES
Generally, **§ 36:91 et seq.**
Acceptance, whether equivalent to, **§ 36:109**
Authority of bank officers, **§ 36:99**
Bankruptcy of drawer, effect of, **§ 36:104**
Bearer cheque, **§ 36:101**
Blocking balance to provide for, **§ 36:116**
Countermand of, **§ 36:103, § 36:122, § 36:130**
Death of drawer, effect of, **§ 36:104**
Delivery of certificate, **§ 36:98**
Denial by bank, **§ 36:132**
Dishonour of, **§ 36:133**
Duty to certify, **§ 36:132**
Forgery of payee's endorsement of, **§ 36:135**
Formal validity, **§ 36:94**
Forms of marking, **§ 36:94**
History of, **§ 36:93**
Holder, at request of, **§ 36:118**
Insolvency of certifying bank, **§ 36:141**
Legal effects of
generally, **§ 36:116**
certification by drawer, **§ 36:118**
certification by payee or other holder, **§ 36:125**
Legal tender, as, **§ 36:92**

CERTIFIED CHEQUES—Cont'd
Liability, basis of bank's
generally, **§ 36:106**
acceptance, as, **§ 36:109**
collateral contract, **§ 36:111**
estoppel, **§ 36:108**
new proposal for, **§ 36:112**
re-deposit, **§ 36:107**
Material alteration of, **§ 36:136**
Mistake, by, **§ 25:75**
New theory of, **§ 36:112**
Post-dated certification, **§ 36:18, § 36:102**
Property in, **§ 36:134**
Refusal to certify, **§ 36:132**
Requesting party
drawer, **§ 36:125**
holder, **§ 36:118**
importance of distinction, **§ 36:117**
Stale, **§ 36:142**
Stop payment of
See also COUNTERMAND OF CHEQUE
generally, **§ 36:79, § 36:103**
Stranger, at request of, **§ 36:131**
Time of, **§ 36:100**
Transactional validity of, **§ 36:97**
Transfer of funds to Bank of Canada, **§ 36:142**

CHARGE-BACK
Generally, **§ 10:87**
Authorized by account management agreement, **§ 10:82**
Collecting bank's
duty, **§ 10:88**
right, **§ 10:87**
Credit cards and, **§ 13:88**
Final payments, of, **§ 10:89**
Theoretical foundation, **§ 10:87**

CHECK 21 ACT (US)
Application to cross-border cheques, **§ 35:6**

CHEQUE HOLD PERIODS
Generally, **§ 9:28**

CHEQUE IN PARTIAL PAYMENT
Generally, **§ 1:39**
Accord, as
See also ACCORD AND SATISFACTION
generally, **§ 1:41**
Satisfaction, as, **§ 1:47**

CHEQUES
Accord and satisfaction, and, **§ 1:39**
Application of Act to
generally, **§ 36:49**
difficulties of interpretation, **§ 36:50**
exceptions, **§ 36:52**
"Bank," meaning of, **§ 36:8**
Bank as holder of, **§ 10:93**
Bank cheques
See BANK CHEQUES
Banker's duty to collect
See COLLECTION OF CHEQUES
Banker's duty to pay
See PAYMENT OF CHEQUES
Bankruptcy of drawer, **§ 36:85**
BEA, application of, **§ 36:49**
Bill, compared, **§ 36:3, § 36:50**
Cashier's cheques
See BANK CHEQUES
Certified
See CERTIFIED CHEQUES
Clearing of
See CLEARING SYSTEM FOR CHEQUES AND OTHER DEBITS
Collection of
See COLLECTION OF CHEQUES
Conditional delivery of, **§ 25:10**
Conditional legends, and, **§ 24:9**
Consumer cheque
See CONSUMER BILL OR NOTE

CHEQUES—Cont'd
Conversion of
See also BILLS OF EXCHANGE ACT, S. 165(3)
generally, **§ 10:90, § 10:91 et seq.**
Corporate, signatures on
See REPRESENTATIVE SIGNATURE ON BILL, CHEQUE OR NOTE
Countermand of
See COUNTERMAND OF CHEQUE
Credit card cheques, **§ 13:42**
Crossed
See CROSSED CHEQUES
Crown, federal, of, **§ 36:5**
Death of drawer, **§ 36:83**
Defective, liability of parties to, **§ 24:26**
Definition, **§ 24:2, § 36:3**
Delay in presentment of, **§ 36:54 et seq.**
Delivery, requirement of
See DELIVERY OF BILL, CHEQUE OR NOTE
Dishonour
See DISHONOUR OF CHEQUE
Double-dated, **§ 36:17**
Drawee, holder in due course, as, **§ 26:44**
Drawer's signature forged, **§ 25:75**
"Drawn on," meaning of, **§ 36:9**
Duty of collecting bank, **§ 10:68**
Evidence of payment, as, **§ 1:86**
Exchange of
See EXCHANGE OF CHEQUES AND OTHER PAYMENT ITEMS IN ACSS
Formal validity, **§ 36:2 et seq.**
Gift of, **§ 25:138**
Government "cheques," **§ 3:21**
Image of
See OFFICIAL IMAGE OF CHEQUE

CHEQUES—Cont'd
Incapacity of drawer, **§ 36:90**
Lesser sum than owed, for, **§ 1:39**
Limit on sum payable by, **§ 36:21**
25 million dollar limit on sum payable, **§ 36:21**
Mistaken payment of, **§ 9:99, § 10:5**
Money, as, **§ 3:21**
Official image of
See OFFICIAL IMAGE OF CHEQUE
Overdue or "stale," **§ 36:20**
Partnership, of, **§ 25:128**
Payment by, **§ 1:86**
Permissible media, **§ 10:5**
Post-dated
See POST-DATED CHEQUES
Preclusion of drawer from denying forgery of, **§ 25:79**
Presentment, delay in special rule, **§ 36:54 et seq., § 36:58**
Properly payable items, **§ 10:4**
Reasonable time to present, **§ 36:59**
Receipt combined with, **§ 36:6**
Receiver-General's warrants, as, **§ 36:5**
Recovery of money paid on forgeries, **§ 25:89**
Return
image of, **§ 10:25**
late as payment, **§ 11:49**
"paid" items, **§ 31:31**
Stale, **§ 25:29, § 27:42, § 36:20, § 36:60**
Stop payment
See COUNTERMAND OF CHEQUE
Termination of bank's authority
See COUNTERMAND OF CHEQUE
Time of payment of
See FINALITY OF PAYMENT

CHEQUES—Cont'd
Truncation
See ELECTRONIC PRESENTMENT OF OFFICIAL IMAGE
Trust
bare notation of, **§ 10:110**
class actions re, **§ 10:108**
payable "in trust," **§ 10:109**
Unsigned form, whether legal cheque, **§ 24:17, § 25:75**
Wrongful dishonour of, **§ 10:42**
Wrongful encashment of, **§ 24:36**
Wrongful honour of, **§ 10:43**

CIVIL CODE OF LOWER CANADA
Application to bills and notes, **§ 23:63**
Joint and several liability under, **§ 37:31**

CLEARING
Defined, **§ 11:10**
System description
See also CLEARING SYSTEM FOR CHEQUES AND OTHER DEBITS
generally, **§ 11:64**

CLEARING, REPLACEMENT DOCUMENTS
Generally, **§ 11:42**
Return replacement documents
See RETURN REPLACEMENT DOCUMENTS
Transitional note, **§ 11:41**

CLEARING AGENT
Guarantors of clients, not, **§ 11:24**
Participation in ACSS, **§ 11:24**
Presence at regional exchange points, **§ 11:28**
Resignation of, **§ 11:24**

CLEARING AND SETTLEMENT SYSTEMS
Authorized foreign banks, and, **§ 7:88**

CLEARING AND SETTLEMENT SYSTEMS—Cont'd
Bank of Canada oversight of, **§ 7:65**
Definition of, **§ 7:58**
Designation of, **§ 7:73**
See also DESIGNATION OF SYSTEMS
Securities and derivatives
See SECURITIES AND DERIVATIVES CLEARING HOUSES

CLEARING HOUSE
Extension of protection, **§ 7:92**
Meaning in DBNA, **§ 39:12**
Payment Clearing and Settlement Act, and, **§ 7:90**
Protection of, **§ 7:93**

CLEARING RULES OF CPA
Classes of payment items, **§ 11:34**
Legal effect of
generally, **§ 11:110 et seq.**
qua members, **§ 11:111**
qua public, **§ 11:112**
Precedence of BEA, **§ 11:113**

CLEARING SYSTEM FOR CHEQUES AND OTHER DEBITS
Automated Clearing Settlement Service ("ACSS"), **§ 11:12 et seq.**
BEA, precedence of over ACSS Rules, **§ 11:113**
Cheques not cleared by, **§ 11:2, § 11:7**
Clearing, in, **§ 11:10, § 11:63**
Clearing, meaning of, **§ 11:10**
Clearing agents, use of, **§ 11:7, § 11:24**
Clearing replacement documents, **§ 11:89**
Default by member
See DEFAULT IN ACSS BY CPA MEMBER
Description of operation, **§ 11:12**

CLEARING SYSTEM FOR CHEQUES AND OTHER DEBITS—Cont'd
Direct clearers, role of
See DIRECT CLEARERS
Electronic clearing exchange, **§ 11:41**
Exchange in, **§ 11:9, § 11:40**
Finality of settlement in, **§ 11:11, § 11:70**
Group clearer, use of, **§ 11:7**
Image project rules, **§ 11:41**
Items acceptable for exchange, **§ 11:34**
Legal foundation for, **§ 11:15**
Legal relations of participants
See CLEARING RULES OF CPA
Legal relations of public, and, **§ 11:112**
Messaging system, **§ 11:13**
National electronic settlement region, **§ 11:32, § 11:68**
Net-net clearing system, **§ 11:14**
On-us items, no effect on, **§ 11:2**
Organization of, **§ 11:26**
Overview, **§ 11:12**
Paid items, return of, **§ 10:24**
Participants, **§ 11:21**
Payment items, classes of, **§ 11:35**
Priority of electronic items, and, **§ 11:117**
Regional exchange points
See also REGIONAL EXCHANGE POINTS
generally, **§ 11:26, § 11:28**
Representation of members in, **§ 11:27**
Return replacement documents, **§ 36:28**
Risk management in
collateral pool pledge, **§ 11:18, § 11:19**
introduction, **§ 11:16**
legal foundation of, **§ 11:17**

CLEARING SYSTEM FOR CHEQUES AND OTHER DEBITS—Cont'd
Risk management in—Cont'd
survivors' contributions, **§ 11:20**
Settlement, in
generally, **§ 11:11, § 11:66**
finality, **§ 11:70**
legislative protection of, **§ 11:71**
meaning of, **§ 11:11**
provisional, effect of, **§ 10:23**
timing of, **§ 11:69**
System description, **§ 11:64**
Theoretical foundation, **§ 11:65**
Time of payment of items in, **§ 11:69**
U.S. dollar items
See US DOLLAR BULK EXCHANGE SYSTEM
Volume and value of items cleared, **§ 1:2**
Volume and values, **§ 1:5**

CLEARNET
See SWAPCLEAR

CLOSE CONNECTION DOCTRINE
Generally, **§ 37:46 et seq.**
Consumer bills and notes
See CONSUMER BILL OR NOTE
Facts establishing, **§ 37:47**
Federal Discount case, **§ 37:46 et seq.**
Lender credit, and, **§ 37:48**
Quebec, in, **§ 37:51**
Supplements Part V of Act, **§ 37:50**
Vendor credit, and, **§ 37:48**

CLOSED LOOP CARDS
See PREFUNDED PAYMENT PRODUCTS

CLOSURESSTM/SS
See REAL ESTATE CLOSING FUNDS MANAGEMENT SYSTEM

CLS BANK
See CONTINUOUS LINKED SETTLEMENT BANK

CODE OF CONDUCT FOR CREDIT AND DEBIT CARD INDUSTRY IN CANADA
Generally, **§ 7:46, § 15:6**
Adoption, method and timing of, **§ 15:11**
Application, scope of, **§ 15:10**
Background, **§ 15:9**
Coming into force, **§ 15:11**
Compliance agreements with FCAC, **§ 7:116**
Entry in force, timing of, **§ 15:11**
Merchants, focus on protection of, **§ 15:10**
Mobile payments and
See MOBILE-PHONE PAYMENTS AND TRANSFERS
Policy elements, **§ 15:12**

CODE OF DEBIT CARD PRACTICE
See DEBIT CARDS

CODES OF CONDUCT
Credit cards
See CODE OF CONDUCT FOR CREDIT AND DEBIT CARD INDUSTRY IN CANADA
Debit cards
See CANADIAN CODE OF PRACTICE FOR CONSUMER DEBIT CARD SERVICES

COLLECTION OF BILLS AND NOTES
Generally, **§ 10:111 et seq.**
Agent, by, **§ 10:113**
Contractual liability for, **§ 10:114**
Foreign currency denominated, **§ 11:109**

COLLECTION OF BILLS AND NOTES—Cont'd
Negligence liability for, **§ 10:116**
Uniform Rules for Collections, **§ 10:112, § 11:109**

COLLECTION OF CHEQUES
Generally, **§ 10:62 et seq.**
Access to funds
Access to Funds Regulations
See ACCESS TO FUNDS
credit payee's account, **§ 10:75**
Agents, use of
duty, **§ 10:67**
status, **§ 10:64**
Bank as holder for value, when, **§ 26:9**
Charge-back, right of
See CHARGE-BACK
''Collection only'' endorsement, **§ 10:75**
Conventional, **§ 10:75**
Conversion liability for
See also subsection 165(3) and, infra
generally, **§ 10:90, § 25:91**
destruction after imaging not, **§ 36:40**
statutory protection against, **§ 10:91 et seq.**
Dishonour
See DISHONOUR OF CHEQUE
Duties of bank
generally, **§ 10:68**
credit payee's account, **§ 10:75**
give notice of dishonour, **§ 10:78**
present promptly, **§ 10:72**
receive payment, **§ 10:74**
select appropriate method, **§ 10:70**
Electronic media
See ELECTRONIC PRESENTMENT OF OFFICIAL IMAGE
Endorsement, effect of, **§ 10:64**

COLLECTION OF CHEQUES —Cont'd
Endorsement by banker, effect of, **§ 23:19**
Fictitious or non-existing payee, **§ 24:45**
Forged endorsement, preclusion to deny, **§ 25:77**
Hold period disclosure, **§ 9:28**
Hold periods, **§ 9:28**
Hold period under regulation, **§ 10:69**
Method, selection of, **§ 10:70**
image rule options, **§ 10:70**
Notice of dishonour, duty to give, **§ 10:78**
Nursing account, **§ 10:73**
Presentment
delay, special rule, **§ 36:57**
duty to make prompt, **§ 10:72**
repeated, **§ 10:73**
Protection of banker
See subsection 165(3) and, infra
Provisional settlement, not binding, **§ 30:3**
Reasonable time to present, **§ 10:72**
Recovery of money paid on forgery, **§ 25:89**
Restrictive endorsement, and, **§ 27:16**
Return of dishonoured items
generally, **§ 10:79**
late return, **§ 10:82**
on-us items, **§ 10:86**
timely return, **§ 10:81, § 11:42**
Rights of bank, **§ 10:104**
Selection of method, **§ 10:70**
Source of duty, **§ 10:67**
Status when collecting, **§ 10:64**
Subsection 165(3) and
conditions precedent, **§ 10:97**
effect of, **§ 10:104**
generallly, **§ 10:96**
history of, **§ 10:92**

COLLECTION OF CHEQUES —Cont'd
US Dollar-denominated items, **§ 11:85 et seq.**
Waiver of presentment, and, **§ 10:72**

COLLECTION OF OTHER ITEMS
Generally, **§ 10:111**
Agency liability, **§ 10:115, § 10:117**
Contractual liability, **§ 10:114**
Liability for negligence, **§ 10:116**
Uniform Rules for Collections, **§ 10:112**

COMMON LAW OF ENGLAND
Law merchant and, **§ 22:1, § 23:63**
Pre-BEA case law, **§ 23:65**
Preserved by statute, **§ 23:63**
Quebec, application in, **§ 23:63**
''Strict sense,'' **§ 23:66**

COMMON LAW TRACING OF MONEY
Generally, **§ 3:48 et seq.**
Advantages over equitable tracing, **§ 3:57**
Canadian case law, **§ 3:58**
Defences, **§ 3:50**
Equitable tracing merged with, **§ 10:126**

COMPELLING PAYMENT
Generally, **§ 1:76**
Complicating factors, **§ 1:77**
Enforceable damages estimates, **§ 1:79**
Genuine pre-estimate of actual damage, **§ 1:79**
Ordinary case, **§ 1:76**
Penalty clauses, **§ 1:78**
Specific performance order, **§ 1:76**

COMPETITION LAW
Interac Consent Order, **§ 7:18**
Non-card-based payment systems, and, **§ 13:2, § 15:5**

COMPETITION LAW—Cont'd
Payment network agreements and, **§ 13:2, § 15:2**
Price control, **§ 13:18**
Refusal to deal, **§ 7:26**
Tied selling, **§ 13:18**

COMPETITION LAW PROCEEDINGS
Commissioner v. Visa and MasterCard, **§ 13:18**
Watson v. Bank of America, **§ 13:23**

COMPLETE AND REGULAR BILL, CHEQUE OR NOTE
English text of Act, **§ 26:21**
French text of Act, **§ 26:21**
Meaning of, **§ 26:21**

CONFIDENTIALITY, BANKERS' DUTY OF
Duty, generally, **§ 9:50**

CONFLICTS OF LAW (BILLS, CHEQUES AND NOTES)
Capacity and, **§ 35:20**
Foreign bills, and, **§ 35:9**
Foreign currency obligations, **§ 35:17**
Formal validity
anomalous situations, **§ 35:5**
characterization, **§ 35:4**
Check 21 Act substitute checks, and, **§ 35:6**
generallly, **§ 35:3**
Holder's duties
case law, **§ 35:14**
generallly, **§ 35:12 et seq.**
jurisprudence, **§ 35:13**
Montage v. Irvani, **§ 35:11**
Inland bills, and, **§ 23:26, § 35:10**
Interest and, **§ 35:21**
Interpretation, **§ 35:7**
Intrinsic validity, **§ 35:7**
Legal effect of bill or note, **§ 35:7**
Limitations of actions and prescription, **§ 35:22**

CONFLICTS OF LAW (BILLS, CHEQUES AND NOTES) —Cont'd
Maturity of bill or note, **§ 35:18**
Pre-BEA case law, **§ 35:8**
Proper law of USD items, **§ 11:89**
Scope of rules in Act, **§ 35:2**
Set off and, **§ 35:23**

CONSIDERATION FOR BILL, CHEQUE OR NOTE
Generally, **§ 25:136 et seq.**
Accommodation party and, **§ 25:144**
Admissibility of evidence impeaching, **§ 28:35**
Antecedent debt or liability, as, **§ 25:143**
"Cause," and, **§ 23:63**
Common law of, preserved, **§ 23:63**
Consumer goods and services
See also CONSUMER BILL OR NOTE
generally, **§ 25:146**
Defects of title as defence to liability, **§ 28:15**
Definition, **§ 25:139**
Executory, **§ 26:32**
Failure of, defence, **§ 28:20, § 28:35**
Gifts, **§ 25:138**
Knowledge by holder of lack, **§ 26:32**
Means, **§ 25:139**
Partial failure of, **§ 28:35**
Patent right, **§ 23:69, § 25:147**
Requirement of, **§ 25:137**
Seal, instruments under, **§ 25:145**
Special types of
consumer purchases, **§ 38:11**
patent right, **§ 23:69**
usury, **§ 25:146**
Usury, **§ 25:148, § 26:66**
Value, compared, **§ 26:11**

CONSOLIDATION OF ACCOUNTS
Generally, **§ 9:152**
Bank, right of, **§ 9:153**
Bankers' lien, and, **§ 9:154**
Conditions of exercise, **§ 9:157**
Fraudulent preference or conveyance, and, **§ 9:158**
Set-off, distinguished, **§ 9:154**

CONSTITUTIONAL LAW
''Bank'' and ''banker,'' meaning of, **§ 30:3**
''Banking,'' meaning in, **§ 8:6**
Bills of exchange, and, **§ 22:9**
Canadian Payments Act and, **§ 7:110**
Common law of bills, application in Quebec, **§ 23:63**
''Core'' banking activities, **§ 8:30**
Cost of borrowing disclosure
provincial law and, **§ 8:18**
Currency and coinage of Canada, foundation for, **§ 2:1**
Depository Bills and Notes Act, and, **§ 39:11**
Exercise of jurisdiction, **§ 7:38 et seq.**
Federal common law, **§ 9:1 et seq.**
Federal paramountcy
complete code, **§ 8:10**
frustration of federal purpose, **§ 8:10**
legislated paramountcy, **§ 8:10**
operational conflict, **§ 8:10**
Federal powers, reach of, **§ 8:23**
Financial Consumer Framework, **§ 8:17**
Financial consumer protection, **§ 8:18**
Insurance promotion by banks, **§ 8:18**
Joint and several liability on notes, **§ 37:26**
Labour relations of banks, **§ 8:18**

CONSTITUTIONAL LAW —Cont'd
Legal tender in Canada, foundation for, **§ 2:1**
Limitation or prescription periods, provincial law in, **§ 22:11, § 30:75**
Money, **§ 3:1 et seq.**
Money services businesses, regulation, **§ 8:35**
Paper money of Canada, foundation for, **§ 2:1**
Payment, **§ 1:18**
Payment Cards Networks Act, and, **§ 7:120**
Payment Clearing and Settlement Act, and, **§ 7:65**
Payment systems and methods, **§ 1:18**
Possible grounds for novel forms of payment, **§ 7:41**
Provincial laws
affecting banks' activities, **§ 8:6**
consumer protection, **§ 8:17**
controlling banks' activities, **§ 8:18**
governing conversion of foreign money obligations, **§ 2:2, § 2:39 et seq.**
PPSAs, **§ 3:2**
securities regulation, **§ 8:17**

CONSUMER BILL OR NOTE
Agreements bar BEA void, **§ 38:18**
Arm's length, meaning of, **§ 38:12**
Business purpose, **§ 38:6**
Business seller, **§ 38:7**
Cash purchase, meaning of, **§ 38:4**
Cheque or other bill, **§ 38:9**
Close connection doctrine, and, **§ 38:4**
Counterclaim, and, **§ 38:17**
Defence, **§ 38:16**
Defence or counterclaim in, **§ 38:16, § 38:17**
Defined terms, **§ 38:2 et seq.**

CONSUMER BILL OR NOTE —Cont'd
Formal requirements, **§ 38:2 et seq.**
Goods and services, for, **§ 38:5**
''In respect of'' consumer purchase, **§ 38:11**
Liability, nature of purchaser's, **§ 38:8**
Marking, effect of, **§ 38:14 et seq.**
Offences relating to, **§ 38:20**
Purchase, requirement of, **§ 38:3**
Scope of Part V of Act, **§ 38:13**
Set-off, and, **§ 38:16**
Unmarked, offence, **§ 38:20**
Voiding, effect of, **§ 38:15**
Waivers, and, **§ 38:18**

CONSUMER PRIVACY PROTECTION ACT
Bill C-11, **§ 9:27**

CONSUMER PROTECTION IN FEDERAL FINANCIAL STATUTES
Bill C-29, **§ 8:17**
Consumer provision defined, **§ 7:135**
Duplicate of provincial provision in, **§ 13:24 et seq.**
Enforcement by FCAC in, **§ 7:138**
Financial Consumer Agency of Canada, **§ 7:135**
Framework, **§ 8:17**
Multiple agencies mandated, **§ 7:134**
Offences and violations distinguished, **§ 7:138**
Provincial law, and, **§ 8:18**
Punitive damages, award against bank, **§ 13:27**
Regulatory standard vs. contractual norm, **§ 13:25**

CONSUMER PROTECTION IN PROVINCIAL STATUTES
Agencies, multiple, **§ 7:134**

CONSUMER PROTECTION IN PROVINCIAL STATUTES —Cont'd
Application to credit card disputes loss or theft of card, **§ 13:63**
Caution concerning possible non-application to federal institutions, **§ 13:9 et seq., § 13:34**
Change in interest rate, **§ 13:63**
Contractual norm vs. regulatory standard, **§ 13:25**
Damages, exemplary or punitive
cancellation of consumer transaction, upon, **§ 13:28**
wrongful conduct by credit card issuer, **§ 13:27**
Duplication of federal provision in, **§ 13:24 et seq.**
Enforcement by FCAC in, **§ 7:138**
Federal paramountcy
See CONSUMER PROTECTION IN FEDERAL FINANCIAL STATUTES; FINANCIAL CONSUMER PROTECTION
Mortgage lending, **§ 43:2**
Process and dispute resolution, **§ 43:1**
Punitive damages, award against bank, **§ 13:27**
Refund upon cancellation, **§ 13:28**
Set-off by issuer of credit card debt and bank balance, **§ 13:63**

CONTACTLESS PAYMENT
See MOBILE-PHONE PAYMENTS AND TRANSFERS

CONTINUOUS LINKED SETTLEMENT
Generally, **§ 21:12 et seq.**
Bank
See CONTINUOUS LINKED SETTLEMENT BANK
Currencies settled, **§ 21:16**
Designation of service under PCSA, **§ 7:74**

CONTINUOUS LINKED SETTLEMENT—Cont'd
Eligible financial contract, as, **§ 21:30**
Operating procedure, **§ 21:16**
Overview, **§ 21:12**
Risk management procedures, **§ 21:20**
Settlement failure, **§ 21:25**
Statistics of use, **§ 21:16**

CONTINUOUS LINKED SETTLEMENT BANK
Generally, **§ 21:13**
Designation of service under PCSA, **§ 7:63, § 21:14**
Legal analysis, **§ 21:27**
Liquidity providers to, **§ 21:26**
Operating procedures, **§ 21:16**
Organization, **§ 21:15**
Participant default, **§ 21:26**
Payment Clearing and Settlement Act, and, **§ 21:14, § 21:28**
Regulation of, **§ 21:14**
Risk management, assessment of, **§ 21:31**
Risk management by, **§ 21:20**
Rules, binding nature of
participants, among, **§ 21:27**
public, upon, **§ 21:14**
Settlement in
failure to settle, **§ 21:25**

CONVERSION (TORT OF)
Action for, **§ 25:91**
Alternative remedies, **§ 10:126**
Cheques, of, **§ 10:90**
Crossed cheques, and, **§ 36:145**
Electronic funds transfers, no application to, **§ 17:42**
Electronic funds transfers and, **§ 18:106**
Funds transfer proceeds, of, **§ 10:119**
Funds transferred without authority, of, **§ 10:56**

CONVERSION (TORT OF)—Cont'd
Funds transfers, **§ 10:120**
General, **§ 10:120, § 17:40, § 31:45**
Instruments, of, **§ 10:120**
Intangible property, of, **§ 10:120**
Protection of banks under s. 165(3)
See COLLECTION OF CHEQUES
Quebec, in, **§ 25:96**
Waiver of, **§ 25:110**

CONVERSION OF FOREIGN CURRENCY OBLIGATIONS
Generally, **§ 2:1, § 2:2**
Canadian case law, **§ 2:28**
Exchange rate in bill or note, **§ 24:103**
Time for
legislative rules, **§ 2:29**
re-exchange of bill, **§ 30:53**
Wills, in, **§ 3:28**

CORPORATE FUNDS TRANSFERS
Cases against payor banks, **§ 10:59**
Claims under insurance policies, **§ 10:59**
Common law, application of, **§ 10:56**
Contract provisions relating to, **§ 10:57, § 10:59**
Current contracts, **§ 10:59**
Early contracts and cases, **§ 10:57**
International standards, **§ 10:58**
Payee bank exposure, **§ 10:59**
Protection of payor bank, **§ 10:59**
Terms of service, **§ 9:56**
Unauthorized payment orders, **§ 10:59, § 10:60**

CORPORATE PAYMENTS FRAUD
Cheque fraud, **§ 24:48**
Common law tracing, and, **§ 10:126**

CORPORATE PAYMENTS FRAUD—Cont'd
Electronic funds transfer fraud, **§ 10:56**
Enterprise liability on payor, **§ 10:56**
Funds transfer fraud, **§ 10:119**
Restitution, and, **§ 10:126**
Signature
computer-generated, **§ 25:63**
unauthorized, **§ 25:63**

CORPORATE SEAL
Bill or note executed under, **§ 23:55**
Full name, **§ 23:57**
Speciality, whether item becomes, **§ 23:56**

CORPORATION
Capacity to draw bills and make notes
See CAPACITY OF PARTIES TO BILL, CHEQUE OR NOTE
Municipal, liability on bills and notes, of, **§ 23:60**

COST OF BORROWING
Bank Act disclosures, **§ 9:60**
Disclosure obligations, **§ 13:63**
Regulations, **§ 13:11**

COUNTERFEIT MONEY
Generally, **§ 3:114**

COUNTERMAND OF CHEQUE
Generally, **§ 36:67**
Abuse of, **§ 36:82**
Authority to give, **§ 36:69**
Branch to notify, **§ 36:73**
Certified cheque, of
See also CERTIFIED CHEQUES
generallly, **§ 36:118, § 36:125**
certification as acceptance, **§ 36:109**
Communication to bank, **§ 36:68, § 36:73**
Effect of, **§ 36:78**

COUNTERMAND OF CHEQUE—Cont'd
Misdescription of cheque, **§ 36:70**
Notice of dishonour excused, **§ 29:47**
Post-dated cheque, of, **§ 36:14**
Restitutionary rights of bank failing to obey, **§ 36:81**
Timely notice of, **§ 36:77**

CPA
See CANADIAN PAYMENTS ASSOCIATION

CPA BY-LAWS
Generally, **§ 6:29**

CPA RULES
A1, **§ 11:37**
A4, **§ 11:42**
A10, **§ 11:42**
Generally, **§ 6:30**
B1, **§ 11:26**
B2, **§ 11:42**
B3, **§ 11:28**
B4, **§ 11:26**
B5, **§ 11:42**
B10, **§ 11:42**
D1, **§ 11:22**
D2, **§ 11:24**
D3, **§ 11:23**
E1
generally, **§ 11:56, § 15:20 et seq.**
debit cards and, **§ 15:58**
legal foundations of, **§ 15:22**
E2
Debit Card Code and, **§ 18:44**
E3, **§ 11:56, § 18:60**
E4, **§ 15:40**
F1, **§ 11:56**
F2, **§ 11:56**
F3, **§ 11:56**
F4, **§ 11:37**
G3, **§ 11:42**
G4, **§ 11:56**

CPA RULES—Cont'd
G8, **§ 10:62**
G12, **§ 11:56**
H1, **§ 11:56, § 17:7**
H6, **§ 18:74**
K1, **§ 11:88**
K7, **§ 11:100**
L1, **§ 11:73**
L2, **§ 11:80**
LVTS, **§ 12:6 et seq.**

CREDIT BUSINESS PRACTICES REGULATIONS
FCAC oversight, **§ 7:137**

CREDIT BUSINESS REGULATIONS
Banks, and, **§ 7:45, § 13:10**

CREDIT CARDHOLDER/ISSUER AGREEMENTS
Generally, **§ 13:56**
Agreement, importance of, **§ 13:56, § 13:63**
Consumer transaction, refund, and, **§ 13:28**
Contract formation, approved methods, **§ 13:63**
Credit limits, **§ 13:63**
Enforcement, **§ 13:63**
Failure by issuer to honour, **§ 10:42**
Interest, **§ 13:63**
Limitation of issuer's claim, **§ 13:41**
Miscellaneous issues, **§ 13:63**
Refunds and cancellations, **§ 13:63**

CREDIT CARDS
"Acceptor" explained, **§ 13:41**
Access devices other than cards, **§ 13:2, § 13:32, § 15:5**
"Acquirer" defined, **§ 13:52**
Acquirer's liability to pay merchant, **§ 13:52**
Agreements between participants
generally, **§ 13:50**
cardholder and issuer, **§ 13:63**

CREDIT CARDS—Cont'd
Agreements between participants—Cont'd
merchant and acquirer, **§ 13:52**
merchant and cardholder, **§ 13:58**
sponsor and participants, **§ 13:50**
Allocation of payments, **§ 1:52**
Appropriation of payments, **§ 1:52**
Bank credit as foundation, **§ 13:1**
"Cardholder" defined, **§ 13:56**
Chargeback to merchant
See MERCHANT ACQUIRER AGREEMENT
Charge cards, **§ 13:36**
Co-branded, **§ 13:62**
Codes of Conduct, **§ 13:51, § 15:9**
Consumer transaction, refund, and, **§ 13:28**
Credit card cheques, **§ 13:42, § 36:7**
Credit limits, effect of, **§ 13:56, § 13:63**
Criminal rate of interest, and, **§ 13:63**
Debit card network and, **§ 15:9**
Debt collection practices, **§ 13:63**
Debt collection practices regulations, **§ 13:63**
Definition of, **§ 13:31**
consumer protection law, **§ 13:34**
criminal law, **§ 13:33**
Device, meaning of, **§ 13:32**
Disputes between cardholders and merchants, **§ 13:56**
Final or conditional payment, **§ 13:90, § 13:95**
Foreign currency obligations, **§ 13:56**
Grace period, **§ 13:56**
Industry standards of security compliance, **§ 13:29**
Interest and fees, **§ 13:56**
Interest rate, change in, **§ 13:63**
Internet transactions, use in, **§ 13:52, § 13:56**

CREDIT CARDS—Cont'd
"Issuer" defined, **§ 13:56**
Legal effect of card use, **§ 13:63**
Legal foundation, **§ 13:3 et seq.**
Legal liability of card issuers, basis of
generally, **§ 13:3**
Legal relations of parties
generally, **§ 13:60**
card association and participant, **§ 13:59**
card issuer and cardholder, **§ 13:63**
merchant/acceptor and merchant bank/acquirer, **§ 13:81**
sponsors and members, **§ 13:61**
Loss allocation under Canadian Code of Practice, **§ 15:34**
Loss or theft of card, **§ 13:63**
Mandatory contract terms, **§ 13:56**
Merchant/acceptor - cardholder relationship
finality of payment, **§ 13:90, § 13:95**
risk of non-payment, **§ 13:95**
Merchant/acquirer relationship
authorization of transaction, effect of, **§ 13:52**
common contractual terms, **§ 13:52**
Merchant agreement class actions, **§ 7:28**
Merchant bank defined, **§ 13:52**
Merchant/customer relationship
generally, **§ 13:58**
dispute resolution, **§ 13:63**
Mobile phone access, **§ 16:17**
Negative option marketing, **§ 15:9**
Netting and settlement of claims, **§ 13:47, § 13:48**
Network integrating contracts, **§ 13:39**
Organizational infrastructure
generally, **§ 13:39**
cardholder payment, **§ 13:49**

CREDIT CARDS—Cont'd
Organizational infrastructure —Cont'd
exchange of sales vouchers, **§ 13:47**
merchant/acceptors' functions, **§ 13:41**
merchant bank/acquirers' functions, **§ 13:41**
netting and settlement of claims, **§ 13:48**
PCI DSS Compliance, **§ 13:29**
PIN security, **§ 13:63**
Prefunded
See PREFUNDED PAYMENT PRODUCTS, Chapter 13.5
Premium card marketing, **§ 15:9**
Prepaid credit cards
See PREFUNDED PAYMENT PRODUCTS
Price-fixing charge, and, **§ 7:27**
Principles of law, absence of, **§ 13:60**
Privacy policies, **§ 13:56**
Refund on cancellation of consumer transaction, **§ 13:63**
Regulation, **§ 13:9 et seq.**
See REGULATION OF CREDIT CARD AGREEMENTS
Secured, **§ 14:2**
Security of card and PIN, holder's duty, **§ 13:56**
Service providers, **§ 13:39**
System description, **§ 13:38**
Telephone transactions, use in, **§ 13:52, § 13:56**
Types of cards
bank cards, **§ 13:36**
charge cards, **§ 13:36**
merchant cards, **§ 13:37**
Typical contract terms, **§ 13:56**
Unauthorized transactions, **§ 13:63**
Unauthorized use, liability for, **§ 13:56**

CREDIT CARDS—Cont'd
Wrongful conduct by issuer, **§ 13:27**
Zero liability policies, **§ 13:95, § 15:40**

CREDIT CARD SYSTEMS
Anti-competitive agreements, and, **§ 13:2**
Banks's powers to operate non-card-based systems, **§ 13:2**

CREDIT TRANSFERS
See also FUNDS TRANSFERS
Case law, **§ 3:19**
Contracts for, **§ 10:59**
Debit transfers distinguished, **§ 17:1**
Definition, **§ 17:1**
Digital tokens as, **§ 1:38**
Duty of care, **§ 9:5**
Electronic systems, generally, **§ 18:6**
Finality of payment
See FINALITY OF PAYMENT
Legal theory supporting, **§ 3:20**
Medium of payment, as, **§ 1:37**
Recurring and single instance distinguished, **§ 17:2**
Systems, **§ 11:8**
Time of payment, **§ 18:106**
Unauthorized
See UNAUTHORIZED CREDIT TRANSFERS

CREDIT UNIONS
"Bank" for certain purposes, **§ 8:24, § 36:8**
Banking by, **§ 8:24**
CPA membership of, **§ 11:25**

CRIMINAL RATE OF INTEREST
Generally, **§ 1:72**
Bill C-47, **§ 1:75.10 et seq.**
calculation of rate, **§ 1:75.30**
enforcement, **§ 1:75.20**
exemptions, **§ 1:75.40**
impact of, **§ 1:75.50**

CRIMINAL RATE OF INTEREST —Cont'd
Bill C-47, **§ 1:75.10 et seq.** —Cont'd
regulations, **§ 1:75.40**
Late payment fees as, **§ 1:61**
Section 58 BEA, application to, **§ 26:63**
Usurious, as, **§ 26:63**

CROSSED CHEQUES
Generally, **§ 36:143 et seq.**
Customer without title, **§ 36:147**
Dividend warrants, application of Act to, **§ 23:59**
Materiality of crossing, **§ 36:145**
Methods of crossing, **§ 36:144**

CROWN
Government payment warrants, **§ 23:59**
Liability upon bills and notes, of, **§ 23:9**
"Person," whether, **§ 23:9**

CRYPTOCURRENCIES
See VIRTUAL CURRENCY

CURRENCY
Account, of
See CURRENCY OF ACCOUNT
Bank of Canada notes
See also BANK OF CANADA NOTES
generally, **§ 2:7**
Canada, of, **§ 2:3 et seq.**
Constitutional law foundation
See CONSTITUTIONAL LAW
Cryptocurrency, **§ 2:22**
Current coin
See CURRENT COIN
Digital
See DIGITAL CURRENCY
Dollar symbol, significance of, **§ 2:24**

CURRENCY—Cont'd
Foreign
See FOREIGN CURRENCY
Judgment, of, **§ 1:60**
Lawful money
See LAWFUL MONEY OF CANADA
Legal proceedings, references in, **§ 2:19**
Legal tender
See LEGAL TENDER
Local currencies, **§ 3:115**
Meaning of term, **§ 2:4, § 3:31**
Mill, abolition of, **§ 2:25**
Monetary unit of Canada, **§ 2:3**
Outstanding value, **§ 2:5**
Payment, of
See CURRENCY OF PAYMENT
References in agreements, **§ 2:22**
Rounding, **§ 2:25**
Transfer, legal effect of, **§ 3:34**
US Dollarization, **§ 2:6**
Virtual, **§ 4:26 et seq.**

CURRENCY ACT
Section 3, **§ 2:3**
Section 7, **§ 2:3, § 2:12, § 2:37, § 3:31**
Section 8, **§ 2:37**
Section 12, **§ 2:1, § 2:19, § 2:24, § 3:32**
Section 13(1), **§ 2:17, § 2:22, § 2:24, § 3:31, § 3:32**
Section 14, **§ 2:16**
Section 15, **§ 2:1**
Section 16, **§ 30:53**

CURRENCY OF ACCOUNT
Defined, **§ 2:16**
Payment or security of money, references to, **§ 2:19**
Public accounts, for, **§ 2:19**
Statutory references, **§ 2:17**

CURRENCY OF PAYMENT
Generally, **§ 1:58**

CURRENCY OF PAYMENT —Cont'd
Bill or note payable in foreign, **§ 1:58**
Currency Act, s. 13, **§ 1:58**
Judgments and awards, of, **§ 1:60, § 2:1**
Judicial determination of, **§ 1:58**
Legal proceedings, in, **§ 2:19**
Private law obligations, of, **§ 1:58**
Proper currency of contract, **§ 1:58**
Public law obligations, of, **§ 1:59**

CURRENT COIN
Circulation coins, **§ 2:13**
Defined, **§ 2:12**
Non-circulation coins, **§ 2:15**
One-cent coin, rounding and, **§ 2:25**

CUSTOM
Canadian law, in, **§ 22:2**
Law merchant, and, **§ 22:1**
New Canadian, **§ 22:3**

CUSTOMER
Bank terminating relationship, **§ 9:163**
Capacity to form relationship, **§ 9:14**
Complaints against banks
See CUSTOMER COMPLAINTS
Confidentiality, duty of bank to
See CONFIDENTIALITY, BANKERS' DUTY OF
Death of, notice of, **§ 36:83**
Defined, **§ 9:8**
Equal treatment of, **§ 9:49**
Incapacity, **§ 10:2**

CUSTOMER COMPLAINTS
Bank Act requirements, **§ 9:26**
PIPEDA requirements, **§ 9:27**

CYBER RISK MANAGEMENT IN BANKING
Generally, **§ 46:1**

CYBER RISK MANAGEMENT IN BANKING—Cont'd
AI and emerging threats, **§ 46:15**
Artificial Intelligence and Data Act (AIDA), **§ 46:25**
Canadian cyber incidents, contextual reference, **§ 46:13**
Contractual allocation of cyber risk, **§ 46:5**
Cyber insurance as risk transfer mechanism
generally, **§ 46:6**
contractual interoperability with financing documentation, **§ 46:8**
international supervisory perspectives, **§ 46:10**
limitations, exclusions and prudential considerations, **§ 46:9**
practice note, **§ 46:11**
scope of coverage and market practice, **§ 46:7**
Financing documents, drafting consequences for, **§ 46:23**
FRFI losses, liability and supervisory consequences
generally, **§ 46:17**
civil exposure and settlements, **§ 46:18**
insider-threat incidents, **§ 46:19**
observations for counsel, **§ 46:22**
supervisory context and reporting duties, **§ 46:21**
third-party and supply-chain exposure, **§ 46:20**
Guideline B-13 (OSFI)
generally, **§ 40:11, § 42:3 to § 42:6**
structure and scope, **§ 46:3**
Human factors and risk vectors, **§ 46:14**
Illustrative failures and systemic considerations, **§ 46:4**
International standards, **§ 46:16**
KPI dashboards, **§ 46:12**

CYBER RISK MANAGEMENT IN BANKING—Cont'd
Regulatory imperatives, **§ 46:2**

CYBERSECURITY
Generally, **§ 40:11**
Banking, risk management
See CYBER RISK MANAGEMENT IN BANKING
Custodial services, **§ 40:11.70**
Digital assets, **§ 40:11.50**
Insurance, **§ 40:11.30**

DAMAGES LIABILITY ON BILL, CHEQUE OR NOTE
Generally, **§ 30:43 et seq.**
Amount of instrument, as, **§ 30:46**
Expenses, **§ 30:51**
Foreign currency and, **§ 30:47**
Interest, **§ 30:48**
Liquidated amount, determination of, **§ 30:45**
Measure of recoverable, **§ 30:45**
Recoverable from whom, **§ 30:52**
Re-exchange, and, **§ 30:53**

DATE OF BILL, CHEQUE OR NOTE
Antedated items, **§ 24:85**
Holiday dated, **§ 24:87**
Post-dated items
See also POST-DATED CHEQUES
generally, **§ 24:86**
Presumption of true date, **§ 24:88**
Sunday date, **§ 24:86**
Undated items, **§ 24:84**

DAYS OF GRACE
Generally, **§ 24:82**

DBNA
See DEPOSITORY BILLS AND NOTES ACT

DEBIT CARD CODE
See also CANADIAN CODE OF PRACTICE FOR

DEBIT CARD CODE—Cont'd
CONSUMER DEBIT CARD SERVICES
Generally, **§ 15:6**
Liability for unauthorized use of card, **§ 15:78**
Receipt, whether required in all cases, **§ 15:8**
Topics addressed, **§ 15:6**

DEBIT CARDS
Generally, **§ 15:6**
Authorization delayed, **§ 15:36**
Canadian Code of Conduct for Credit and Debit Card Industry, **§ 15:9**
Cardholder/issuer agreements
generally, **§ 15:64**
capacity, **§ 15:77**
formation, **§ 15:76**
liability limitations, **§ 15:78**
minors' liability, **§ 15:77**
plain English, **§ 15:9**
Cash-like quality, **§ 15:82**
Code of Conduct, and, **§ 15:6**
Credit card in Criminal Code, **§ 15:57**
Credit card network and, **§ 15:9**
Credit cards distinguished, **§ 15:57**
Definitions
acceptors and acquirors, **§ 15:59**
cardholder, **§ 15:59**
debit card, **§ 15:57**
issuer, **§ 15:59**
Devices, and Debit Card Code, **§ 13:32**
Dexit cards
See DEXIT "INSTEAD OF CASH" SERVICE
Disclosure of fees, **§ 15:9**
Dispute resolution, **§ 15:31**
Donatio mortis causa of card, **§ 15:84**
Exchange, clearing and settlement, **§ 15:47**
Finality of payment, **§ 15:82**

DEBIT CARDS—Cont'd
Functions on card, **§ 15:9**
Glossary, **§ 15:21**
History, **§ 15:1**
Incentive discounts, **§ 15:9**
Introduction and history, **§ 15:1**
Irrevocability of POS items in ACSS, **§ 15:83**
Legal relations of parties, **§ 15:74**
Merchant/acquirer agreements
generally, **§ 15:68**
unauthorized use of terminal, **§ 15:81**
Merchant/cardholder contract, **§ 15:72**
Merchant/network agreeemnts
generally, **§ 15:73**
issuer qualifications, **§ 15:75**
Negative option billing, **§ 13:17, § 15:17**
Negative option marketing, **§ 15:9**
Network logos, **§ 15:9**
Network service, **§ 15:9**
Overview, **§ 15:1**
Participants, roles of, **§ 15:2, § 15:21**
PIN-less POS
See PIN-LESS POINT OF SALE ITEMS
Prefunded debit cards
See PREFUNDED PAYMENT PRODUCTS
Premium card marketing, **§ 15:9**
Processing transactions
generally, **§ 15:23**
authentication, **§ 15:31**
authorization, **§ 15:31**
devices, **§ 15:24**
exchange, clearing and settlement, **§ 15:47**
privacy, **§ 15:26**
security, **§ 15:26**
System description
See INTERAC DIRECT PAYMENT

DEBIT CARDS—Cont'd
Termination penalties, **§ 15:9**
Unsolicited issue, **§ 15:76**

DEBIT CARD SYSTEMS
Anti-competitive agreements, and, **§ 15:5**
Banks' powers to operate non-card-based systems, **§ 15:5**
International debit card systems, **§ 15:86 et seq.**

DEBIT EXCHANGE
Generally, **§ 11:1**

DEBIT TRANSFERS
Credit transfers distinguished, **§ 17:1**
Definition, **§ 17:1**
Electronic systems, generally, **§ 18:6**
Pre-authorized payments
See also PRE-AUTHORIZED DEBITS
generally, **§ 17:3 et seq.**
Recurring versus single instance, **§ 17:2**

DEBTOR-INITIATED PAYMENT
PPSA, and, **§ 3:33, § 17:27**

DEEMED TRUSTS
Generally, **§ 3:87**
Defences, **§ 3:92**
Federal taxing statutes, and, **§ 3:90**
Policy rationale, **§ 3:91, § 3:93**
Priority of the law of money, and, **§ 3:96**
"Property of the debtor," **§ 3:89**
Sole proprietors, and, **§ 3:95**
Unsecured creditors, and, **§ 3:94**

DEFAULT IN ACSS BY CPA MEMBER
Generally, **§ 11:72**
Additional contributions by survivors, **§ 11:73**

DEFAULT IN ACSS BY CPA MEMBER—Cont'd
Denial of access by defaulter, **§ 11:73**
Direct clearer, by, **§ 11:73**
Governing law, **§ 11:73**
History of policies and procedures, **§ 11:72**
Indirect clearer, by, **§ 11:80**
Meaning of "default," **§ 11:73, § 11:80**
Notification of default, **§ 11:73 § 11:80**
Official action required upon, **§ 11:73**
Purging of post-dated items, **§ 11:73, § 11:80**
Settlement by survivor(s), **§ 11:73, § 11:80**

DEFAULT IN LVTS BY PARTICIPANT
Generally, **§ 12:40**
Bank of Canada decision, **§ 12:40**
Superintendent's powers, **§ 12:41**

DEFAULT IN USBES BY PARTICIPANT
Unwinding, **§ 11:107**

DEFECT OF TITLE TO BILL, CHEQUE OR NOTE
Generally, **§ 26:34, § 28:15**
Consideration, **§ 26:32**
Cut-off clause, and, **§ 26:60**
Definition, **§ 28:15**
Effect of, **§ 28:17**
Good faith, and, **§ 26:28**
Knowledge by holder of, **§ 26:32**
List not exhaustive, **§ 28:15**
Notice of, **§ 26:28**
Personal defences distinguished, **§ 28:16**
Real defences
See REAL DEFENCES
Usury, knowledge of, **§ 26:68**

DEFENCES TO LIABILITY ON BILL, CHEQUE OR NOTE
Absolute defences
See real defences, infra
Action and defence defined, **§ 23:4**
Admissibility of evidence establishing, **§ 30:60**
Authority to sign, lack of, **§ 25:71**
Bill C-305 defences, **§ 28:26**
Capacity, want of
See also CAPACITY OF PARTIES TO BILL, CHEQUE OR NOTE
generally, **§ 25:32, § 28:28**
Classification of, **§ 28:12**
Close connection
See CLOSE CONNECTION DOCTRINE
Conditional delivery, **§ 25:10**
Consideration, failure of
generally, **§ 26:32, § 28:35**
Consumer bill or note, **§ 38:16**
Contractual
generally, **§ 28:27**
authority to sign, lack of, **§ 28:28**
available defences, **§ 28:27**
capacity, lack of, **§ 25:32, § 28:28**
consideration, failure of, **§ 28:35**
contractual intent, lack of, **§ 28:28**
fraud, **§ 28:32**
frustration, **§ 28:29**
misrepresentation, **§ 28:32**
mistake, **§ 28:33**
statute, breach of, **§ 28:34**
suspensive condition, **§ 28:30**
unconscionability, **§ 28:32**
writing, lack of sufficient, **§ 28:29**
Counterclaim, **§ 23:4**
Cut-off clause and, **§ 38:18**
Defects of title
See DEFECT OF TITLE TO BILL, CHEQUE OR NOTE

DEFENCES TO LIABILITY ON BILL, CHEQUE OR NOTE —Cont'd
Defence defined, **§ 23:4**
Forged or unauthorized signature, **§ 25:61**
Frustration, **§ 28:29**
Immediate parties, between, **§ 28:9**
Infancy, **§ 25:36**
Intent, lack of, **§ 28:31**
Intoxication, **§ 25:43**
Mental incompetence, **§ 25:40**
Misrepresentation, **§ 28:32**
Mistake, **§ 28:33**
Personal, **§ 28:16**
Real defences
generally, **§ 28:13**
content of, **§ 28:13**
effect of, **§ 28:14**
Returned items, on, **§ 28:37**
Secondary parties, of, **§ 29:7, § 29:20**
Seize or sue legislation, as, **§ 28:34**
Set-off, action and, **§ 23:4**
Statute, breach of, **§ 28:34**
Summary judgment proceedings, in, **§ 28:38 et seq.**
See SUMMARY JUDGMENT ON BILL OR NOTE
Types of, **§ 28:12**
Usury, knowledge of, **§ 26:62 et seq.**

DEFINITIONS
Bills of Exchange Act, **§ 23:2 et seq.**

DELIVERY OF BILL, CHEQUE OR NOTE
Generally, **§ 25:2 et seq.**
Acceptance, of, **§ 24:115**
Agent, by, **§ 24:117, § 25:13**
Certified cheque, of, **§ 36:98**
Communication of acceptance, **§ 25:5**
Conditional, **§ 25:14**

DELIVERY OF BILL, CHEQUE OR NOTE—Cont'd
Constructive, **§ 23:16, § 25:2 et seq.**
Debt suspended upon, **§ 1:26**
Defined, **§ 23:11, § 24:114, § 25:2 et seq.**
Escrow of bill, **§ 25:12**
Examples of requirement, **§ 25:4**
Incomplete instrument, of
See also INCOMPLETE BILL, CHEQUE OR NOTE
generally, **§ 25:15**
Payment, as, **§ 1:25**
Post, by, **§ 23:18**
Presumption of
generally, **§ 25:6**
irrebuttable, **§ 25:9**
rebuttable, **§ 25:9**
Promissory note, of, **§ 37:25**
Reason for requirement, **§ 25:3**
Special purpose, for, **§ 25:10**
Unauthorized
authority, strict, **§ 25:22**
complete, **§ 25:14**
incomplete, **§ 25:22**
Under DBNA, **§ 39:46**

DEMAND BILL OR NOTE
Accelerated maturity, and, **§ 24:75**
Limitation period, commencement of, **§ 30:66**
Note payable when payee "insecure," **§ 24:80**
No time of payment expressed, when, **§ 24:73**
Overdue, when, **§ 27:41, § 27:42**
"Sight," not payable on, **§ 24:71**
When bill or note payable on, **§ 24:70**

DEMAND GUARANTIES
Conflict of laws
conventional law, **§ 13:186**
UIGLC Act, **§ 13:187**

DEMAND GUARANTIES—Cont'd
Forgery of material document, **§ 13:177**
Fraud and, (conventional law)
generally, **§ 13:161**
Canadian cases, **§ 13:163**
ICC Rules, inadequacy of, **§ 13:162**
Fraud and, UIGLC Act
general, **§ 13:168**
interpretation, **§ 13:169**
statutory test, **§ 13:168**
Honour, **§ 13:151**
Illegality, **§ 13:176**
Insolvency
applicant, of, **§ 13:184**
beneficiary, of, **§ 13:185**
issuer, of, **§ 13:183**
Interpretation of, **§ 13:143**
Mistake, **§ 13:178**
Reimbursement of issuer, **§ 13:180, § 13:181**
Rules for independent guaranties, **§ 13:110**
UCP500/600, misapplication of, **§ 13:162**
Underlying illegality, **§ 13:176**

DEPOSIT (BANK)
Generally, **§ 9:67**
Access to funds
See ACCESS TO FUNDS
Address for service with respect to, **§ 9:82**
Assignment by customer, **§ 9:74**
Bankers' lien on, **§ 9:145**
Blocked, **§ 10:5**
Branch of account
See BRANCH OF ACCOUNT
Business of taking, regulation of, **§ 15:75**
Capacity, customer's, **§ 9:12**
"Cash on deposit," meaning of, **§ 3:29**

DEPOSIT (BANK)—Cont'd
Certificate of
See CERTIFICATE OF DEPOSIT
Cheque hold periods, **§ 9:28**
Contract, banks' freedom of, **§ 9:78**
Customer without title, **§ 9:73**
Debt of bank, **§ 9:74**
property, as, **§ 9:76**
Defences to repayment, **§ 9:74**
Definition, **§ 9:67**
Depositor, property of, **§ 9:77**
Dexit funds, as, **§ 15:87**
Disclosure of interest rates on, **§ 9:60**
Electronic media, by, **§ 36:29**
"First 100 dollars," **§ 10:77**
Frozen, **§ 10:5**
Limitation of actions on, **§ 9:90**
Meaning of
in common law, **§ 9:67**
in DBNA, **§ 39:24**
in provincial legislation, **§ 9:68**
Mobile phone, by, **§ 16:32, § 36:29**
Official image, by, **§ 36:29**
Ownership of funds, **§ 9:75**
Prefunded payment products, **§ 14:37**
Prescription of rights, **§ 9:90**
Property, as, **§ 9:74**
Remote, **§ 16:32, § 36:29**
Situs of, **§ 9:82**
Specific purpose, for, **§ 3:45**
Stale claim to, **§ 9:90**
Terms agreed, **§ 9:78**
Trusts of
See TRUST OF DEPOSIT
Unauthorized payment by bank, **§ 9:74**
Unclaimed, **§ 9:93**

DEPOSITORY BILLS AND NOTES
Authorization, **§ 39:44**

DEPOSITORY BILLS AND NOTES—Cont'd
CDS' representative interest, **§ 39:58**
Defences, **§ 39:53**
Definition
bill, **§ 39:29**
note, **§ 39:41**
Delivery, **§ 39:45**
Discharge, **§ 39:56**
Forgery, **§ 39:55**
Formal validity, **§ 39:28 et seq.**
Holder's duties at maturity, **§ 39:57**
Legend requirement, **§ 39:40**
Liability of parties
generally, **§ 39:48 et seq.**
acceptor or maker, **§ 39:49**
drawer and endorser, **§ 39:50**
partnership, trust, estate or unincorporated association, **§ 39:30**
variation by contract, **§ 39:51**
Provincial securities transfer law, and, **§ 39:4**
Securities Transfer Act, relationship with, **§ 39:5**
Signature requirement, **§ 39:37**
Terms of instruments, **§ 39:39**
Transactional validity, **§ 39:42 et seq.**
Writing requirement, **§ 39:37**

DEPOSITORY BILLS AND NOTES ACT
Constitutional validity, **§ 39:11**
In pari material with BEA, **§ 39:27**
Interpretation, **§ 39:12 et seq.**
Legislative history, **§ 39:10**
Liability of parties
partnership, trust, estate or unincorporated association, **§ 39:30**
Raison d'etre, **§ 39:2**
Relationship with provincial law
OBCA, **§ 39:4**

DEPOSITORY BILLS AND NOTES ACT—Cont'd
Relationship with provincial law —Cont'd
USTA, **§ 39:5**

DERIVATIVES CONTRACTS
Clearing and settlement of
See CANADIAN DERIVATIVES CLEARING CORPORATION

DESIGNATION OF PAYMENT SYSTEMS (PCSA)
See CLEARING AND SETTLEMENT SYSTEMS; SECURITIES AND DERIVATIVES CLEARING HOUSES

DESIGNATION OF SYSTEMS
Challenge to, **§ 7:85**
Consequences of designation, **§ 7:82**
Foreign systems, of, **§ 7:87**
Payments system risk, **§ 7:59, § 7:73**
Process of, **§ 7:73, § 7:93**
Prominent systems, **§ 7:89**
Securities and derivatives clearing houses, **§ 7:93**
Systemic risk, designation to avert, **§ 7:58, § 7:73**

DEXIT "INSTEAD OF CASH" SERVICE
Generally, **§ 15:87**

DIGITAL CHARTER IMPLENTATION ACT
Bill C-11, **§ 9:27**

DIGITAL CURRENCY
See also VIRTUAL CURRENCY
Generally, **§ 2:43**
Bank of Canada staff paper, 2017, **§ 4:45**
Definition of, **§ 2:43**
Market capitalization of, **§ 2:46**

DIGITAL CURRENCY—Cont'd
Money, not, **§ 4:35, § 7:53**
Regulation of, 2014 proposal, **§ 4:35**
Senate of Canada Report on, **§ 4:35**

DIGITAL TOKENS
Generally, **§ 18:129**
Fiat-collateralized
See FIAT-COLLATERALIZED DIGITAL TOKENS
Legal foundation as funds transfers, **§ 1:38**

DIRECT CLEARERS
Bank of Canada, agreements with, **§ 5:3**
Default by, **§ 11:73**
Participation in ACSS, **§ 11:22**
Presence at regional exchange points, **§ 11:28**

DIRECT DEBITTING
See PRE-AUTHORIZED DEBITS

DIRECT DEPOSITS
See AUTOMATED FUNDS TRANSFER SYSTEM

DISCHARGE OF LIABILITY ON BILL, CHEQUE OR NOTE
Cancellation, by
See CANCELLATION OF BILL, CHEQUE OR NOTE
Deemed satisfaction, **§ 31:47**
Material alteration, by
See MATERIAL ALTERATION OF BILL, CHEQUE OR NOTE
Payment, by
See PAYMENT OF BILL, CHEQUE OR NOTE IN DUE COURSE
Payment by drawer or endorser
effect of, **§ 31:17**
renegotiation of, **§ 31:18**

DISCHARGE OF LIABILITY ON BILL, CHEQUE OR NOTE —Cont'd
Renunciation, by
See RENUNCIATION OF LIABILITY ON BILL, CHEQUE OR NOTE
Transfer to primary party at maturity, by, **§ 31:19**

DISCLOSURE DUTIES OF BANKS
Bank Act disclosures, **§ 9:60**
PIPEDA disclosure, **§ 9:66**

DISHONOUR OF BILL OR NOTE
Non-acceptance, by, **§ 29:17**
Non-payment, by, **§ 29:37**
Qualified acceptance, by, **§ 29:20**
Recourse, rights of, upon, **§ 29:19, § 29:39**
Revives suspended debt, **§ 1:26**
Transfer of
See TRANSFER OF BILL, CHEQUE OR NOTE AFTER MATURITY/ DISHONOUR

DISHONOUR OF CHEQUE
Generally, **§ 10:79**
Charge-back by collecting bank, **§ 10:82, § 10:87**
Item presented directly at drawee, **§ 10:80**
Late return, **§ 10:82**
On-us items, **§ 10:85**
Payee, claim against drawee by, **§ 10:85**
Timely return through clearing, **§ 10:81**
Wrongful, liability of drawee for, **§ 10:42**

DISTRIBUTED LEDGER TECHNOLOGY
Bank of Canada Jasper Project Report, **§ 7:12**
BIS Report, **§ 7:12**

DISTRIBUTED LEDGER TECHNOLOGY—Cont'd
Bitcoin, **§ 4:27**
Interledger, **§ 4:30**

DIVIDEND WARRANTS
Application of BEA to, **§ 23:59**

DRAFT
Bank draft
See BANK DRAFT (BANK CHEQUE, OFFICIAL CHEQUE)
Meaning of term, **§ 23:32**

DRAWEE OF BILL OR CHEQUE
Acceptance by, **§ 24:114**
Certainty in naming, **§ 24:28**
Defined, **§ 24:28**
Drawer, same person as, **§ 24:63**
Fictitious, **§ 24:31**
Formalities of engagement, **§ 24:114 et seq.**
Holder in due course, as, **§ 26:44**
Liability of, **§ 10:27, § 30:3**
More than one, **§ 24:29**
Payee, same person as, **§ 24:64**
Referee in case of need
See REFEREE IN CASE OF NEED
Restitution for, **§ 10:32**
Several, **§ 24:29**
Wrong designation of, **§ 24:122**

DRAWER OF BILL OR CHEQUE
Generally, **§ 24:32**
Certainty in naming, **§ 24:33**
Certification of cheque at request of, **§ 36:125**
Death of, effect, **§ 36:83**
Defined, **§ 23:33, § 24:32**
"Draw," meaning of, **§ 23:36**
Drawee, same person as, **§ 24:63**
Engagement of, **§ 30:13**
Fictitious, **§ 24:35**
Forged signature of, **§ 9:110, § 24:48, § 25:74, § 25:104**

DRAWER OF BILL OR CHEQUE —Cont'd
Liability, disclaimer of, **§ 24:110**
Payee, same person as, **§ 24:62**
Payment of bill by, effect of, **§ 31:16 et seq.**
Preclusions of, **§ 30:13**
Several, **§ 24:34**

DRAWN
Bill, meaning of, **§ 23:29**
No place specified, **§ 24:107**

DURESS
Effect on holder, **§ 26:48**

DUTIES OF HOLDER OF BILL, CHEQUE OR NOTE AT MATURITY
Generally, **§ 29:1 et seq.**
Cheque collection system, and, **§ 29:2**
Conflicts of law, and, **§ 35:12 et seq.**
Failure to perform, discharge of secondary parties, **§ 29:7**
Notice
of dishonour
See NOTICE OF DISHONOUR
of protest
See NOTICE OF PROTEST
Presentment
for acceptance
See PRESENTMENT FOR ACCEPTANCE
for payment
See PRESENTMENT FOR PAYMENT
Promissory note, special rules regarding, **§ 37:52 et seq.**
Protest
See PROTEST OF BILL, CHEQUE OR NOTE
Waiver of, **§ 24:113, § 29:3**

ECOMM
Bank risk, **§ 40:25.30**
Definition, **§ 40:25.30**
Regulations, **§ 40:25.30**

ECONOMIC SANCTIONS
Generally, **§ 3:99 et seq.**
Special economic measures, **§ 3:104**
Terrorist financing, **§ 3:106**
United Nations Act, **§ 3:100**

EDI
See ELECTRONIC DATA INTERCHANGE

EFFICIENCY AND SAFETY OF PAYMENT SYSTEMS
Generally, **§ 7:100 et seq.**
Canadian Payments Act, and, **§ 7:100 et seq.**
Designation of systems
consequences of, **§ 7:105**
criteria, **§ 7:102**
Enforcement, **§ 7:109**
Foreign systems, application to, **§ 7:108**

EFT
See ELECTRONIC FUNDS TRANSFER SYSTEMS

ELECTRONIC ACCOUNT ACCESS
Generally, **§ 9:100**
Commerically reasonable levels of security, **§ 9:102**

ELECTRONIC COMMERCE
Consumer protection in, **§ 18:21**
Federal government initiatives, **§ 18:8**
International influences, **§ 18:8**
Privacy legislation and, **§ 18:93**
Privacy policy and, **§ 18:8**

ELECTRONIC DATA INTERCHANGE
Generally, **§ 18:56**
Authentication, authorization, approval, **§ 18:62**
Clearing and settlement of items, **§ 18:63**
Countermand of, **§ 18:65**
Debit Card Code, non-application of, **§ 18:66**
Exchange of items, **§ 11:68, § 18:63**
Infrastructure of, **§ 18:57**
Legal relations, **§ 18:67**
Payment, **§ 18:67**
Record-keeping and tracing, **§ 18:64**
Refunds and adjustments, **§ 18:65**
Rule E3, **§ 18:60**
Technical standards, **§ 18:16**
Transaction processing, **§ 18:59**
Unreturnability of items, **§ 11:56**

ELECTRONIC DEPOSIT OF OFFICIAL IMAGE
Notification, by, **§ 9:21**
Regulations, **§ 9:21**

ELECTRONIC FUNDS TRANSFER SYSTEMS
Authority of payor, **§ 18:106**
Automated Funds Transfer System
See AUTOMATED FUNDS TRANSFER SYSTEM
Bill payment
See BILL PAYMENT SERVICES
Common law tracing, and, **§ 10:126**
Consumer issues (US), **§ 1:96**
Conversion of funds in, **§ 17:40**
EFT and AFT distinguished, **§ 11:56**
Electronic commerce statutes and, **§ 18:93**
Electronic Data Interchange
See ELECTRONIC DATA INTERCHANGE

ELECTRONIC FUNDS TRANSFER SYSTEMS —Cont'd
E-transfer, **§ 18:119**
LVTS
See LARGE VALUE TRANSFER SYSTEM
Mobile phone payments
See MOBILE-PHONE PAYMENTS AND TRANSFERS
Money, whether system transfers
See FUNDS TRANSFERS
Recurring payment systems explained, **§ 17:2**
Single-instance systems
explained, **§ 17:2, § 18:1**
policy statements affecting, **§ 18:8**
recurring payment systems distinguished, **§ 17:2**
technical standards, **§ 18:16**
Tracing money through
See TRACING MONEY EQUITABLE
Transmitted debits
See single-instance systems, supra
Unauthorized, **§ 10:14**

ELECTRONIC MONEY
Generally, **§ 4:14 et seq.**
Access products distinguished, **§ 4:14 et seq.**
Classification of, **§ 4:14 et seq.**
Definitions of, **§ 4:14 et seq.**
Economic issues, **§ 4:18**
E-payments
See INTERNET PAYMENTS
Mint Chip, **§ 4:15**
M-payments
See MOBILE-PHONE PAYMENTS AND TRANSFERS
MtGox insolvency, **§ 4:27**

ELECTRONIC MONEY—Cont'd
Policy issues raised by
generally, **§ 4:17**
commercial law issues, **§ 4:19**
consumer protection issues, **§ 4:22**
criminal law issues, **§ 4:23**
monetary law issues, **§ 4:20**
regulatory issues, **§ 4:21**
System descriptions, **§ 4:16**
Virtual currencies
See VIRTUAL CURRENCY

ELECTRONIC NOTIFICATION
Generally, **§ 9:21**

ELECTRONIC PRESENTMENT OF OFFICIAL IMAGE
Generally, **§ 36:33**
ACSS Rules, **§ 11:52**
Implementing action by CPA, **§ 36:24**
Official image
See OFFICIAL IMAGE OF CHEQUE
Statutory authority, **§ 36:23**

ELIGIBLE BILL
Definition of
See also OFFICIAL IMAGE OF CHEQUE
generally, **§ 23:38**
Destruction of, **§ 31:32, § 31:36**
Loss of, **§ 33:8**
Presentment of
See ELECTRONIC PRESENTMENT OF OFFICIAL IMAGE

ELIGIBLE FINANCIAL CONTRACTS
CDSX, in, **§ 19:79**
CLS settlements, whether, **§ 21:30**
Definitions of, **§ 20:2**
Legislative protection, **§ 21:9**

ENDORSEE OF BILL, CHEQUE OR NOTE
Defined
See also HOLDER OF BILL, CHEQUE OR NOTE
generally, **§ 23:36**
Liability of endorser to, **§ 30:16**
Preclusion of endorser in favour of, **§ 30:17**

ENDORSEMENT OF BILL, CHEQUE OR NOTE
Generally, **§ 27:2 et seq.**
Additional words in, **§ 27:21**
Allonge, on, **§ 27:7**
Anomalous
See ANOMALOUS ENDORSEMENT OF BILL, CHEQUE OR NOTE
Assignment, additional words of, **§ 27:23**
Blank, **§ 27:12**
Conditional, **§ 27:20**
Contract, as, **§ 27:3**
Conversion of blank to special, **§ 27:14**
Definition, **§ 23:19**
Disclaimer of liability, in, **§ 27:18**
Facultative, **§ 24:113, § 29:3**
Forgery of, **§ 25:89**
Formal requirements of, **§ 27:4**
Forms of
See FORMS OF ENDORSEMENT
Guaranty, words of, **§ 27:22**
Intention to endorse, **§ 27:8**
Irregular, **§ 27:9**
Liability of endorser, **§ 30:15 et seq.**
Negotiation of bill by, **§ 27:3**
Non-conforming, **§ 27:5**
Non-entity payees, **§ 27:9**
Order of, presumption, **§ 27:10**
Partial, **§ 27:19**
Payees, two or more, **§ 27:6**

ENDORSEMENT OF BILL, CHEQUE OR NOTE—Cont'd
Point-of-entry office stamp on USD items, not, **§ 11:93**
Qualified, **§ 27:18**
Restrictive, **§ 27:16**
Simple signature, as, **§ 27:4**
Special, **§ 27:13**
Stamped, **§ 27:4**
Striking out, **§ 27:15**
Transfer without
See also TRANSFER OF BILL, CHEQUE OR NOTE WITHOUT ENDORSEMENT
generally, **§ 27:24 et seq.**
Waiver of holder's duties in, **§ 29:3**

ENDORSER OF BILL, CHEQUE OR NOTE
Anomalous
See also ANOMALOUS ENDORSEMENT OF BILL, CHEQUE OR NOTE
generally, **§ 30:18 et seq.**
Defined, **§ 23:19**
Disclaiming liability, **§ 24:112**
Forgery of signature of, **§ 25:89**
Liability of, **§ 30:15 et seq.**
Payment of bill by, effect of, **§ 31:16 et seq.**
Preclusions of, **§ 30:17**
Qualifying liability, **§ 30:16**
Tenor of engagement, **§ 30:16**
Waiver of holder's duties by, **§ 29:3**

EPOST
See BILL PAYMENT SERVICES

EQUITABLE TRACING OF MONEY
See TRACING MONEY EQUITABLE

EQUITIES OF BILL, CHEQUE OR NOTE
Defences, as, **§ 26:32**

EQUITIES OF BILL, CHEQUE OR NOTE—Cont'd
Personal defences distinguished, **§ 28:12**

EQUITIES OF PARTIES TO BILL, CHEQUE OR NOTE
Generally, **§ 26:32**

ESTOPPEL
Forgery, of
See PRECLUSION TO DENY FORGED SIGNATURE
Negotiability by, **§ 22:7**

ETHEREUM/ETHER
Generally, **§ 4:30, § 40:8**

E-TRANSFERS
Bank proprietary systems, **§ 18:31**
Creditransfers, as
See CREDIT TRANSFERS

EUROPEAN UNION
Payment services directive, **§ 1:96, § 7:14**

EVIDENCE DEHORS BILL, CHEQUE OR NOTE
Admissibility of, **§ 30:54 et seq.**
Fraud by holder, of, **§ 26:48**
Lost instrument, of, **§ 33:12**
Parol evidence
See PAROL EVIDENCE RULE
Value received, to deny, **§ 26:45**

EXCHANGE, THE
Generally, **§ 15:54**

EXCHANGE OF CHEQUES AND OTHER PAYMENT ITEMS IN ACSS
Electronic items, **§ 11:37**
Items acceptable, **§ 11:34**
Paper items, **§ 11:37, § 11:42**

EXTERNAL COMPLAINTS BODIES
Generally, **§ 7:152**

EXTERNAL COMPLAINTS BODIES—Cont'd
Disclosure obligations of banks, **§ 7:155**
Legislative history, **§ 7:153**
Operations, decisions and appeals, **§ 7:156**
Regulation of, **§ 7:154**

FASTER PAYMENTS
Generally, **§ 18:131**
Canada, **§ 18:138**
Consumer issues (US), **§ 1:96**
UK, **§ 18:132**
USA, **§ 18:134**

FIAT-COLLATERALIZED DIGITAL TOKENS
Generally, **§ 4:42**
Regulation of, **§ 4:33**
Risks, **§ 40:29.50**
Security in transmission, **§ 4:44**
Systems utilizing, **§ 4:43**

FICTITIOUS PARTY TO BILL, CHEQUE OR NOTE
Drawee, **§ 24:31**
Drawer, **§ 24:35**
Payee
See FICTITIOUS PAYEE OF BILL, CHEQUE OR NOTE

FICTITIOUS PAYEE OF BILL, CHEQUE OR NOTE
Generally, **§ 24:45**
history, **§ 24:47**
theory, **§ 24:46**
Bank drafts and other non-cheque items, **§ 24:48**
Bank of England v. Vagliano, **§ 24:46**
Boma v. CIBC plausibility doctrine, **§ 24:48**
Conceptual overview, **§ 24:46**
Corporate cheque fraud
See Teva Canada Ltd. v. TD Canada Trust

FICTITIOUS PAYEE OF BILL, CHEQUE OR NOTE—Cont'd
Customer without title, **§ 36:147**
Drawer
deceived, **§ 24:53**
fraudulent, **§ 24:53**
Early Canadian cases, **§ 24:46**
Historical perspective, **§ 24:46**
Identity theft, **§ 24:48, § 24:53**
Inanimate payee, **§ 24:48**
Non-existing payee, **§ 24:48**
Opinion as to what law ought to be, **§ 24:54**
Payee not entitled to payment, **§ 24:53**
Plausibility doctrine, **§ 24:48**
Propositions
Falconbridge's, **§ 24:46**
new, **§ 24:46**
Real person as, **§ 24:53**
Teva Canada Ltd. v. TD Canada Trust
SCC majority policy, **§ 24:55**
SCC majority reasoning, **§ 24:53**
SCC minority policy, **§ 24:55**
SCC minority reasoning, **§ 24:53**

FIDUCIARY OBLIGATIONS OF BANKERS
Generally, **§ 9:132 et seq.**
Creation of, **§ 9:133, § 9:134**
General principles applicable to banks, **§ 9:132**
Knowing assistance, **§ 9:142**
Knowing receipt, **§ 9:143**
Knowledge by bank, **§ 9:141**
Scope of, **§ 9:134**
Supreme Court decisions, **§ 9:137**
''Transferred'' fiduciary duties
See also TRANSFERRED FIDUCIARY OBLIGATION
generally, **§ 9:135**
Undertaking by bank, **§ 9:134**

FIDUCIARY RELATIONSHIP
Ad hoc, criticism of, **§ 3:58**

FIDUCIARY RELATIONSHIP —Cont'd
Creation of, **§ 9:133**
Tracing money, whether condition precedent to, **§ 3:58**

FINALITY OF PAYMENT
Generally, **§ 1:23**
Bank credit transfer, by, **§ 1:33**
Cheque, **§ 1:25, § 1:26, § 10:16**
Credit card, **§ 1:36, § 13:90, § 13:95**
Debit card, **§ 1:35, § 15:82**
Dexit, **§ 15:87**
Letter of credit, **§ 13:151**
LVTS, **§ 1:34, § 12:22, § 12:54**
Misrepresentation by bank of, **§ 1:24, § 1:26**
Policy of, **§ 1:24**
Pre-authorized debit, **§ 17:21**
Prepaid credit card
See PREFUNDED PAYMENT PRODUCTS
Principle of, **§ 1:93 et seq.**
Restitution, precedence over, **§ 1:23**

FINANCIAL ACTION TASK FORCE
Generally, **§ 18:101**
Moneylaundering, **§ 3:110; § 18:101**
Virtual Currencies Report, **§ 4:33**

FINANCIAL CONSUMER AGENCY OF CANADA
Generally, **§ 7:135**
Activities, **§ 7:135**
Canadian Code of Practice for Consumer Debit Card Services, **§ 15:6**
Case law, **§ 7:143**
Civil remedies, **§ 7:140**
Commissioner's Guidance,
record of, **§ 15:9**
validity of, **§ 15:9, § 15:14**
Complaints record, **§ 7:135**

FINANCIAL CONSUMER AGENCY OF CANADA —Cont'd
Compliance agreements, power to form, **§ 7:116**
Core responsibility, **§ 7:135**
Corporate history, **§ 7:135**
Enforcement powers, **§ 7:138**
External complaints bodies
See EXTERNAL COMPLAINTS BODIES
High level principles, **§ 7:135**
Interpretive memoranda, validity of, **§ 15:13**
Mandates
customer protection, **§ 7:137**
financial institutions, **§ 7:137**
merchants, **§ 7:137**
payment card networks, **§ 7:141**
Moneris investigation, **§ 7:141**
Paramountcy of, **§ 7:135**
Payment card networks and, **§ 7:141**
Penalty criteria, **§ 7:142**
Powers of
financial institutions, over, **§ 7:137**
Payment Card Networks Act, and, **§ 7:141**
Prescribed violations, **§ 7:142**
Specific formats for disclosure, **§ 15:16**
White Paper proposals for, **§ 7:22**

FINANCIAL CONSUMER PROTECTION
Codes of Conduct
See CANADIAN CODE OF PRACTICE FOR CONSUMER DEBIT CARD SERVICES; CODE OF CONDUCT FOR CREDIT AND DEBIT CARD INDUSTRY IN CANADA

FINANCIAL CONSUMER PROTECTION—Cont'd
External complaints bodies
See EXTERNAL COMPLAINTS BODIES
Federal paramountcy, and, **§ 7:134**
Financial Consumer Agency of Canada
See FINANCIAL CONSUMER AGENCY OF CANADA
International policy promoting, **§ 7:132**
Financial Stability Board, **§ 7:132**
OECD G20 High-Level Principles, **§ 7:133**
Ombudsman for Banking Services and Investments
overlapping mandate with FCAC, **§ 7:134**
Ombudsmen, in-house, **§ 7:147**
Sector Practices Research, **§ 8:22**

FINANCIAL DATA EXCHANGE
FDX API
See OPEN BANKING
FDX Canada, **§ 9:131**

FINANCIAL MARKET INFRASTRUCTURES
BIS reports on, **§ 7:10**
Resolution of, **§ 5:18**

FINANCIAL STABILITY BOARD
Derivatives clearing and, **§ 20:9**
Policy promoting financial consumer protection, **§ 7:132**

FINPAY
Generally, **§ 7:32**

FINTECH
Generally, **§ 42:1**
Open Banking
See OPEN BANKING
Proposed regulation of retain payments services, **§ 7:48 et seq.**
Regulatory compliance, **§ 42:2**

FINTECH—Cont'd
Retail payments, regulatory framework, **§ 7:54 et seq.**
Risks, **§ 40:25.80**
U.S. Treasury response to, **§ 1:99, § 9:125**

FINTRAC
Debit card concerns generally, **§ 3:107 et seq.**

FOREIGN BANK
Party to banking relationship, **§ 9:9**

FOREIGN BILL, CHEQUE OR NOTE
Generally, **§ 23:26**
Conflicts of law, and, **§ 35:9**
Definition
bill, **§ 23:26**
note, **§ 37:23**
Inland bill or note distinguished, **§ 23:26**
Protest of, **§ 29:55**

FOREIGN CURRENCY
Bill expressed in, **§ 30:47**
Conflicts of law, and, **§ 35:3**
"Currency," qualification as, **§ 2:42**
Damages payable in, **§ 30:47**
Exchange on bill or note, **§ 24:103**
Foreign, damages in, **§ 1:60**
Indictment denominated in, **§ 2:1**
Judgment denominated in, **§ 2:1**
"Money," qualification as, **§ 2:42, § 24:20, § 35:17**
Pleadings denominated in, **§ 2:1**
Re-exchange as damages, **§ 30:53**

FOREIGN EXCHANGE
BIS reports on risk in markets, **§ 21:4**
Canadian regulators' risk analysis, **§ 21:4**
Control, **§ 3:98**
Damages upon dishonour of bill, **§ 30:47**

FOREIGN EXCHANGE—Cont'd
Goods, characterization as, **§ 21:2**
Herstatt risk in, **§ 21:3**
Legal nature of contract for
generally, **§ 2:6, § 21:2**
problems raised by, **§ 21:2**
Market, description of
generally, **§ 21:1**
risk in, **§ 21:3**
Netting and settlement
See FOREIGN EXCHANGE NETTING AND SETTLEMENT
Re-exchange, and, **§ 30:53**

FOREIGN EXCHANGE NETTING AND SETTLEMENT
Generally, **§ 21:6**
Continuous Linked Settlement
See also CONTINUOUS LINKED SETTLEMENT
generally, **§ 21:12 et seq.**
ECHO, **§ 21:8, § 21:11**
EMTA, **§ 21:16**
Herstatt risk in, **§ 21:3**
IFEMA master agreement, **§ 21:7**
ISDA master agreement, **§ 21:7**
Multinet, **§ 21:8, § 21:11**
Netting
generally, **§ 21:6**
bilateral agreements, **§ 21:7**
legislative protections, **§ 21:9**
multilateral systems, **§ 21:8**
Secure settlement, proposals for, **§ 21:11**

FORGED DOCUMENT
Photoshopped items, **§ 25:70**

FORGED OR UNAUTHORIZED SIGNATURE ON BILL, CHEQUE OR NOTE
See also FORGED SIGNATURE; UNAUTHORIZED SIGNATURE
Generally, **§ 25:61**

FORGED OR UNAUTHORIZED SIGNATURE ON BILL, CHEQUE OR NOTE—Cont'd
Acceptance, **§ 25:114**
Adoption of, liability by, **§ 25:78**
Agents' powers, and, **§ 25:56**
Attorney, powers of, **§ 25:68**
Banking resolution, effect of, **§ 25:67**
Drawee's liability to drawer, **§ 25:98**
Drawer's signature, **§ 25:104**
Effect of signature, **§ 25:71**
acceptor, of, **§ 25:72**
drawer of bill, of, **§ 25:74**
drawer of cheque, of, **§ 25:75**
endorser, of, **§ 25:76**
maker of note, of, **§ 25:73, § 25:112**
payee, of, **§ 25:76, § 25:113**
Onus of proof, **§ 25:69**
Preclusion to deny
See also PRECLUSION TO DENY FORGED SIGNATURE
generally, **§ 25:77**
Ratification of, **§ 25:88**
Recovery of money paid
See also RESTITUTION OF MONEY
on cheque, **§ 25:89**
on other instruments, **§ 25:111**
Signatures within section, **§ 25:62**

FORGED SIGNATURE
Bank negligence in failing to detect, **§ 25:98**
Computer generated document, and, **§ 25:63**
Drawer, of, **§ 25:75**
Endorsement on cheque, **§ 25:98**
Photoshopped document, and, **§ 25:70**
Ratification of, **§ 25:89**
Recovery of money paid
on cheque, **§ 25:89**

FORGED SIGNATURE—Cont'd
Recovery of money paid—Cont'd
on other instruments, **§ 25:111**
under civil law of Quebec, **§ 25:96**
Unauthorized signature, as
See UNAUTHORIZED SIGNATURE

FORMAL VALIDITY OF BILL, CHEQUE OR NOTE
Acceptance, of
See ACCEPTANCE OF BILL
Addressed to person, **§ 24:16**
Certified cheques, of, **§ 36:94**
Cheques, of, **§ 36:2 et seq.**
Conflict of laws, in, **§ 35:3**
Consumer bill or note, **§ 38:2 et seq.**
Dating
See DATE OF BILL, CHEQUE OR NOTE
Definition
of bill, **§ 24:7 et seq.**
of consumer bill or note, **§ 38:2 et seq.**
of depository bill or note, **§ 39:12**
of note, **§ 37:1 et seq.**
Depository bill or note, **§ 39:28 et seq.**
Drawing, no indicated place of, **§ 24:107**
Incomplete
See INCOMPLETE BILL, CHEQUE OR NOTE
Money, payable in, **§ 24:20**
Non-conforming instruments, status of, **§ 24:22, § 24:26**
Order performance of other acts, **§ 24:24**
Order to pay, **§ 24:15**
Parties
See PARTIES TO BILL, CHEQUE OR NOTE
Payable on contingency, **§ 24:25**

FORMAL VALIDITY OF BILL, CHEQUE OR NOTE—Cont'd
Payable on demand or future time, **§ 24:18**
Payable to specified person, **§ 24:23**
Promise to pay, **§ 37:4**
Promissory note, **§ 37:1 et seq.**
Signed, **§ 24:17**
Sum certainty
See also SUM CERTAINTY
generally, **§ 24:19**
Time of maturity
See TIME CERTAINTY
Unconditional
generally, **§ 24:8**
express conditions, **§ 24:9**
implied conditions, **§ 24:10**
Value, recital of, **§ 24:106**
Words of negotiability, **§ 24:21**

FORMS OF ACCEPTANCE OF BILL
Conditional, **§ 24:127**
Partial, **§ 24:128**
Particular place, **§ 24:130**
Qualified, **§ 24:126, § 24:129**

FORMS OF ENDORSEMENT
Additional words in, **§ 27:21**
Assignment, effect of words of, **§ 27:23**
Blank, **§ 27:12**
Conditional, **§ 27:20**
Conversion of blank to special, **§ 27:14**
Endorsement generally, **§ 27:11 et seq.**
General endorsement, **§ 27:12**
Guaranty, effect of words of, **§ 27:22**
Partial, **§ 27:19**
Qualified, **§ 27:18**
Restrictive, **§ 27:16**
Simple signature sufficient, **§ 27:4**
Special, **§ 27:13**
Stamp of bank as, **§ 27:4**

FORMS OF ENDORSEMENT —Cont'd
Striking out, **§ 27:44 et seq.**

FRAUD
Fraudulently induced payments
See UNAUTHORIZED CREDIT TRANSFERS
Knowledge of, **§ 26:28, § 26:48**

FREEZING BANK ACCOUNTS
Generally, **§ 9:117**

FUNDS
Access to
See ACCESS TO FUNDS
Availability of
See AVAILABILITY OF FUNDS
Immediately available, **§ 3:30**
"Transfer" of
See FUNDS TRANSFERS

FUNDS TRANSFERS
See also CREDIT TRANSFERS
Automated funds transfers
See AUTOMATED FUNDS TRANSFER SYSTEM
Contracts for, **§ 10:59**
Conversion of
by payee bank, **§ 10:119**
by payor bank, **§ 10:56**
Corporate
See CORPORATE FUNDS TRANSFERS
Debtor-initiated payments, **§ 3:25**
Duty of care, **§ 9:5**
Duty on bank to make, no, **§ 10:54**
Enterprise liability, and, **§ 10:130**
Legal foundation of, **§ 3:20**
Money, as, **§ 3:25**
On-us transfers, as, **§ 10:22**
Payment, as, **§ 3:20**
Receipt of, **§ 10:118 et seq.**
Sanctions prohibiting, **§ 3:99 et seq.**
See also ECONOMIC SANCTIONS

FUNDS TRANSFERS—Cont'd
Systems
See ELECTRONIC FUNDS TRANSFER SYSTEMS
Unauthorized
See UNAUTHORIZED PAYMENT ORDERS
Unauthorized payments, **§ 10:56**

FUNGIBILITY OF MONEY
Exceptions to general principle
segregated accounts, **§ 3:45**
tracing money
See TRACING MONEY
General principle, **§ 3:43**

GIFT CARDS
See PREFUNDED PAYMENT PRODUCTS

GOOD FAITH
Defined, **§ 23:44, § 26:29**
Due regard for other, **§ 9:35**
Duty of bank, **§ 9:35**
Duty of customer, **§ 9:35**
General organizing principle of, **§ 9:35**
Holder in due course, and, **§ 26:20**
Honest performance, **§ 9:35**
Meaning of, **§ 23:44**
Negligence, and, **§ 23:44**
Notice of defect of title, and, **§ 26:32**
Presumption of, **§ 25:46**

GOVERNMENT CHEQUES
Statutory duty of banks to pay, **§ 10:61**

GRID NOTE
Generally, **§ 37:11**

GROUP CLEARER
Guaranty of items by, **§ 11:25**
Particpation in ACSS, **§ 11:25**
Representation at regional exchange points, **§ 11:28**

GUARANTIES ON BILL OR NOTE
Accommodation party as surety
See also ACCOMMODATION PARTY TO BILL, CHEQUE OR NOTE
generally, **§ 30:28**
Endorsement, in, **§ 27:21**

HIGH AVAILABILITY BANKING SYSTEM
See BANK OF CANADA

HOLDER
Definition, **§ 23:6**
Duties of
See also ACCEPTANCE OF BILL
acceptance, presentment for, **§ 29:4 et seq.**
notice of dishonour, **§ 29:40 et seq.**
presentment for payment, **§ 29:25**
protest, **§ 29:51 et seq.**
waiver of, **§ 29:3**
For value
See HOLDER FOR VALUE
In due course
See HOLDER IN DUE COURSE
Rights of, **§ 28:1, § 28:2 et seq.**

HOLDER FOR VALUE
Generally, **§ 26:6 et seq.**
Acceptor liability to, **§ 30:8**
Accommodation party liability to, **§ 26:17, § 30:30**
Bank credit as value, **§ 26:9**
Defences available against claim by, **§ 26:18**
Defined, **§ 26:6 et seq.**
Drawer's liability to, **§ 30:13**
Duties of
See DUTIES OF HOLDER OF BILL, CHEQUE OR NOTE AT MATURITY
Extent of interest, **§ 26:8**

HOLDER FOR VALUE—Cont'd
Fraud or illegality, knowledge of, **§ 26:28**
Holder, qualifying as
See HOLDER OF BILL, CHEQUE OR NOTE
Lien, holder with, **§ 26:14**
Presumptions in favour of
generally, **§ 26:44**
holds for value, **§ 26:45**
holds in due course, **§ 26:46**
Qualifying as, **§ 26:10**
Qua whom, **§ 26:12**
Value
bank credit as, **§ 26:9**
extent of, **§ 26:8**
meaning of, **§ 23:24**
presumption of, **§ 26:7**
when given, **§ 26:13**

HOLDER IN DUE COURSE
Generally, **§ 26:19 et seq.**
Accommodation party liable to, **§ 30:30**
Agreement giving status, **§ 26:60**
Collecting banks' powers, **§ 10:104**
Complete and regular item, of, **§ 26:20**
Defined, **§ 26:19**
Dishonoured items, and, **§ 26:26**
Drawee as, **§ 26:59**
Duties of
See DUTIES OF HOLDER OF BILL, CHEQUE OR NOTE AT MATURITY
Good faith of, **§ 26:28**
Holder taking from
See SHELTERED HOLDER OF BILL, CHEQUE OR NOTE
Honesty of, **§ 26:29**
Incomplete bill or note, of, **§ 25:28**
Items eligible for taking as, **§ 26:20**
Knowledge of
contract defence, **§ 26:32**
defect of title, and, **§ 26:28**

HOLDER IN DUE COURSE —Cont'd
Knowledge of—Cont'd
dishonour, and, **§ 26:26**
real defence, **§ 26:32**
Overdue items, and, **§ 26:25**
Owner of bill, may not be, **§ 26:4**
Patent right, of bill given for, **§ 23:69**
Payee as
generally, **§ 26:52**
authority, on, **§ 26:53**
principle, on, **§ 26:54**
status, new approach, **§ 26:58**
Possession of bill
need for, **§ 26:2**
time of, **§ 26:5**
Preclusion of acceptor in favour of, **§ 30:11**
Preclusion of drawer in favour of, **§ 30:13**
Preclusion of endorser in favour of, **§ 30:17**
Presumption of, **§ 26:46**
Presumptions in favour of
generally, **§ 26:44**
rebutting, **§ 26:48**
Proof of status, **§ 26:46**
Real defences, and, **§ 28:13**
Re-establishing status, **§ 26:51**
Regular item, of, **§ 26:23**
Rights of
See RIGHTS AND DUTIES OF HOLDER OF BILL, CHEQUE OR NOTE
Sheltered holder and
See also SHELTERED HOLDER OF BILL, CHEQUE OR NOTE
generally, **§ 26:41**
Suspicions of, **§ 26:32**
Value, takes for, **§ 26:40**

HOLDER OF BILL, CHEQUE OR NOTE
Action by
See ACTION ON BILL OR NOTE
Bearer, as, **§ 23:5**
Certification of cheque for, **§ 36:118**
Defined, **§ 23:6**
Due course
See HOLDER IN DUE COURSE
Duties of
See DUTIES OF HOLDER OF BILL, CHEQUE OR NOTE AT MATURITY
Official image of cheque, and, **§ 26:3, § 36:55**
Possession, importance of, **§ 26:2**
Presumption in favour of, **§ 26:44**
Rights and powers of
See also RIGHTS AND DUTIES OF HOLDER OF BILL, CHEQUE OR NOTE
generally, **§ 28:2 et seq.**
Sheltered, **§ 26:41**
Truncated item, of, **§ 36:56**
Value, for
See HOLDER FOR VALUE

HOLDER'S DUTIES
See DUTIES OF HOLDER OF BILL, CHEQUE OR NOTE AT MATURITY

HOLDER WITH LIEN
Generally, **§ 26:14**
Banker as, **§ 9:151**
Lien
enforceability of, **§ 26:16**
extent of, **§ 26:8**
Meaning of, **§ 26:15**

HOLIDAY
See NON-BUSINESS DAY/NON-JURIDICAL DAY

IDENTITY THEFT
Fictitious payee rule, and, **§ 24:53**

IDENTITY THEFT—Cont'd
Persons named in cheque as result of, **§ 24:55**

ILLEGALITY
Defence to liability on bill, as, **§ 28:23**

IMAGE PRINTOUTS
See also CLEARING, REPLACEMENT DOCUMENTS; RETURN REPLACEMENT DOCUMENTS
Return of, **§ 11:53**
Transitional note, **§ 11:41**

IMMEDIATE PARTIES TO BILL OR NOTE
Consideration, failure of, **§ 28:35**
Contract defences, availability of, **§ 28:27**
Contractual intent, effect of lack of, **§ 28:31**
Defined, **§ 28:9**
Fraud, between, **§ 28:32**
Illegality between, **§ 28:34**
Incapacity of one, **§ 28:28**
Mistake, between, **§ 28:33**
Remote parties distinguished, **§ 28:9**
Significance of, **§ 28:10**
Suspensive condition upon liability of, **§ 28:30**
Unconscionability, between, **§ 28:32**

INCOMPLETE BILL, CHEQUE OR NOTE
Generally, **§ 24:108, § 25:15**
Authority to complete implied, **§ 25:18**
Date of issue omitted, **§ 24:84**
Delivery of, unauthorized, **§ 25:22**
Effect of defence, **§ 25:22**
Holder in due course of, **§ 25:28**
Instruments affected, **§ 25:16**

INCOMPLETE BILL, CHEQUE OR NOTE—Cont'd
Interest clause blank, **§ 25:20, § 37:36**
Material particular, meaning of, **§ 25:17**
Note, **§ 37:36**
Particulars out of order, **§ 25:21**
Payee, none named, **§ 25:17**
Reasonable time for negotiation, **§ 25:29**
Signature missing, **§ 25:19**
Unauthorized delivery of, **§ 25:22**

INDEPENDENT GUARANTIES
Generally, **§ 13:109**

INDIRECT CLEARERS
Default by, **§ 11:80**
Participation in ACSS, **§ 11:23**
Participation in USBES, **§ 11:97**
Representation at regional exchange points, **§ 11:28**

INFANTS
Capacity, **§ 25:36**

INLAND BILL OR NOTE
Generally, **§ 23:26**
Definition of, **§ 23:26**
Foreign bill or note distinguished, **§ 23:27**

INNOVATIVE PAYMENT SYSTEMS
Generally, **§ 18:90 et seq.**
Canadian, **§ 18:91**
International perspective, **§ 18:90**
Laws potentially applicable to, **§ 18:92**

INSTALMENT PAYMENTS
Generally, **§ 24:102**
Acceleration of, **§ 24:80**
Note payable both on demand and by, **§ 24:76, § 24:91**

INTERAC ASSOCIATION
Cash, **§ 15:53**
Consent orders, **§ 7:18**
Debit, **§ 15:56 et seq.**
Debit Card Code and, **§ 15:9**
E-Transfer, **§ 18:119**
Flash, **§ 15:43**
International debit
international debit services, **§ 15:85**
NYCE link, **§ 15:53**

INTERAC DIRECT PAYMENT
Generally, **§ 15:56**
Cardholder agreements, **§ 15:64**
Exchange, clearing and settlement, **§ 11:56, § 15:61**
Inter-member contract, **§ 15:63**
Organization, **§ 15:59**
Participant agreements, **§ 15:63**
System description, **§ 15:43, § 15:58**
Transaction processing, **§ 15:60**

INTERAC E-TRANSFER
Generally, **§ 18:119**

INTEREST
Generally, **§ 13:66**
Applicable rate, selection of, **§ 1:66**
Benchmark rates, regulation of, **§ 24:94**
CDOR, **§ 24:93**
Compound or simple, **§ 1:66, § 24:95**
Conflicts of law, and, **§ 35:21**
Contract right, **§ 1:62**
Cost of borrowing, disclosure of, **§ 13:66**
Criminal rate
See CRIMINAL RATE OF INTEREST
Damages, as, **§ 1:63**
EURIBOR, **§ 24:93**
Express, right must be, **§ 1:62**
Implied, no right of, **§ 1:62**

INTEREST—Cont'd
LIBOR, **§ 24:93**

INTEREST ON BILL OR NOTE
Generally, **§ 24:91**
Blank rate, **§ 25:20**
Compound or simple, **§ 24:95**
Damages, as, **§ 30:48**
"360-day year," **§ 24:100**
Deemed reinvestment principle, **§ 24:99**
Default, before and after, **§ 24:97**
Discount, and, **§ 24:98**
EURIBOR, **§ 24:93**
Fixed rate, **§ 24:91**
Floating or variable rate, **§ 24:92**
LIBOR, **§ 24:93**
Maturity before and after, **§ 24:96, § 30:48**
Periods less than a year, **§ 24:101**
"Prime rate," at, **§ 24:91**
Stautory aids to determine, **§ 24:91**
Sum certainty, and, **§ 24:91**
Usurious, **§ 26:63**
Year, periods less than, **§ 24:101**

INTEREST ON LATE PAYMENT
Generally, **§ 1:61**
Canadian Payments Association rules, **§ 1:71**
Contract rate, **§ 1:62**
Damages, as, **§ 1:63**
International rules for, **§ 1:70**
Selecting appropriate rate, **§ 1:66**
Statutory post-judgment interest, **§ 1:65**
Statutory pre-judgment interest, **§ 1:64**

INTERNATIONAL CHAMBER OF COMMERCE
EUCP, **§ 13:103**
ISP98, **§ 13:105**
UCP500, **§ 13:100**

INTERNATIONAL CHAMBER OF COMMERCE—Cont'd
Uniform Customs and Practice for Documentary Credits, **§ 13:100**
Uniform Rules for Collections, **§ 10:112**
Uniform Rules for Demand Guarantees, **§ 13:105**

INTERNATIONAL FUNDS TRANSFERS
Generally, **§ 18:2**
Case law, **§ 18:106**

INTERNATIONAL MONETARY FUND
International monetary fund on CBCD's, **§ 40:33**
Special drawing rights of, **§ 1:58, § 2:22**

INTERNET PAYMENTS
Generally, **§ 18:25**
ACSS-settled on-line payments, **§ 18:25 et seq.**
Authentication, authorization and approval, **§ 18:39**
Beneficiary, notice to, **§ 18:40**
Connection service providers, **§ 18:38**
Consumers' requirements, **§ 18:34**
Dispute resolution
generally, **§ 18:44**
CPA Rule E2, **§ 18:44**
under provincial law, **§ 18:48**
Exchange, clearing and settlement, **§ 18:41**
Exchange of, **§ 11:68**
Financial institutions' requirements, **§ 18:35**
Legal relations, **§ 18:49**
Merchants' requirements, **§ 18:33**
Notice to beneficiary, **§ 18:40**
Online payment system infrastructure, **§ 18:32**

INTERNET PAYMENTS—Cont'd
Payment
generally, **§ 18:49**
time of, **§ 18:53**
Record keeping and tracing, **§ 18:42**
Refunds and adjustment, **§ 18:43**
Rule E2, legal foundations, **§ 18:36**
Transaction processing
generally, **§ 18:36**
authentication, authorization and approval, **§ 18:39**
exchange, clearing and settlement, **§ 18:41**
record-keeping and tracing, **§ 18:42**
refunds and adjustments, **§ 18:43**
secure connection, **§ 18:38**

INTERPRETATION OF BILLS OF EXCHANGE ACT
Acceptance, **§ 23:3**
Action and defence, **§ 23:4**
Bank, **§ 23:5**
Bank Act, conflict with, **§ 23:61**
Corporate seals, use of in, **§ 23:55**
Crown, **§ 23:9**
Drawer, **§ 23:33**
Drawn, **§ 23:29**
Endorsement, **§ 23:19**
Explained terms, **§ 23:36**
Foreign bill, **§ 23:26**
Good faith, concept of, **§ 23:44**
Inland bill, **§ 23:26**
Issue, **§ 23:20**
Judicially defined terms, **§ 23:31**
Negligence, **§ 23:44**
Payee, **§ 23:34**
Person, **§ 23:8**
Pre-Code case law, and, **§ 23:65**
Reckoning of time in, **§ 23:58**
Rule of construction, **§ 23:42**
Signature, meaning of, in, **§ 23:47**
Statutory definitions, **§ 23:2 et seq.**

INTERPRETATION OF BILLS OF EXCHANGE ACT—Cont'd
Sundays, and non-business days, **§ 23:23, § 23:58**
Value, **§ 23:24**
Warrants, application to, **§ 23:59**

INTOXICATION
Defence to liability on bill or note, **§ 25:43**

INVESTMENT SECURITIES
Legislative protections, **§ 21:9**

I.O.U.
Promissory notes, distinguished, **§ 37:7**

ISO 20022
Generally, **§ 18:18**

ISSUE OF BILL, CHEQUE OR NOTE
Defined, **§ 23:20**
Delivery, importance of
See DELIVERY OF BILL, CHEQUE OR NOTE
Place of, **§ 23:22**
Undated, **§ 24:84**

ISSUER
Definition of, **§ 7:124**

ISSUES IN LAW OF PAYMENT
Generally, **§ 1:94**
Consumer issues, **§ 1:96**
Finality, **§ 1:24, § 1:93 et seq.**
Incidence of risk of system failure, **§ 1:23**
International texts, **§ 1:96**
Onus on debtor, **§ 1:20**
Person making payment, materiality of, **§ 1:21**
Person receiving payment, materiality of, **§ 1:21**
Recognition of new, **§ 1:95**
Rules of distinguished, **§ 1:94**
Shared principles, **§ 1:102**

ISSUES IN LAW OF PAYMENT —Cont'd
Time payment is
finally "made," **§ 1:23**
required, **§ 1:22**

JOINT AND SEVERAL LIABILITY
Case law, **§ 37:31**
Common law of, preserved, **§ 23:63, § 37:26**
Partnership Act, and, **§ 37:30**
Promissory note, on, **§ 37:26**

KNOWLEDGE
Agent, of, **§ 23:44**
Defences, of, **§ 26:32**
Dishonour, of, **§ 26:26**
Fact, question of, **§ 26:29**
Good faith, and, **§ 23:44, § 26:28**

LABOUR RELATIONS OF BANKS
Human rights laws, and, **§ 9:25**
Provincial control, **§ 8:18**

LARGE VALUE TRANSFER SYSTEM
Aggregate net debit cap, **§ 12:34**
ASO and Maximum ASO, **§ 12:35**
Bank of Canada Guaranty, **§ 12:39**
Bi-lateral credit limits, **§ 12:34**
BIS Core Principles, and, **§ 12:4, § 12:60**
By-law governing, **§ 12:7**
By-laws, binding force of
participants, among, **§ 12:46**
participants and CPA, between, **§ 12:45**
payors and participants, between, **§ 12:51**
Collateral
tranche 1, **§ 12:33**
tranche 2, **§ 12:34**
value tracking system ("CVTS"), **§ 12:32**

LARGE VALUE TRANSFER SYSTEM—Cont'd
Compliance with Bank of Canada requirements, **§ 12:61**
Default in, **§ 12:40**
Designation under PCSA, **§ 7:79**
Error detection and resolution
generally, **§ 12:25, § 12:48**
use of funds concept, **§ 12:49**
Exceptional procedures
emergency conditions, **§ 12:31**
jumbo payments, **§ 12:29**
type "R" payments, **§ 12:30**
Exchange of messages, **§ 12:20**
Exculpation of CPA, **§ 12:46**
Finality
case law, **§ 12:59**
payment, in, **§ 12:22, § 12:54**
settlement, in, **§ 12:38**
Governing law, **§ 12:6 et seq.**
Guideline for misdirected payments, **§ 12:9**
Legal relations of participants
generally, **§ 12:44 et seq., § 12:45**
claims and compensation, **§ 12:49**
credit limits, **§ 12:47**
duty to use, **§ 12:47**
error detection and resolution, **§ 12:48**
receiving participant, **§ 12:52**
sending participant, **§ 12:51**
timing of payments, **§ 12:50**
Legal relations of payees and participants
generally, **§ 12:53**
receiving participant, **§ 12:54**
sending participant, **§ 12:53**
Legal relations of payor and payee
system malfunction, **§ 12:58**
use of system, **§ 12:57**
Legal tender, not, **§ 12:57**
Liability of CPA excluded, **§ 12:45**
Netting in, **§ 12:37**

LARGE VALUE TRANSFER SYSTEM—Cont'd
Normal operation of
generally, **§ 12:19**
error detection and resolution, **§ 12:25**
initializing, daily, **§ 12:19**
processing, **§ 12:20**
scheduling payments, **§ 12:21**
Overview, **§ 12:1**
Participant failure, in, **§ 12:40**
Participation, criteria of, **§ 12:12**
Payment Clearing and Settlement Act and, **§ 12:6 et seq.**
Payment confirmation reference number, **§ 12:20**
Payment queue, **§ 12:36**
PCRN, **§ 12:20**
Procedures, **§ 12:10**
Regulatory design objectives, **§ 12:3**
Regulatory oversight of, **§ 12:6 et seq.**
Risk management
aggregate net debit cap, **§ 12:34**
ASO and Maximum ASO, **§ 12:35**
bi-lateral credit limits, **§ 12:34**
tranche 1 payments, **§ 12:33**
tranche 2 payments, **§ 12:34**
Rules governing, **§ 12:8**
Settlement, **§ 12:24**
Statistics of use, **§ 12:2**
S.W.I.F.T. standards, and, **§ 12:14, § 12:19**
System description, **§ 12:11 et seq.**
Technical standards, **§ 18:16**
Timing of payments, **§ 12:50**
Volume and value of transfers, **§ 1:3**

LATE RETURN OF CHEQUE
Effect of provisional settlement, **§ 10:23**
Effect of s. 126 BEA, **§ 10:27**
Liability of bank, **§ 10:26**

LATE RETURN OF CHEQUE —Cont'd
Restitution for drawee, **§ 10:32**
Return of CAD items to US banks, **§ 10:31**
Return of "paid" items, **§ 10:24**
Return outside ACSS clearing, **§ 10:29**
Return through ACSS clearing, **§ 10:25**
Time limits
See TIME LIMITS FOR RETURNS ELECTRONIC ITEMS; TIME LIMITS FOR RETURNS PAPER ITEMS
Uncertainty of time for return, **§ 10:28**

LAWFUL MONEY OF CANADA
Statutory references to, **§ 2:17, § 3:32**

LAW MERCHANT
Generally, **§ 22:1 et seq.**
Bankers' lien, source of, **§ 9:145**
Banking relationship, and, **§ 9:33**
Business of banking defined by, **§ 8:10**
Canada, in, **§ 22:2**
Common law, as part of, **§ 22:1**
Custom and, **§ 22:1 et seq.**
Judicial notice of, **§ 22:3**
New customs, recognition of, **§ 22:3**

LEGAL RELATIONS OF ACSS PARTICIPANTS AND PUBLIC
Generally, **§ 11:110 et seq.**
Insolvency of member, **§ 11:116**
Precedence of BEA over ACSS Rules, **§ 11:113**
Rules binding on members, **§ 11:111**
Whether rules binding on public, **§ 11:112**

LEGAL TENDER
Generally, **§ 2:34 et seq.**
Agreements varying definition of, **§ 2:40**
Bank notes, in
See BANK OF CANADA NOTES
Cash, in
See CASH
Coins, limits on, **§ 2:36**
Constitutional foundation
See CONSTITUTIONAL LAW
Currency tendered upon purchase, **§ 2:34**
Definition of, **§ 2:34**
Informal tenders, **§ 2:38, § 3:21**
Location of, **§ 3:40**
Non-circulating coins, in, **§ 2:36 and 2:37**
Refusal to accept
pre-existing debt, **§ 2:40**
prior notice of, **§ 2:41**
Stablecoins Canada 2026, **§ 2:38.30**
role of Bank of Canada, **§ 2:38.70**
Waiver of, **§ 2:40**

LETTERS OF CREDIT
Bank credit as foundation, **§ 13:96**
Compliance with terms, strict conventional law, **§ 13:121**
Confirmation of, **§ 13:145**
Customs and practices of bankers, **§ 13:99**
Demand guaranties
See DEMAND GUARANTIES
Documentary credits, classes of, **§ 13:98**
Documents, dealing in conventional law, **§ 13:119**
Equitable relief for beneficiary conventional law, **§ 13:121**
EUCP, **§ 13:103**
Expiration, **§ 13:149**

LETTERS OF CREDIT—Cont'd
First demand
See DEMAND GUARANTIES; STAND-BY CREDITS
Forgery of material document, **§ 13:177**
Fraud exception (conventional law)
beneficiary, acts of, **§ 13:158**
negotiating bank, and, **§ 13:160**
third parties, and, **§ 13:159**
Fraud exception (UIGLC Act)
generally, **§ 13:168**
interpretation of, **§ 13:169**
statutory test of, **§ 13:168**
Good faith of issuer
conventional law, **§ 13:135**
UIGLC Act, **§ 13:142**
Honour
See payment, infra
Independence, principle of, **§ 13:117**
Independent guaranties
See also DEMAND GUARANTIES
generally, **§ 13:110**
Injunctive relief, evidence required, **§ 13:168**
Insolvency of
applicant, **§ 13:184**
beneficiary, **§ 13:185**
issuer, **§ 13:97, § 13:183**
Interpretation of
conventional law, **§ 13:143**
UIGLC Act, **§ 13:143**
Irrevocability of, **§ 13:144**
ISP98, **§ 13:105**
See also STAND-BY CREDITS
Issuer not a bank, **§ 13:99**
Legal foundations of
contract, **§ 13:96**
international texts, **§ 13:99**
UIGLC Act
See UNIFORM INDEPENDENT GUARANTIES AND LETTERS OF CREDIT ACT
Material document forged or nullity, **§ 13:177**
Mistake, **§ 13:178**
Nullity of material document, **§ 13:177**
Partial drawings, **§ 13:147**
Payment, **§ 13:151**
enjoining
conventional law, **§ 13:155**
UIGLC Act, **§ 13:156**
excessive demands and, **§ 13:153**
place of, **§ 13:148**
reimbursement of issuer, **§ 13:155**
set-off by issuer, **§ 13:152**
wrongful, **§ 13:154**
Performance bonds, **§ 13:105**
Presentment, place for, **§ 13:148**
Principles of law of, **§ 13:113, § 13:116, § 13:130, § 13:131**
Reimbursement of issuer
conventional law, **§ 13:180**
UIGLC Act, **§ 13:180**
Revocability, **§ 13:144**
Set-off claimed by issuer, **§ 13:152**
Stand-by
See STAND-BY CREDITS
Strict compliance (conventional law), **§ 13:121**
Subrogation, and, **§ 13:150**
Termination, **§ 13:149**
Transferability of, **§ 13:146**
Types of
demand guaranties
See DEMAND GUARANTIES
first demand
See DEMAND GUARANTIES

LETTERS OF CREDIT—Cont'd
Types of—Cont'd
independent guaranties
See DEMAND GUARANTIES
stand-by
See STAND-BY CREDITS
UCP500 and UCP600, **§ 13:100**
UIGLC Act
See UNIFORM INDEPENDENT GUARANTIES AND LETTERS OF CREDIT ACT
UNCITRAL Convention
See also STAND-BY CREDITS
generally, **§ 13:107**
URDG
See ISP98

LIABILITIES OF PARTIES TO BILL, CHEQUE OR NOTE
Acceptor
generally, **§ 30:7 et seq.**
liability primary, **§ 30:9**
liability to whom, **§ 30:10**
preclusion to deny liability, **§ 30:11**
tenor of acceptance, **§ 30:8**
Accommodation parties
See also ACCOMMODATION PARTY TO BILL, CHEQUE OR NOTE
generally, **§ 30:27 et seq.**
Anomalous endorser, **§ 30:18 et seq.**
Damages, measure of
See also DAMAGES LIABILITY ON BILL, CHEQUE OR NOTE
generally, **§ 30:43 et seq.**
Defences to
See DEFENCES TO LIABILITY ON BILL, CHEQUE OR NOTE
Discharge
See DISCHARGE OF LIABILITY ON BILL, CHEQUE OR NOTE
Drawee
generally, **§ 30:2 et seq.**
contractual duty to accept, where, **§ 30:4**
prior to acceptance, **§ 30:3**
Drawer, **§ 30:12 et seq.**
Endorser, **§ 30:15 et seq.**
Evidence to establish, **§ 30:56**
Limitation of actions, **§ 30:62 et seq.**
Prescription, **§ 30:74**
Renunciation of
See RENUNCIATION OF LIABILITY ON BILL, CHEQUE OR NOTE
Transferor by delivery, **§ 30:42**

LIBOR
See INTEREST

LIEN (BANKER'S)
Generally, **§ 9:145**
Consolidation of accounts, distinguished, **§ 9:154**
Definition, **§ 9:145**
Personal property security legislation, and, **§ 9:146**
Property subject to, **§ 9:147**
Realization under, **§ 9:151**

LIEN NOTES
Generally, **§ 37:43**

LIEN ON BILL OR NOTE
Holder with, **§ 26:14**

LIMITATION PERIOD
Action on account, **§ 9:112**
Basic rule, **§ 30:66**
Bills and notes, generally, **§ 30:62**
Commencement of period, **§ 30:66**
Conflicts of law, in, **§ 35:22**

LIMITATION PERIOD—Cont'd
Constitutional competence of provincial laws, **§ 22:11, § 30:75**
Credit card debt, **§ 13:63**
Deposit, on, **§ 9:90**
Instalment payments, **§ 30:72**
Prescription in Quebec, **§ 30:74**
Sealed items, **§ 30:65**
Time limits, personal nature of, **§ 30:65**

LOST OR DESTROYED BILL OR NOTE
Action on, **§ 33:11 et seq.**
Bank notes, whether subject to rules of, **§ 33:7**
Certified cheque, **§ 33:6, § 33:15**
Duplicate instrument, obtaining, **§ 33:4**
Holder's duties, performance of, **§ 33:16**
Indemnity, provision of, **§ 33:9**
"Lost or destroyed," meaning of, **§ 33:12**
Notes, application to, **§ 33:7**
Onus of proof of loss, **§ 33:10**
Performance of holder's duties, **§ 33:16**
Recovery of lost instruments, **§ 33:2**
Scope of sections, **§ 33:4**

LOYALTY POINTS
Generally, **§ 4:5**
Money, as, **§ 3:27**

LVTS
See LARGE VALUE TRANSFER SYSTEM

MAKER OF NOTE
Acceptor of bill compared, **§ 37:83**
Application of BEA to, **§ 37:81 et seq.**
Definition, **§ 37:74**

MAKER OF NOTE—Cont'd
Disclaimer of liability by, effect of, **§ 24:111**
Engagement of, **§ 37:75**
Forgery of signature of, **§ 25:73**
Liability of, **§ 37:73 et seq.**
Preclusion of, **§ 37:79**
Primary party, **§ 37:76**
Recovery of money paid on forgery, by, **§ 25:112**
Signature essential to "note," **§ 37:15**

MAREVA INJUNCTION
Bank's duty upon receipt of, **§ 9:123**

MARRIED WOMAN
Endorsement, proper form of, **§ 27:4**
Liability on bill or note of, **§ 25:45**

MASTERCARD DEBIT
Generally, **§ 15:2**
International debit card service, **§ 15:86 et seq.**

MATERIAL ALTERATION OF BILL, CHEQUE OR NOTE
Generally, **§ 31:33 et seq.**
Alteration, meaning of, **§ 31:37**
Apparent, effect of, **§ 31:40**
Certified cheque, **§ 36:136**
Destruction of eligible bill not, **§ 31:36**
Instrument voided, exceptions, **§ 31:41**
Instrument voided, exemptions, **§ 31:41**
Interest, addition of, **§ 25:20**
Meaning of alteration, **§ 31:37**
Meaning of apparent, **§ 31:39**
Meaning of material, **§ 31:38**
Non-apparent, effect of, **§ 31:43**

MATURITY OF BILL OR NOTE
Conflicts of law, and, **§ 35:18**

MATURITY OF BILL OR NOTE —Cont'd
Transfer after
See TRANSFER OF BILL, CHEQUE OR NOTE AFTER MATURITY/ DISHONOUR

MENTAL INCOMPETENTS
Capacity of, when found so, **§ 25:42**
Liability on bills and notes, of, **§ 25:40**

MERCHANT ACQUIRER AGREEMENT
Generally, **§ 13:58**
Chargeback case law, **§ 13:52**

METAVERSE
Definition, **§ 40:29.70**
Web3, **§ 40:29.70**

MINT CHIP
Bank of Canada, **§ 4:15**
NanoPay, and, **§ 4:32, § 16:22**

MIRROR ACCOUNTS
See also CASH MANAGEMENT SERVICES
Generally, **§ 9:98**

MISTAKEN PAYMENTS
See UNAUTHORIZED CREDIT TRANSFERS

MOBILE PHONE CARDS
Generally, **§ 14:20, § 36:29**

MOBILE PHONE DEPOSITS
Generally, **§ 16:32, § 36:29**
Individual customers, **§ 36:31**

MOBILE-PHONE PAYMENTS AND TRANSFERS
Application of Code of Conduct for the Credit and Debit Card Industry in Canada, **§ 16:6**
Banks' powers: non-card-based payments, **§ 13:2, § 15:5**

MOBILE-PHONE PAYMENTS AND TRANSFERS—Cont'd
Canadian definition and experience, **§ 16:5**
Classification of systems, **§ 16:1, § 16:16**
Closed systems
description, **§ 16:23**
legal relations, **§ 16:26**
regulation of, **§ 16:25**
Credit card account access, by, **§ 16:17**
Debit card account access, by, **§ 16:20**
Definitions, **§ 16:9**
Deposits with Telco, **§ 16:21**
European definition and policy, **§ 16:3**
Funds transfers by, **§ 16:27 et seq.**
International policy, **§ 16:3, § 16:4**
Open systems
definition of, **§ 16:2 et seq.**
legal relations of parties, **§ 16:18**
regulation of
Canadian Code of Practice, application of, **§ 16:6**
Payment Card Networks Act, application of, **§ 16:14**
USA definition and policy, **§ 16:4**

MODEL RISK MANAGEMENT
Generally, **§ 45:1**
Application, **§ 45:6**
Artificial intelligence, **§ 45:2, § 45:3**
Components of the model lifecycle, **§ 45:19**
Enterprise-wide, **§ 45:9**
Framework, **§ 45:11**
Identification, **§ 45:14**
Key terms, **§ 45:7**
Machine learning, **§ 45:2, § 45:3**
Model lifecycle management, **§ 45:17**

MODEL RISK MANAGEMENT —Cont'd
Office of the Superintendent of Financial Institutions Canada, **§ 45:1**
Organizational enablement, **§ 45:10**
Outcomes and expectations, **§ 45:8**
Policies, procedures and controls, **§ 45:18**
Purpose, **§ 45:4**
Rating, **§ 45:15**
Risk-based approach, **§ 45:13**
Risk management intensity, **§ 45:16**
Scope, **§ 45:5**
Use of models, **§ 45:12**

MONEY
Account, of
See CURRENCY OF ACCOUNT
Aeroplan Reward Miles, as, **§ 4:3**
Air Miles, as, **§ 4:3**
Bank deposits as, **§ 3:17**
Bankers' lien on, **§ 9:147**
Bitcoin not, **§ 2:44, § 4:35**
Canadian Tire Money, as, **§ 4:3**
Cash distinguished, **§ 3:29**
Characterization for purposes of Indian Act, **§ 3:17**
Cheques, as, **§ 3:21**
Constitutional law of, **§ 3:1 et seq.**
Counterfeit, **§ 3:114**
Distinguished from
cash, **§ 3:29**
currency, **§ 3:31**
"immediately available funds," **§ 3:30**
"lawful money of Canada," **§ 3:32**
right to money, **§ 3:17, § 3:21**
Electronic
See ELECTRONIC MONEY
Federal legislative authority, **§ 3:2, § 3:4**
Foreign currency as, **§ 2:42**

MONEY—Cont'd
Funds held as financial assets, **§ 3:42**
Funds transfers, as
conventional, **§ 3:19**
new theory, **§ 3:20**
Fungibility of
See FUNGIBILITY OF MONEY
Holder of money, **§ 3:6**
Judicial definitions, **§ 3:15**
Legal effect of transfer, **§ 3:4, § 3:33, § 3:37**
Location of, **§ 3:39**
Loyalty points, as, **§ 3:27**
Meaning of term
generally, **§ 3:12 et seq.**
in wills, **§ 3:28**
Money-services businesses
constitutional law, and, **§ 3:1 et seq.**
licensing of, **§ 7:146**
regulation of, **§ 8:35**
New forms of, **§ 4:1 et seq., § 4:10 et seq.**
Patronage rewards as, **§ 4:3**
Private, **§ 3:13**
Provincial laws of money, **§ 3:3, § 3:5, § 3:10, § 13:28**
Restitution of
See RESTITUTION OF MONEY
Specific forms of
account entries, **§ 3:26**
bank deposits, **§ 3:17**
cheques, **§ 3:21**
foreign currency, **§ 2:42**
funds transfers, **§ 3:25**
Statutory definitions, **§ 3:14**
Time value of, **§ 3:38, § 11:69**
Tokens of value as, **§ 4:4**
Tracing
See TRACING MONEY
Trading stamps, as, **§ 4:5**
Transfer, legal effect of
bank credit, **§ 3:35**

MONEY—Cont'd
Transfer, legal effect of—Cont'd
negotiable instruments, **§ 3:37**
physical currency, **§ 3:34**

MONEY LAUNDERING
Analysis of Act, **§ 3:108**
Bill C-47, **§ 3:113.10 et seq.**
enforcement powers, **§ 3:113.90**
exchange of information, **§ 3:113.70, § 3:113.80**
FINTRAC registration, **§ 3:113.65**
Minister of Finance powers, **§ 3:113.75**
MSB regulation, **§ 3:113.60**
PCMLTFA reporting obligations, **§ 3:113.50, § 3:113.55**
structuring transactions, **§ 3:113.65**
whistleblower protection, **§ 3:113.85**
Compliance, **§ 3:112**
FATF 2016 Assessment, **§ 3:110**
Federal statute
generally, **§ 3:107 et seq.**
comparison with Quebec Act, **§ 8:25**
constitutionality of, **§ 8:25**
Introduction, **§ 3:107**
Proposed regulation of virtual currencies, **§ 3:111, § 40:9**
Refusal of customer to cooperate, **§ 10:75**
Remittance instruments, and, **§ 10:53**
Reporting obligations, **§ 3:109**

MONEY ORDERS
Definition, **§ 10:44**
Stop-payment of, **§ 10:45**

MONEY SERVICES BUSINESSES
Constitutional authority over, **§ 7:135, § 8:36**
Licensing of, **§ 7:146**
Regulation of, **§ 8:35**

MONEY SERVICES BUSINESS LICENSING
Generally, **§ 7:146**
Constitutional jurisdiction, **§ 8:25 et seq.**
Quebec legislation, **§ 7:146, § 8:25 et seq.**

NATIONAL ELECTRONIC SETTLEMENT REGION
Generally, **§ 11:32**
Clearing of items in, **§ 11:64**
Settlement in, **§ 11:68**

NEAR BANKS
Banking-like activities of, **§ 8:31**

NEGATIVE OPTION BILLING REGULATIONS
Generally, **§ 13:13**
Authorized users, and, **§ 13:13, § 13:17**
Negative Option Marketing and Billing Regulations, **§ 13:13**

NEGLIGENCE OF BANK
Account verification agreement and, **§ 9:108**
Collecting items for customers, when, **§ 10:105, § 10:106**
Commercially reasonable security, **§ 9:102**
Contract to exclude liability for, **§ 9:108**
Conversion, liability in, distinguished, **§ 10:90**
Countermand of cheque, and, **§ 36:81**
Credit transfers, and, **§ 18:21**
Duty of care when opening account, **§ 9:4**
Inappropriate loan repayment terms, **§ 9:49**
In principle, **§ 9:113**
Opening account
duty at large, **§ 9:4**
duty to applicant customer, **§ 9:4**

NEGLIGENCE OF BANK—Cont'd
Payments for customers, in making
error detection, **§ 12:25**
pre-authorized payments, **§ 17:15**
Standard of care
generally, **§ 9:39, § 9:102**
opening account, when, **§ 9:4**

NEGLIGENCE OF CUSTOMER
Cardholder contract provisions, **§ 15:64**
Duty to others than bank, **§ 9:116**
Precluding denial of forgery by reason of, **§ 25:79**
Standard of care, **§ 9:43**

NEGLIGENCE WITHIN MEANING IN BEA
Good faith, and, **§ 23:44**
Preclusion to deny forgery, by, **§ 25:79**

NEGOTIABILITY
Codification of, **§ 22:8**
Common law principles of, **§ 22:4**
Concept of, investment securities, **§ 19:1 et seq.**
Constitutional jurisdiction over, **§ 22:9**
Estoppel, by, **§ 22:7**
Legislation, by, **§ 22:6**
Quality of, **§ 22:4 et seq.**
Statutory recognition of, **§ 22:6**
Utility of precedents, **§ 22:5**

NEGOTIABLE INSTRUMENTS
Location of, **§ 3:40**
Quality of negotiability, **§ 22:4 et seq.**

NEGOTIATION OF BILL, CHEQUE OR NOTE
Breach of faith, in, **§ 28:20**
Demand note, special rule, **§ 27:41**
Endorsement, by
See also ENDORSEMENT OF BILL, CHEQUE OR NOTE

NEGOTIATION OF BILL, CHEQUE OR NOTE—Cont'd
Endorsement, by—Cont'd
generally, **§ 27:2 et seq.**
Meaning of, **§ 27:1**
Renegotiation, as, **§ 27:44 et seq.**
Transfer distinguished, **§ 27:34 et seq.**

NETTING
Bilateral and multilateral, **§ 12:37**
Continuous Linked Settlement, **§ 21:12 et seq.**
Foreign exchange settlements
generally, **§ 21:6**
bilateral, **§ 21:7**
Legislative protections for, **§ 21:9**
LVTS, in, **§ 12:37**
"Nebulous," **§ 12:37**
Payment by, **§ 1:10**

NETTING AGREEMENTS
Definition of, **§ 7:97**
Eligible financial contracts, and, **§ 7:98**
Legal immunity of, **§ 7:96**

NETWORK
Definition of, **§ 7:122**

NEW METHODS OF PAYMENT
Criminal Code and, **§ 4:9**
New forms of money distinguished
generally, **§ 4:10 et seq.**
medium of exchange, as, **§ 4:12**
recognition of, effects, **§ 4:13**
Pre-paid cards, **§ 4:2**
Tokens, **§ 4:2, § 4:4**
Trading stamps, **§ 4:5, § 4:8 et seq.**

NON-BUSINESS DAY/NON-JURIDICAL DAY
Defined, **§ 23:23, § 23:58**

NON-EXISTING OR FICTITIOUS PAYEES
Bank of England v. Vagliano, **§ 24:46**

NON-EXISTING OR FICTITIOUS PAYEES—Cont'd
Conceptual overview, **§ 24:46**
Early Canadian cases, **§ 24:46**
Entities, non-existing, **§ 24:48**
Fictitious
See FICTITIOUS PAYEE OF BILL, CHEQUE OR NOTE
Historical perspective, **§ 24:46**
Inanimate payee, **§ 24:48**
Non-existing payee, **§ 24:48**
Policy considerations, **§ 24:55**
Propositions
Falconbridge's, **§ 24:46**
new, **§ 24:46**
Real person as, **§ 24:53**

NON-EXISTING PAYEE
See NON-EXISTING OR FICTITIOUS PAYEES

NON-FUNGIBLE TOKENS (NFTS)
Definition, **§ 40:29.30**
Legal rights, **§ 40:29.30**
Real estate tokens, **§ 40:29.30**
Securitization, **§ 40:29.30**
Smart contract, **§ 40:29.30**
Uses in banking, **§ 40:29.30**

NON-NEGOTIABLE INSTRUMENT
Legal effect of, **§ 24:26**

NORM OF RELATIVE FAULT
Generally, **§ 3:56**
Verification clause interpretation, **§ 9:108**

NOTARY
Bank officer or employee not to act as, **§ 23:68**
Foreign, evidence from, **§ 23:67**

NOTICE
Agent, to, **§ 23:44**
Dishonour, of
See NOTICE OF DISHONOUR

NOTICE—Cont'd
Good faith and no notice of defect of title, **§ 26:29**
Service, address for, **§ 9:86**

NOTICE OF DISHONOUR
Generally, **§ 29:40 et seq.**
Conflicts of law, and, **§ 35:12 et seq.**
Consequences of failure, **§ 29:44**
Delay, when excused, **§ 29:46**
Dispensed with, when, **§ 29:47**
History of, **§ 29:43**
Holder in due course, and, **§ 26:26**
Requirement of, **§ 29:43**
Requisites of, **§ 29:45**
Waiver, **§ 29:48**
When required, **§ 29:41**

NOTICE OF PROTEST
Generally, **§ 29:60**

NOT ON-US
Defined, **§ 10:22**
Electronic systems, generally, **§ 18:7**

NSF FEE
See OVERDRAFT CHARGE

OBSI
See OMBUDSMAN FOR BANKING SERVICES AND INVESTMENTS

OECD G20 HIGH-LEVEL PRINCIPLES
Generally, **§ 7:133**

OFFICIAL IMAGE OF CHEQUE
Generally, **§ 36:22 et seq.**
Add to destruction of original, **§ 36:42**
Admissibility of, **§ 1:89**
Conflict of laws, and, **§ 36:47**
Conversion of original, **§ 10:90**
CPA project phases, **§ 11:41**

OFFICIAL IMAGE OF CHEQUE —Cont'd
Damages liability of truncating bank, **§ 36:46**
Dealing with, **§ 36:32**
Definitions, **§ 36:25**
bank, **§ 36:26**
eligible bill, **§ 36:27**
image printout, **§ 36:28**
official image, **§ 36:29**
Destruction of original, **§ 36:40**
Discharge of, **§ 31:15**
Electronic deposit of, **§ 36:29**
Electronic presentment of
See ELECTRONIC PRESENTMENT OF OFFICIAL IMAGE
Failure to destroy, **§ 36:42**
Forms of, **§ 11:41**
Fraudulent negotiation of both image and original, **§ 36:42**
"Holder" of, **§ 26:3**
Implementing action by CPA, **§ 36:24**
Legal equivalent of eligible bill, **§ 36:38**
Mobile phone deposit of, **§ 36:29**
Payment of, **§ 31:15**
Presentment of, **§ 36:55**
Presumptions
accuracy, **§ 36:37**
authenticity, **§ 36:36**
Printout of
See IMAGE PRINTOUTS
Return of, **§ 10:25**
Return replacement document, **§ 11:42, § 36:28**
Statutory authorization of, **§ 36:23**
Transitional note, **§ 11:41**
Warranty by truncating bank, **§ 36:43**

OMBUDSMAN FOR BANKING SERVICES AND INVESTMENTS
Generally, **§ 7:148**

OMBUDSMAN FOR BANKING SERVICES AND INVESTMENTS—Cont'd
Decisions, judicial review of, **§ 7:151**
Government criticism of, **§ 7:154**
Mandates
overlap with FCAC, **§ 7:134**
OBSI, comparison with, **§ 7:154, § 7:156**
Policy background, **§ 7:148**

OMBUDSMEN
Bank appointed, **§ 7:147**
Banking Services and Investments, for, **§ 7:134**
Banks' individual officers, **§ 7:134**
Financial Consumer Agency of Canada, **§ 7:135**
Financial Services OmbudsNetwork, **§ 7:134**
International policy promoting, **§ 7:132**
Multiple agencies, **§ 7:134**
OBSI
See OMBUDSMAN FOR BANKING SERVICES AND INVESTMENTS

ON-LINE PAYMENT SERVICES
See also INTERNET PAYMENTS
ACSS Rule, **§ 18:25**
International policy documents, **§ 18:26**
On-us online payments, **§ 18:30**

ON-US ITEMS
Collection of, **§ 10:22, § 10:64**
Defined, **§ 10:22**
Dishonour of, **§ 10:86**
E-mail payments, **§ 18:123**
Funds transfers, as, **§ 10:22**

OPEN BANKING
Canada, **§ 9:126**
Canadian Bankers Association, **§ 9:126**

OPEN BANKING—Cont'd
Commentary, **§ 9:130**
Competition Bureau of Canada, **§ 9:126**
Consultation Paper, 2019, **§ 9:128**
Consumer-Driven Banking Act, **§ 9:131.30**
Customer data, ownership of, **§ 9:126**
FDX
See FINANCIAL DATA EXCHANGE
General, **§ 9:124**
Governance, **§ 9:131.50**
Ownership of customer data, and, **§ 9:130**
Proposal for implementation, **§ 9:130**
United States, **§ 9:125**

OPEN LOOP CARDS
See PREFUNDED PAYMENT PRODUCTS

OPERATOR
Definition of, **§ 7:122**

OVERDRAFT CHARGE
Generally, **§ 10:2**
Case law, **§ 10:6**
Disclosure of, **§ 10:3**
NSF fee, **§ 10:4**
Theoretical basis, **§ 10:5**

PADS
See PRE-AUTHORIZED DEBITS

PAROL EVIDENCE RULE
Generally, **§ 30:54**
Admissibility of evidence
conditional delivery, **§ 25:10**
non-delivery, **§ 25:6**
relations of parties, **§ 30:57**
Contract defences, to establish, **§ 30:60**
Corporate signatures, evidence of intention, **§ 25:121**
Dispute holder's status, **§ 30:58**

PAROL EVIDENCE RULE—Cont'd
Impeach consideration, **§ 30:59**
Resolve apparent uncertainty, **§ 30:61**
Statutory exceptions, **§ 30:74**

PARTIES TO BILL, CHEQUE OR NOTE
Accommodation parties
See ACCOMMODATION PARTY TO BILL, CHEQUE OR NOTE
Anomalous endorsers
See ANOMALOUS ENDORSEMENT OF BILL, CHEQUE OR NOTE
Capacity of
See CAPACITY OF PARTIES TO BILL, CHEQUE OR NOTE
Corporations as, **§ 25:35**
Damages liability of, **§ 30:52**
Drawee
See DRAWEE OF BILL OR CHEQUE
Duplicate status of, **§ 24:61**
Immediate, meaning of, **§ 28:8**
Infants, as, **§ 25:36**
Intoxicated, **§ 25:43**
Liability of
See LIABILITIES OF PARTIES TO BILL, CHEQUE OR NOTE
Mental incompetents, **§ 25:40**
Partnership
See PARTNERSHIPS' BILLS, CHEQUES AND NOTES
Payee
See PAYEE OF BILL, CHEQUE OR NOTE
Primary
See PRIMARY PARTY OF BILL OR NOTE
Remote, meaning of, **§ 28:8**

PARTIES TO BILL, CHEQUE OR NOTE—Cont'd
Returned items, party taking again, **§ 26:43, § 28:37**
Secondary
See SECONDARY PARTY TO BILL OR NOTE

PARTNERSHIPS' BILLS, CHEQUES AND NOTES
Authorized signatures, **§ 25:130**
Bill or note given for, **§ 23:69**
Binding signatures, **§ 25:131**
Effect of other partners' signing, **§ 25:134**
Name to appear in bills, cheques and notes of, **§ 25:129**
Signature of bill, or note by, **§ 25:128**
Signature of cheque by, **§ 25:133**
Trading or non-trading firms, **§ 25:133**

PAYEE OF BILL, CHEQUE OR NOTE
Generally, **§ 24:36**
Anomalous endorser, liability of
See ANOMALOUS ENDORSEMENT OF BILL, CHEQUE OR NOTE
Bearer
See BEARER OF BILL, CHEQUE OR NOTE
Blank, **§ 24:43**
Certainty in naming, **§ 24:38**
Drawee, same person as, **§ 24:64**
Drawer, same person as, **§ 24:62**
Duplicate status, **§ 24:61**
Endorsement by
See ENDORSEMENT OF BILL, CHEQUE OR NOTE
Fictitious
See FICTITIOUS PAYEE OF BILL, CHEQUE OR NOTE
Forgery of signature of, **§ 25:76**
Holder in due course, as, **§ 26:52**

PAYEE OF BILL, CHEQUE OR NOTE—Cont'd
Legal personality, lacking, **§ 24:44**
Misdescription of, **§ 24:40**
Misdesignation, **§ 24:37**
Naming, requirement of, **§ 24:38**
Non-existing
See NON-EXISTING PAYEE
Office holder, **§ 24:42**
Person of same name endorsing as, **§ 24:41**
Several, **§ 24:39**
Specified, must be, **§ 24:37**

PAYMENT
Account entries, by, **§ 1:10**
Appropriation of
See APPROPRIATION OF PAYMENTS
Bi-lateral relation, **§ 1:9**
Central bank digital currency, by, **§ 1:8:80**
Cheque, by, **§ 1:8**
Compelling
See also COMPELLING PAYMENT
generally, **§ 1:76**
Concept of, **§ 1:7 et seq.**
Credit to account, by, **§ 1:10**
Credit transfer, by, **§ 1:37**
Currency of
See CURRENCY OF PAYMENT
Debtor-initiated, **§ 17:27**
Discharge by other means, **§ 1:8**
Due, when, **§ 1:22**
Finality of
See also FINALITY OF PAYMENT
generally, **§ 1:23**
Funds transfers, as
conventional, **§ 3:19**
new theory, **§ 3:20**
Late, interest cost on
See also INTEREST ON LATE PAYMENT

PAYMENT—Cont'd
Late, interest cost on—Cont'd
generally, **§ 1:61**
Late return of cheque, by, **§ 11:49**
Late return of cheque as, **§ 1:17**
Law of, **§ 1:1 et seq.**
Law of: Chapter 1, **§ 1.1 et seq.**
LVTS
See LARGE VALUE TRANSFER SYSTEM
Money, in, **§ 1:8**
Netting, by, **§ 1:10**
New methods of
See NEW METHODS OF PAYMENT
Official image of eligible bill, of, **§ 31:15**
Partial
See CHEQUE IN PARTIAL PAYMENT
Pre-paid card, by, **§ 1:8**
Presentment of item for
See also PRESENTMENT FOR PAYMENT
generally, **§ 29:24 et seq.**
Principles of the law of
See PRINCIPLES OF LAW OF PAYMENT
Priority payment items
See PRIORITY PAYMENT INSTRUMENTS
Proof of
See PROOF OF PAYMENT
Rounding, **§ 2:25**
Set-off, by, **§ 1:15**
Statistics, **§ 1:1 et seq.**
Sums expressed in more than two decimals, **§ 2:25**
Systems
regulation of
See PAYMENT SYSTEMS REGULATION
types of
See PAYMENT SYSTEMS
Tender compared, **§ 1:9**

PAYMENT—Cont'd
Virtual currency, by, **§ 1:8.60, § 4.32**
Voluntary nature of, **§ 1:9**
When finally "made"
See also FINALITY OF PAYMENT
generally, **§ 1:23**
Wrongful refusal of drawee, **§ 10:42**

PAYMENT, LAW OF
Introduction, **§ 1:1 et seq.**
Principles of
See PRINCIPLES OF LAW OF PAYMENT

PAYMENT CARD
Definition, **§ 7:122**

PAYMENT CARD NETWORKS
Network integrating contracts, **§ 13:40**
Service providers, mere, **§ 13:40**

PAYMENT CARD NETWORKS ACT
Acquirers, effect on, **§ 7:128**
Amendments proposed, **§ 7:120**
Constitutional validity of, **§ 7:120**
Constitution issues, **§ 7:120**
Date in force, **§ 7:116, § 7:131**
Definitions, **§ 7:121**
acquirer, **§ 7:123**
issuer, **§ 7:124**
network, **§ 7:122**
operator, **§ 7:122**
other, **§ 7:125**
payment card, **§ 7:122**
Disclosure, **§ 7:127**
Enforcement of, **§ 7:131, § 7:142**
FCAC oversight of, **§ 7:141**
Grounds for support, **§ 7:120**
Interchange fees, control over, **§ 7:120**
In terrorem intent, **§ 7:129**
Issuers, effect on, **§ 7:131**

PAYMENT CARD NETWORKS ACT—Cont'd
Legislative history of, **§ 7:116**
amendments proposed, **§ 7:117**
interchange fees, control proposed, **§ 7:120**
legislative intent, **§ 7:120**
original text, **§ 7:116**
Legislative intent, **§ 7:120**
Mobile phone payments, applicatio to, **§ 16:14**
Regulation of contract terms, **§ 7:128**
Regulatory supervision of, **§ 7:141**
Scope of regulation, **§ 7:126**
''Voluntary'' undertakings, **§ 15:13**

PAYMENT CLEARING AND SETTLEMENT ACT
Bank of Canada regulation, **§ 7:65**
CDCC and, **§ 20:11, § 20:31**
CDSX and, **§ 19:80**
Clearing and settlement system, defined, **§ 7:60**
Clearing houses for derivatives and securities clearing
generally, **§ 7:93**
policy foundations for protection of, **§ 7:91**
protection for rules of, **§ 7:91**
Constitutional validity of, **§ 7:63**
Continuous Linked Settlement Bank, and
See also CONTINUOUS LINKED SETTLEMENT BANK
generally, **§ 21:28**
Designation of clearing and settlement systems, **§ 7:73**
Designation of systems under challenge to, **§ 7:85**
conditions precedent, **§ 7:74**
consequences of, **§ 7:82**
Efficiency and safety of systems
See also EFFICIENCY AND SAFETY OF PAYMENT SYSTEMS

PAYMENT CLEARING AND SETTLEMENT ACT—Cont'd
Efficiency and safety of systems —Cont'd
generally, **§ 7:100 et seq.**
Enforceability of, **§ 7:62**
Foreign banks, application to, **§ 7:87**
LVTS and, **§ 12:6 et seq.**
Pith and substance of, **§ 7:63**
Preamble of, **§ 7:64**
Rationale for enactment, **§ 7:56**
Systemic risk, definition
See also SYSTEMIC RISK
generally, **§ 7:58**
Systemic risk control, and, **§ 7:57**
Systems designated, **§ 7:74**

PAYMENT FOR CUSTOMERS
Generally, **§ 10:1 et seq.**
Authorization to debit account, **§ 10:5**
Availability of funds
See AVAILABILITY OF FUNDS
Cheques
See PAYMENT OF CHEQUES
E-transfers, **§ 10:54**
Funds transfers, duty to make, **§ 10:54**
On-us items, **§ 10:22**
Properly payable items, **§ 10:5**
Remittance items
See REMITTANCE INSTRUMENTS
Restitution of, **§ 10:32**
Time of payment of, **§ 10:16**
Wrongful dishonour, **§ 10:42**

PAYMENT FOR HONOUR SUPRA PROTEST
Generally, **§ 32:4**
Effect of, **§ 32:7**
Intervention, conditions for effective, **§ 32:6**

PAYMENT ITEM
Acceptable for exchange, **§ 11:35, § 11:37**
Approved for exchange, **§ 11:37**
Definition, **§ 11:34**
Paper items, **§ 11:37**
Significance of acceptability for exchange, **§ 11:36**

PAYMENT OF BILL, CHEQUE OR NOTE IN DUE COURSE
Generally, **§ 31:2 et seq.**
Accommodation bill, of, **§ 31:14**
Drawer, by, effect of, **§ 31:16 et seq.**
Due, requisites of, **§ 31:7**
Meaning of, **§ 1:7 et seq., § 31:3**
Official image of eligible bill, **§ 31:15**
Payment, meaning of, **§ 31:3**
Proof of, **§ 31:13**
Renewal item, by, **§ 31:2**
Time of, **§ 31:7**

PAYMENT OF BILL OR NOTE
Accord and satisfaction, by, **§ 1:40**
Delivery of bill or note, as, **§ 1:25**
Demand, when
generally, **§ 24:70**
no time expressed, when, **§ 24:73**
sight, when, **§ 24:71**
Due course, in
See PAYMENT OF BILL, CHEQUE OR NOTE IN DUE COURSE
Meaning of, **§ 1:7 et seq., § 31:3**
Negotiable instrument or credit card as, **§ 1:25**
Place of, **§ 24:107**
Presentment for
See PRESENTMENT FOR PAYMENT
Recovery of money paid on forgery, **§ 25:89**

PAYMENT OF BILL OR NOTE —Cont'd
Time of
See also FINALITY OF PAYMENT
generally, **§ 24:70 et seq.**

PAYMENT OF CHEQUES
Generally, **§ 10:1**
Bankers' duty to pay
generally, **§ 10:1 et seq.**
who is a ''banker,'' **§ 10:3**
Conditions of duty
generally, **§ 10:4**
funds available, **§ 10:6**
no suspicious circumstances, **§ 10:12**
properly payable item, **§ 10:5**
In due course, discharge by
See PAYMENT OF BILL, CHEQUE OR NOTE IN DUE COURSE
Late return, liability for
See also LATE RETURN OF CHEQUE
generally, **§ 1:17, § 10:26**
Mandate, effect of payment without, **§ 10:32**
Oral confirmation of authority, and, **§ 10:22**
Order of payment, **§ 10:15**
Properly payable items, **§ 10:5**
Sufficiency of available funds, **§ 10:6**
Time of payment
See also FINALITY OF PAYMENT
generally, **§ 10:16**
Wrongful dishonour of, **§ 10:42**

PAYMENTS BY BANKERS
Funds transfers, **§ 10:54**
Government cheques, statutory duty, **§ 10:61**

PAYMENTS BY BANKERS —Cont'd
Remittance instruments
See REMITTANCE INSTRUMENTS

PAYMENTS CANADA
See CANADIAN PAYMENTS ASSOCIATION

PAYMENT SERVICES
Retail, proposed regulation of, **§ 7:48 et seq.**
administrative details, **§ 7:52**
oversight framework, **§ 7:49**
policy background, **§ 7:48**
principles-based regulation, **§ 7:51**
proposal, **§ 7:48 et seq.**
regulatory framework, **§ 7:50**
Retail, regulatory framework, **§ 7:54 et seq.**
administration of, **§ 7:54.100**
enforcement of, **§ 7:54.100**
exemptions from, **§ 7:54.40**
requirements under, **§ 7:54.60**
scope of application, **§ 7:54.20**
supervisory authority, **§ 7:54.80**

PAYMENTS SYSTEMS RISK
Definition of, **§ 7:59**
Designation of systems to avert, **§ 7:73**

PAYMENT SYSTEMS
Classification of, **§ 17:3, § 18:4**
Classification of, difficulty of, **§ 18:91**
Constitutional jurisdiction, **§ 1:18**
Efficiency and safety of
See also EFFICIENCY AND SAFETY OF PAYMENT SYSTEMS
generally, **§ 7:100 et seq.**
Historical use of federal regulatory power, **§ 7:38 et seq.**

PAYMENT SYSTEMS—Cont'd
Innovative
See INNOVATIVE PAYMENT SYSTEMS
International texts, **§ 1:96**
Modernization, **§ 1:96, § 1:102**
Novel, regulation of, **§ 7:41**
Risk in
See RISK ANALYSIS PAYMENT SYSTEMS
Task force review
See TASK FORCE FOR PAYMENTS SYSTEM REVIEW
Types of
AFTS, **§ 17:28**
bill payment, **§ 18:73 et seq., § 18:113**
CLS, **§ 21:12 et seq.**
competition law and, **§ 7:26**
credit card, **§ 13:30 et seq.**
debit card, **§ 15:56**
derivatives trades, **§ 20:19**
e-mail payment, **§ 18:119**
Internet, **§ 18:44**
letter of credit, **§ 13:96 et seq.**
online, **§ 18:44**
POS debit transfer, **§ 15:86 et seq.**
prepaid credit card
See PREFUNDED PAYMENT PRODUCTS
real estate closing funds management, **§ 17:44 et seq.**
recurring credit transfer, **§ 17:28 et seq.**
recurring debit transfer, **§ 17:3 et seq.**
single instance debit transfer, **§ 15:86 et seq.**

PAYMENT SYSTEMS REGULATION
Bank of Canada functions, **§ 7:65**
BIS Reports, **§ 7:3, § 7:10**

PAYMENT SYSTEMS REGULATION—Cont'd
Canadian
legislation, **§ 7:42 et seq.**
policy background, **§ 7:17**
Competition law and, **§ 7:26**
Consumers' interests, **§ 7:22**
Designation, PCSA
See also DESIGNATION OF PAYMENT SYSTEMS (PCSA)
generally, **§ 7:64**
Governance of system, **§ 7:21**
Interac Consent Order, **§ 7:18**
International policy background, **§ 7:2 et seq.**
Refusal to deal, competition in payments services, **§ 7:26**
Rights of access, **§ 7:20**
Risk analysis
See RISK ANALYSIS PAYMENT SYSTEMS

PAYPAL
Generally, **§ 18:125**

PAYROLL CARDS
Generally, **§ 14:32**

PENALTY CLAUSES
Distinguishing enforceable damages estimates, **§ 1:79**
Unconscionability and, **§ 1:78**

PERFORMANCE BONDS
See DEMAND GUARANTIES

PERSON
Definition in DBNA, **§ 39:22**
Definition of in BEA, generally, **§ 23:6**

PERSONAL INFORMATION AND DATA PROTECTION TRIBUNAL ACT
Bill C-11, **§ 9:27**

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT (PIPEDA)
Bill C-11, **§ 9:27**
Civil cause of action, and, **§ 9:27**
Defence for bank, as, **§ 9:55**
Disclosure obligations of banks, **§ 9:66**
Exclusivity of federal law, **§ 9:56**
PIPEDA as defence to bank, **§ 9:165**
Privacy policies for banks, **§ 9:27**

PIN-LESS POINT OF SALE ITEMS
Authorization, **§ 15:46**
Clearing, **§ 15:47**
Code of Practice, and, **§ 15:43**
Devices, **§ 15:44**
Dispute resolution, **§ 15:48**
Exchange, **§ 15:47**
Glossary, **§ 15:41**
Introduction, **§ 15:40**
Legal foundation, **§ 15:42**
Privacy, **§ 15:45**
Regulation of, **§ 15:39**
Security, **§ 15:45**
Settlement, **§ 15:47**
System description, **§ 15:43**
Validation, **§ 15:46**

PIPEDA
See PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT

PLACE OF PAYMENT
Effect of stipulating, **§ 24:107**
Meaning of "place," **§ 29:33, § 37:65**
None specified in item, when, **§ 29:33**
Particular place, meaning of, **§ 37:68**

PLACE OF PAYMENT—Cont'd
Presentment of bills for payment at, **§ 29:33**
Presentment of notes for payment at, **§ 37:63**
Unspecified, effect of, **§ 24:107**

POINT-OF-SERVICE PAYMENTS
Authentication, **§ 15:31**
Authorization, **§ 15:31**
Cardholder agreements, **§ 15:64**
Currency dispensing, **§ 15:50 et seq.**
Customer accounting, **§ 15:62**
Debit cards
See DEBIT CARDS
Devices, **§ 15:24**
Dispute resolution, **§ 15:31**
Exchange and clearing of
CPA Rule E1, **§ 15:20 et seq.**
Finality of payment, **§ 15:82**
Glossary, **§ 15:21**
Interac Direct Payment
See INTERAC DIRECT PAYMENT
Inter-member agreement, **§ 15:63**
Irrevocability of POS items in ACSS, **§ 15:83**
Legal foundation for CPA Rule, **§ 15:22**
Mobile phones as POS devices
See MOBILE-PHONE PAYMENTS AND TRANSFERS
Participants, roles of, **§ 15:59**
Privacy, **§ 15:26**
Security, **§ 15:26**
System description, **§ 15:23, § 15:58**
Transaction processing, **§ 15:60**

POS
See POINT-OF-SERVICE PAYMENTS

POSSESSION (OF BILL, CHEQUE OR NOTE)
Concept defined, **§ 23:15, § 26:2**
Constructive, **§ 23:16**
Custody distinguished, **§ 23:15**
Importance to holder of, **§ 26:2**
Time of, **§ 26:5**

POST-DATED CHEQUES
Certified cheque, **§ 36:17, § 36:79**
Countermand of, **§ 36:14**
Definition of, **§ 36:11**
Drawee, liability of, **§ 36:15**
Negotiability of, **§ 36:13, § 36:64**
Not invalid, **§ 24:86, § 36:13**
Preference and, **§ 36:16**
Stale, when, **§ 36:20**
Stop-payment of, **§ 36:14**
Use of in Canada, **§ 36:12**

PRE-AUTHORIZED DEBITS
Generally, **§ 17:3 et seq.**
ACSS and
settlement for, **§ 11:68**
Authorization of payor, **§ 17:19**
Canadian Payments Association, and, **§ 17:7**
Conditional payment only, **§ 17:21**
CPA Rule
"New H1" and "Old H1" distinguished, **§ 17:3**
Debtor-initiated payment, **§ 17:27**
Definition, **§ 17:3**
Dishonour, effect of
generally, **§ 17:22**
processing FI, by, **§ 17:15**
Error correction, **§ 17:15**
Finality of payment, **§ 17:21**
Glossary, **§ 17:3**
Insurance premium, late payment of, **§ 17:26**
Participant responsibilities
payee, **§ 17:11**
processing financial institution, **§ 17:15**

PRE-AUTHORIZED DEBITS —Cont'd
Participant responsibilities—Cont'd
sponsoring financial institution, **§ 17:8**
Payee's undertaking, **§ 17:11**
Payor's authorization, **§ 17:19**
Rule H1, versions of, **§ 17:4**
Set-off and, **§ 17:25**
Sponsor's duties, **§ 17:8**
System description, **§ 17:7**
Types of PADs, **§ 17:5**
Versions of the Rule, **§ 17:4**

PRECLUSION TO DENY FORGED SIGNATURE
Generally, **§ 25:77**
Adoption, by, **§ 25:78**
Contract, **§ 25:84**
Crown, of, **§ 25:86**
Detrimental reliance, **§ 25:85**
Estoppel, by, **§ 25:80**
Negligence, by, **§ 25:79**
Ratification, **§ 25:88**
Silence, by, **§ 25:81**

PRECLUSION TO DENY LIABILITY
Acceptor, of, **§ 30:11**
Endorser, **§ 30:17**

PREFUNDED PAYMENT PRODUCTS
ACSS Rules for, **§ 14:36**
Case law, **§ 14:27, § 14:52 et seq.**
Cash cards, **§ 14:22, § 14:28**
Closed loop cards, **§ 14:5 et seq.**
case law on, **§ 14:54**
issuers, **§ 14:5**
typical system, **§ 14:6**
typical terms, **§ 14:44**
Codes of Conduct, application to, **§ 14:18, § 14:19**
CPA Guidelines, **§ 14:35**
Deposit of funds, whether, **§ 14:37**
federal law, **§ 14:38**

PREFUNDED PAYMENT PRODUCTS—Cont'd
Deposit of funds, whether, **§ 14:37** —Cont'd
provincial law, **§ 14:40**
Dispute resolution, **§ 14:51**
Federal regulation of, **§ 14:7 et seq.**
Fee offence, **§ 14:27**
Finality of payment by, **§ 14:45**
Future performance agreements, as, **§ 14:33**
Gift cards, **§ 14:2; § 14:22**
Holder's rights, **§ 14:46 to § 14:48**
Introduction, **§ 14:1**
Legal relations of parties, **§ 14:42 et seq.**
common law, **§ 14:49**
introduction, **§ 14:42**
Mobile phone cards, **§ 14:19**
New taxonomy, **§ 14:2**
Open loop cards, **§ 14:3 et seq.**
federal regulation of, **§ 14:8**
provincial regulation of, **§ 14:21 et seq.**
typical terms, **§ 14:43**
Payroll cards, **§ 14:32**
Promotional cards, **§ 14:2**
Provincial regulation of, **§ 14:21 et seq.**
cash cards, **§ 14:28**
gift cards, **§ 14:22**
introduction, **§ 14:21**
Scope of regulatory authority, **§ 14:34**
Secured cards, **§ 14:2**
Travel cards, **§ 14:2**

PREPAID CREDIT CARDS
See PREFUNDED PAYMENT PRODUCTS

PREPAID DEBIT CARDS
See PREFUNDED PAYMENT PRODUCTS

PRESENTMENT FOR ACCEPTANCE
Generally, **§ 29:4 et seq.**
Delay in, **§ 29:12, § 29:18**
Diligence, duty to use reasonable, **§ 29:16**
Dishonour upon, **§ 29:17**
Due, requisites of, **§ 29:8**
Excused, when, **§ 29:16**
Failure, consequences of, **§ 29:7**
Fictitious drawee, **§ 24:31**
How to, **§ 29:15**
Irregular, **§ 29:7**
Place, meaning of, **§ 29:6**
Recourse, rights of, **§ 29:19**
When required, **§ 29:5**
When to be done, **§ 29:12**
Whom
by, **§ 29:9**
to, **§ 29:10**

PRESENTMENT FOR PAYMENT
Generally, **§ 29:24 et seq.**
Acceptor, special rules for, **§ 29:36**
Cheque clearing system, use of
See also CLEARING SYSTEM FOR CHEQUES AND OTHER DEBITS; COLLECTION OF CHEQUES
generally, **§ 29:5**
Collecting bank's duty, **§ 10:70**
Conflicts of law, and, **§ 13:186**
Delay, cheques, special rule, **§ 36:57**
Delay in
generally, **§ 29:35**
''legal legerdemain'' and, **§ 10:22**
when excused, **§ 29:35**
Demand promissory note, of, **§ 37:54**
Dispensed with, when, **§ 29:36**
Due, requisites of, **§ 29:29**
Electronic
See ELECTRONIC PRESENTMENT OF OFFICIAL IMAGE

PRESENTMENT FOR PAYMENT —Cont'd
Fictitious drawee, **§ 24:31, § 29:36**
Place
See PLACE OF PAYMENT
Post, by, **§ 29:33**
Promissory note, of
generally, **§ 37:53**
demand, **§ 37:54**
time, **§ 37:56**
Reasonable time, **§ 10:72**
Time of payment
See FINALITY OF PAYMENT
Truncated items, of
See ELECTRONIC PRESENTMENT OF OFFICIAL IMAGE
Useless, when, **§ 29:36**
Waiver of, **§ 10:72, § 29:36**
When required, **§ 29:25**
Where, **§ 29:33**
Whom
by, **§ 29:30**
to, **§ 29:31**

PRIMARY PARTY OF BILL OR NOTE
Acceptor of bill, as, **§ 30:9**
Maker of note, as, **§ 37:76**

PRIME RATE
See INTEREST ON BILL OR NOTE

PRIORITY PAYMENT INSTRUMENTS
Generally, **§ 11:117**
Electronic items, **§ 11:117**
Letters of credit, as, **§ 13:161**
Northland Bank precedent, **§ 11:121**
Remittance instruments, as, **§ 10:47**

PRIVACY (RIGHT TO)
Banks' duty of confidentiality, **§ 9:50**

PRIVACY (RIGHT TO)—Cont'd
CASL, **§ 40:10**
Disclosure and consent requirements, **§ 40:10.70**
Installing computer programs, **§ 40:10.30**
PIPEDA disclosures, **§ 9:27, § 9:66**

PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT
See MONEY LAUNDERING

PROMISSORY NOTES
Application of Act to, **§ 37:81 et seq.**
Authority to sign
See also AUTHORITY TO SIGN BILL, CHEQUE OR NOTE
generally, **§ 25:52 et seq., § 37:38**
Bank notes as, **§ 37:6**
Bearer, payable to, **§ 37:22**
Bearer bonds, as, **§ 37:8**
Bills of exchange, whether, **§ 37:12**
Cancellation by provincial law, validity of, **§ 3:10**
Capacity of parties to
See also CAPACITY OF PARTIES TO BILL, CHEQUE OR NOTE
generally, **§ 25:31 et seq., § 37:37**
Certificate of deposit distinguished, **§ 37:5**
Complete and regular, **§ 37:13**
Consideration
See CONSIDERATION FOR BILL, CHEQUE OR NOTE
Consumer note
See CONSUMER BILL OR NOTE
Continuing or collateral security, as, **§ 37:60**
Debentures, and, **§ 37:9**

PROMISSORY NOTES—Cont'd
Defective, liability of parties to, **§ 24:26**
Defences
See DEFENCES TO LIABILITY ON BILL, CHEQUE OR NOTE
Definition, **§ 37:1 et seq.**
Delivery, requirement of
See DELIVERY OF BILL, CHEQUE OR NOTE
Demand
due, when, **§ 37:54**
payable on, **§ 37:13**
Depository notes
See DEPOSITORY BILLS AND NOTES ACT
Foreign, **§ 37:23**
Formal validity, **§ 37:1 et seq.**
Grid notes, **§ 37:11**
Holder's duties
generally, **§ 37:52 et seq.**
demand notes, **§ 37:54**
endorsed notes, **§ 37:58**
failure to present in time, **§ 37:62**
other, **§ 37:72**
place, **§ 37:63**
time notes, **§ 37:56**
unendorsed notes, **§ 37:57**
Incomplete
See INCOMPLETE BILL, CHEQUE OR NOTE
Inland, **§ 37:23**
Instruments not qualifying, effect of, **§ 24:26**
I.O.U. distinguished, **§ 37:7**
Joint and several liability on, **§ 37:26**
Lien notes
See LIEN NOTES
Maker, more than one, **§ 37:27**
Maker's liability
See MAKER OF NOTE
Merger in security agreement, **§ 37:44 et seq.**

PROMISSORY NOTES—Cont'd
Money, payable in, **§ 37:19**
Order, payment to, **§ 37:20**
Overdue, when, **§ 37:61**
Partnership Act, and, **§ 37:30**
Payee, designation of, **§ 37:20 to § 37:22**
Presentment for payment
method, **§ 37:69**
place, **§ 37:65, § 37:67, § 37:68**
reasonable time, **§ 37:59**
time, **§ 37:53**
Promise to pay, **§ 37:16**
Protest of, **§ 37:71**
Signature, **§ 37:13**
Sum certain, **§ 37:18**
Time of payment
See FINALITY OF PAYMENT
Transactional validity of, **§ 37:24 et seq.**
Unconditional promise
generally, **§ 37:2, § 37:3**
other documents, reference to, **§ 24:10**
Writing, requirement of, **§ 37:13**

PROOF OF PAYMENT
Generally, **§ 1:84**
Cash payments, **§ 1:85**
Cheque payments, **§ 1:86**
Electronic payments, **§ 1:90**
Official image of eligible bill, **§ 1:89**
Other media of payment, **§ 1:91**
Presumption of payment, **§ 1:92**
Receipts, **§ 1:84**
Releases distinguished, **§ 1:84**

PROPERLY PAYABLE ITEM
Definition, **§ 10:5**

PROTEST OF BILL, CHEQUE OR NOTE
Generally, **§ 29:51 et seq.**
Acceptor, as against, **§ 29:53**

PROTEST OF BILL, CHEQUE OR NOTE—Cont'd
Bank officer not to act as notary, **§ 23:68**
Conflicts of law, and, **§ 35:13**
Delay, excuse of, **§ 29:57**
Dispensed with, when, **§ 29:58**
Due, requisites of, **§ 29:56**
Endorser of note, against, **§ 37:71**
Evidence, as, **§ 23:67**
Expenses of, **§ 29:59**
Foreign bill, cheque or note, of, **§ 29:55**
Inland bill, cheque or note, of, **§ 29:54**
Maker of note, as against, **§ 29:53**
Notice of, **§ 29:60**
When required, **§ 29:52**

PROVINCIAL TREASURY BRANCHES
"Bank" for certain purposes, **§ 36:8**
Banking by, **§ 8:24**
Constitutional power to create, **§ 8:23**

PUBLIC HOLIDAY
See NON-BUSINESS DAY/NON-JURIDICAL DAY

RADIO FREQUENCY IDENTIFICATION
Contactless cards and, **§ 13:42**

REACQUIRED AND RELEASED ITEMS
Generally, **§ 27:44 et seq.**

REAL DEFENCES
Generally, **§ 28:13**
Defined, **§ 28:13**
Effect of, **§ 28:14**
Forged or unauthorized signature as, **§ 25:61**
Incapacity, as, **§ 25:49**
Knowledge by holder of, **§ 26:32**

REAL ESTATE CLOSING FUNDS MANAGEMENT SYSTEM
BAR-Ex, **§ 17:45**
Legal analysis, **§ 17:46**
System description, **§ 17:45**

REASONABLE BANKER
Concept of, **§ 9:39**
Tort of ‘‘negligent banking, and, **§ 9:49**

REASONABLE TIME
Incomplete bill or note, to complete, **§ 25:29**
Payment, for, **§ 29:32**
Present bill for acceptance, to, **§ 29:12**
Present cheque for payment, to, **§ 36:59**
Present demand note for payment, to, **§ 37:59**

RECEIVER GENERAL'S WARRANTS
Items acceptable for exchange in ACSS, **§ 11:35**
Law applicable to, **§ 23:59**
Photoshopped (fraudulent), **§ 25:70**

RECKONING OF TIME
Generally, **§ 24:83**
Days of grace
See DAYS OF GRACE
Time of payment
See FINALITY OF PAYMENT

RECOVERY OF MONEY PAID ON FORGERY
Generally, **§ 25:89, § 25:111**
Acceptance, on, **§ 25:114**
Collecting bank vs. prior endorsers, **§ 25:107**
Conversion, action for damages for, **§ 25:91**
Drawee vs. collecting bank, **§ 25:104**
Drawer vs. collecting bank, **§ 25:101**

RECOVERY OF MONEY PAID ON FORGERY—Cont'd
Drawer vs. drawee, **§ 25:98**
Endorsement forged, **§ 25:76**
Maker of note, by, **§ 25:112**
Payee of draft, by, **§ 25:113**
Payee vs. collecting bank, **§ 25:109**
Payee vs. drawee, **§ 25:108**

RE-EXCHANGE (BILL OR NOTE)
Generally, **§ 30:53**

REFEREE IN CASE OF NEED
Generally, **§ 32:2**

REGIONAL EXCHANGE POINTS
Clearing of items in, **§ 11:64**
Diligence in attendance, **§ 11:33**
Organization of, **§ 11:26**
Representation at, **§ 11:28**

REGULATION OF CREDIT CARD AGREEMENTS
Credit Business (Banks) Regulations, **§ 13:12**
Merchant agreements, **§ 13:16**

REGULATION OF PAYMENT SYSTEMS
Canadian legislation, **§ 7:42 et seq.**
Constitutional authority, **§ 7:38 et seq.**
Payment system risk, **§ 7:73**
Policy foundations
domestic, **§ 7:15 et seq.**
international, **§ 7:2 et seq.**
Retail, **§ 7:54 et seq.**
Systemic risk, and, **§ 7:54 et seq.**

REGULATIONS
Access to Basic Banking Services, **§ 9:3, § 9:12, § 10:61**
Access to Funds Regulations, **§ 9:28**
Bank of Canada Notes, **§ 2:9**
Cheque Holding Policy Disclosure (Banks), **§ 9:28**

REGULATIONS—Cont'd
Cost of Borrowing (Banks ampc.), **§ 8:17**
Credit Business Practices (Banks ampc.), **§ 13:12**
Cross-border Currency and Monetary Instruments Reporting, **§ 10:53**
Eligible Financial Contracts (Winding-up and Restructuring Act), **§ 19:79, § 20:2, § 21:9, § 21:30**
Financial Consumer Agency of Canada Designated Violations, **§ 7:135**
Negative Option Billing, **§ 13:17**
Notice of Branch Closure (Banks), **§ 9:168**
Prepaid Payment Products, **§ 14:8**
Proceeds of Crime (Money Laundering) and Terrorist Financing Suspicious Transactions Reporting, **§ 3:25, § 3:107 et seq., § 18:93, § 40:9**
Retail Payment Activities Regulations (proposed), **§ 7:54**
Securities Dealing Restrictions (Banks ampc.), **§ 8:17**
Special Economic Measures (Banks), **§ 3:104**
Terrorist Financing
List of Entities, **§ 3:106**
Suspicious Transaction Reporting, **§ 3:25, § 3:107 et seq.**
United Nations (Iraq ampc.), **§ 3:100**

REINVESTMENT PRINCIPLE
Generally, **§ 24:99**

RELATIVE FAULT
See NORM OF RELATIVE FAULT

REMITTANCE INSTRUMENTS
Generally, **§ 10:44**
Alteration of, **§ 10:48**

REMITTANCE INSTRUMENTS —Cont'd
Bank cheques
See BANK CHEQUES
Cashiers' cheques
See BANK CHEQUES
Conversion of, **§ 25:91**
Countermand of, **§ 10:45**
Defences of issuer, **§ 10:50**
Definition, **§ 10:44**
Dishonour of, **§ 10:47**
Forgery of, **§ 10:49**
Holder's rights, **§ 10:46**
Inter-bank items, as, **§ 10:47**
International services, **§ 10:52**
Lost or stolen, re-issue of, **§ 10:49**
Money laundering by
See also MONEY LAUNDERING
generally, **§ 10:53**
Money orders
See MONEY ORDERS
Negotiability of, **§ 24:16**
Official cheques
See BANK CHEQUES
Stop-payment of, **§ 10:45**

REMOTE PARTIES (BILL, CHEQUE OR NOTE)
Defined, **§ 28:9**
Immediate parties distinguished, **§ 28:9**

RENEWAL OF BILL OR NOTE
Note, **§ 37:41**
Payment by, **§ 1:25**

RENUNCIATION OF LIABILITY ON BILL, CHEQUE OR NOTE
Generally, **§ 31:20 et seq.**
Absolute and unconditional, **§ 31:24**
At or after maturity, **§ 31:23**
Deemed payment, **§ 31:22**
Document, in different, **§ 31:30**

RENUNCIATION OF LIABILITY ON BILL, CHEQUE OR NOTE—Cont'd
Effect on other parties, **§ 31:28**
Release distinguished, **§ 31:21**
When, **§ 31:23**

REPRESENTATIVE SIGNATURE ON BILL, CHEQUE OR NOTE
Generally, **§ 25:118 et seq.**
Agent's liability if unauthorized, **§ 25:127**
Ambiguity, as to role of signer, **§ 25:122**
Corporate cheques, identification of, **§ 25:120**
Intention, materiality of parties', **§ 25:123**
Liability of whom, **§ 25:119**
Non-existent principal, for, **§ 25:126**
Parol evidence of intention, admissibility of, **§ 25:121**
Partnership signatures, **§ 25:128**
Summary of current law, **§ 25:124**
Unformed corporations, for, **§ 25:125**

RESTITUTION OF MONEY
Bona fide purchase
generally, **§ 3:51**
equitable tracing, and, **§ 3:78**
Change of position, **§ 3:54**
Collecting bank's action v. endorsers, **§ 25:107**
Common law tracing
See TRACING MONEY COMMON LAW
Conventional theory, **§ 10:33**
Defences to claim of
bona fide purchase, **§ 3:74**
change of position, **§ 3:74**
juristic reason, absence of
See TRACING MONEY EQUITABLE

RESTITUTION OF MONEY —Cont'd
Defences to claim of—Cont'd
no "just debt" owed, **§ 10:32**
Drawee bank, for, **§ 10:32**
Drawee's action vs. collecting bank, **§ 25:104**
Drawer's action for
collecting bank, **§ 25:101**
drawee bank, **§ 25:98**
Electronic funds transfer proceeds, **§ 10:126**
Equitable property right, actual, **§ 3:66**
Equitable tracing
See TRACING MONEY EQUITABLE
Holder in due course, and, **§ 3:51**
Identification of, **§ 3:49**
Juristic reason for retention
limitation of action, **§ 3:55, § 3:74**
Limitation of common law action, **§ 3:55**
Paid on forged signature on bill or note, **§ 25:89**
Payee's action vs.
collecting bank, **§ 25:109**
drawee, **§ 25:108**
Tracing
See TRACING MONEY

RESTRICTIVE ENDORSEMENT
Bill, cheque or note, on, **§ 27:16**
Legal effect of, **§ 27:16**
Section 165(3) BEA and, **§ 27:17**

RETAIL PAYMENT ACTIVITIES ACT
Administration of, **§ 7:54.100**
Enforcement of, **§ 7:54.100**
Exemptions from, **§ 7:54.40**
Requirements under, **§ 7:54.60**
Scope of application, **§ 7:54.20**
Supervisory authority, **§ 7:54.80**

RETURNED ITEMS
Cheques
generally, **§ 10:28**
late return
See LATE RETURN OF CHEQUE
Time limits
See TIME LIMITS FOR RETURNS ELECTRONIC ITEMS; TIME LIMITS FOR RETURNS PAPER ITEMS
Unreturnable electronic items
See TIME LIMITS FOR RETURNS ELECTRONIC ITEMS

RETURN REPLACEMENT DOCUMENT
Standards for, **§ 36:28**

RETURN REPLACEMENT DOCUMENTS
Generally, **§ 11:52**
Transitional note, **§ 11:41**

RIGHTS AND DUTIES OF HOLDER OF BILL, CHEQUE OR NOTE
Generally, **§ 28:2 et seq.**
Action in own name, **§ 28:3**
Complete, to
See INCOMPLETE BILL, CHEQUE OR NOTE
Negotiate, to
See NEGOTIATION OF BILL, CHEQUE OR NOTE

RISK ANALYSIS PAYMENT ITEM OR INSTRUCTION
Generally, **§ 7:23**

RISK ANALYSIS PAYMENT SYSTEMS
Generally, **§ 7:23**
Systemic risk
See SYSTEMIC RISK

RISK MANAGEMENT
ACSS, in, **§ 11:122**
CDCC, in, **§ 20:27**
CDS, in, **§ 19:58**
CLS, in, **§ 21:20**

ROUNDING
Generally, **§ 2:25**

SATURDAY
See NON-BUSINESS DAY/NON-JURIDICAL DAY

SECONDARY PARTY TO BILL OR NOTE
Drawer of bill, as, **§ 30:14**
Endorser of bill or note, as, **§ 30:16**
Liability of, preserving
See DUTIES OF HOLDER OF BILL, CHEQUE OR NOTE AT MATURITY
Limitation period, commencement of, **§ 30:66**

SECURED OVERNIGHT FINANCING RATE
Generally, **§ 24:93**

SECURITIES AND DERIVATIVES CLEARING HOUSES
Designation of, **§ 7:90**
Payment Clearing and Settlement Act, and, **§ 7:60, § 7:73**
Payments system risk, and, **§ 7:90**
Protection of, **§ 7:93**
Statutory protections of rights, **§ 7:92**
Systemic risk, and, **§ 7:90**

SECURITIES TRANSFER ACT
Brief history of, **§ 29:3**
Change of legal character of deposited financial assets, **§ 19:55**
Negotiability of securities and, **§ 22:6**
Relationship with DBNA, **§ 39:5**

SECURITIES TRANSFER ACT —Cont'd
Situs of securities in CDSX, under, **§ 19:54**
Transfer of security entitlement, **§ 19:57**

SECURITY OF ACCOUNT
Commercially reasonable level of, **§ 9:102**
Electronic access agreements, **§ 9:100**

SET-OFF
Banks' consolidation of accounts, and, **§ 9:1 et seq., § 9:152, § 9:154**
Banks' Iraqi funds, and, **§ 3:103**
Basel Accord, and, **§ 7:6**
BEA, in, includes action, **§ 23:4**
CDSX, in, **§ 19:32, § 19:73**
Clearing and, **§ 11:10, § 11:65**
Conflicts of laws, in, **§ 35:23**
Consumer bill or note, and, **§ 38:16, § 38:17**
Contractual, **§ 1:14**
Credit card debt and bank balance, **§ 13:72**
Defence to liability on bill or note, as, **§ 28:27, § 28:38 et seq.**
Effect of, **§ 1:15**
Equitable, **§ 1:13**
In acceptance of bill, text preserving, **§ 24:125**
Legal (statutory), **§ 1:12**
Letter of credit issuer, and, **§ 13:152**
Loss of right, **§ 1:16**
PAD, and, **§ 17:25**
Patent-right bill or note, and, **§ 23:44**
Payment, as, **§ 1:11**
Personal defence to bill distinguished, **§ 28:16**
Pre-authorized payment, and, **§ 17:25**
Priority, as source of, **§ 21:8**

SET-OFF—Cont'd
Procedural, **§ 1:12**
Summary judgment on bills, and, **§ 28:39**
Types of, **§ 1:11**

SETS OF BILLS
See BILLS IN SETS

SETTLEMENT SYSTEM
See CLEARING SYSTEM FOR CHEQUES AND OTHER DEBITS

SHELTERED HOLDER OF BILL, CHEQUE OR NOTE
Generally, **§ 26:41**
New transferee as, **§ 26:42**
Reacquiring party as, **§ 26:43, § 28:37**

SIGHT BILL
Meaning of, **§ 24:71**
Time of acceptance of, **§ 24:124**

SIGNATURE BY PROCURATION
Definition, **§ 25:115**
Effect of, **§ 25:117**
What signatures within BEA, **§ 25:116**

SIGNATURE ON BILL OR NOTE
Anomalous endorsement
See ANOMALOUS ENDORSEMENT OF BILL, CHEQUE OR NOTE
Assumed name, **§ 25:135**
Authority to sign
See AUTHORITY TO SIGN BILL, CHEQUE OR NOTE
Corporate seal, as
See CORPORATE SEAL
Expanded meaning of, **§ 23:48**
Meaning of, **§ 23:48**
Medium of, **§ 23:49**
Non est factum, and, **§ 28:31**
Partnership, **§ 25:128**
Placement of, **§ 23:52**

SIGNATURE ON BILL OR NOTE —Cont'd
Procuration, by
See SIGNATURE BY PROCURATION
Representative
See REPRESENTATIVE SIGNATURE ON BILL, CHEQUE OR NOTE
Trade name, **§ 25:135**
Unsigned form, whether legal cheque, **§ 24:17**

SINGLE-INSTANCE DEBITS AND CREDITS
Classification of systems, **§ 18:4**
Credit card payments, **§ 13:30 et seq.**
Policy statements, **§ 18:8**
POS payments, **§ 15:56 et seq.**
Principles and guidelines, **§ 18:8**
Technical standards, **§ 18:16**

SMART CARDS
See DEBIT CARDS

SPECIAL ECONOMIC MEASURES ACT
Generally, **§ 3:104**
Removal of restrictions, **§ 3:105**

STABLECOINS
See FIAT-COLLATERALIZED DIGITAL TOKENS
Algorithmic referenced stablecoin, **§ 40:41**
Anti-money laundering (AML) and financial crime, **§ 40:39**
Bank and non-bank fiat backed stablecoins issuers, **§ 40:36**
Central bank digital currency and stablecoins, **§ 40:32**
Commodity referenced stablecoins, **§ 40:40**
Financial risk management, **§ 40:38**
Introduction, **§ 40:34**

STABLECOINS—Cont'd
Mechanism for holding reserves, **§ 40:37**
Specific regulatory context, **§ 40:35**

STAND-BY CREDITS
Compliance with terms, strict (conventional law), **§ 13:121**
Confirmation of, **§ 13:145**
Conflicts of laws, and, **§ 13:186**
Customs affecting, **§ 13:99**
Documentary credit distinguished, **§ 13:100**
Documents, dealing in conventional law, **§ 13:119**
Excessive demand, **§ 13:153**
Expiration, **§ 13:149**
Forgery of material document, **§ 13:177**
Fraud, and (conventional law)
generally, **§ 13:161**
Canadian case law, **§ 13:163**
indaquacy of ISP98, **§ 13:162**
misapplication of UCP 500/600, **§ 13:162**
UCP500 misapplication of, **§ 13:162**
UNCITRAL Convention on, **§ 13:163**
underlying transaction, relevance of, **§ 13:162**
Fraud, and (UIGLC Act)
generally, **§ 13:168**
interpretation, **§ 13:169**
statutory test, **§ 13:168**
Illegality of underlying transaction, **§ 13:176**
Independence, principle of, **§ 13:117**
Independence, principle of (conventional law), **§ 13:114**
Insolvency of parties
applicant, **§ 13:184**
beneficiary, **§ 13:185**
issuer, **§ 13:183**

STAND-BY CREDITS—Cont'd
International Stand-by Practices
See ISP98, infra
Interpretation of terms, **§ 13:143**
Irrevocability of, **§ 13:144**
ISP98
generally, **§ 13:105**
inadequacy of, **§ 13:162**
Issuing bank's insolvency, **§ 13:183**
Legal foundations of
common law cases, **§ 13:96**
international texts, **§ 13:99**
UNCITRAL Convention, and, **§ 13:107**
Mistake, **§ 13:178**
Partial drawings, **§ 13:147**
Payment
enjoining, **§ 13:155, § 13:156**
obtaining, **§ 13:151**
set-off by issuer, **§ 13:152**
Place for presentment, **§ 13:148**
Reimbursement of issuer, **§ 13:180, § 13:181**
Revocability, **§ 13:144**
Set-off by issuer, **§ 13:152**
Strict compliance, **§ 13:121, § 13:124**
Termination, **§ 13:149**
Transferability of, **§ 13:146**
UCP 500/600
generally, **§ 13:100**
misapplication of, **§ 13:162**
UNCITRAL Convention, **§ 13:107**
Uniform Independent Guaranties and Letters of Credit Act
generally, **§ 13:107**
Uniform Rules for Demand Guarantees, **§ 13:105**
URDG
See Uniform Rules for Demand Guarantees, infra

STATEMENT OF ACCOUNT
See also DEPOSIT (BANK)
Customer's duty, **§ 9:43**

STATEMENT OF ACCOUNT —Cont'd
Verification agreement
See ACCOUNT VERIFICATION AGREEMENT

STATISTICS
ACSS usage, **§ 1:2**
Derivatives trading, **§ 20:4**
LVTS usage, **§ 1:3**
Payments systems of Canada, **§ 1:1 et seq.**
USBES usage, **§ 1:4**

STOP-PAYMENT OF CHEQUE
See COUNTERMAND OF CHEQUE

SUM CERTAINTY
Generally, **§ 24:89 et seq.**
Exchange, indicated rate of, **§ 24:102**
Formal requirements, **§ 24:19**
Instalments
See INSTALMENT PAYMENTS
Interest
See INTEREST ON BILL OR NOTE
Promissory notes, in, **§ 37:18**
Statutory aids, **§ 24:90**
Words and figures different, **§ 24:104**

SUM LIMIT (25 MILLION DOLLARS)
Cheque for ACSS exchange, **§ 36:21**

SUMMARY JUDGMENT ON BILL, CHEQUE OR NOTE
Generally, **§ 28:39**
Cash-like quality, **§ 28:42**
Federal law, and, **§ 28:41, § 28:43**
Introduction, **§ 28:39, § 28:40**
Provincial law,
Ontario, **§ 28:43**
other provinces, **§ 28:40, § 28:45**

SUMMARY JUDGMENT ON BILL, CHEQUE OR NOTE —Cont'd
Reducing the cost and delay, **§ 28:47**

SUNDAY
See NON-BUSINESS DAY/NON-JURIDICAL DAY

SWAPCLEAR
Clearing and settlement in, **§ 20:38**
Corporate status, **§ 20:36**
Designation under PCSA, **§ 20:37**

SWIFT
See also CREDIT TRANSFERS
Generally, **§ 18:16**
Legal effect of messages, **§ 18:19**
LVTS message formats, **§ 12:14, § 18:19**
LVTS messages by, **§ 12:14**
Member-administered closed user groups, **§ 18:19**
Modernization project, **§ 18:3**

SYSTEMIC RISK
Bank of Canada oversight of, **§ 7:65, § 7:99**
Definition of, **§ 7:58**
Designation of systems to avert, **§ 7:74, § 7:79, § 7:87**
challenge of, **§ 7:85**
consequences of, **§ 7:82**
criteria, **§ 7:79**
foreign systems, and, **§ 7:87**
Legislative history, **§ 7:55**
Payment Clearing and Settlement Act, and, **§ 7:57**
Rationale for control of, **§ 7:56**

TASK FORCE FOR PAYMENTS SYSTEM REVIEW
Generally, **§ 7:30**
Analysis and commentary, **§ 7:37**
Government response, **§ 7:32**
Implementation proposals, **§ 7:36**

TASK FORCE FOR PAYMENTS SYSTEM REVIEW—Cont'd
Major findings, **§ 7:34**
Mandate, **§ 7:30**
NFC Reference Model, **§ 7:33**
Policy recommendations, **§ 7:35**
Reports, **§ 7:31**

TAX SHELTER NOTES
Deemed payment, **§ 1:51**

TECHNICAL STANDARDS
Single-instance payments, for, **§ 18:16**

TELPAY
See BILL PAYMENT SERVICES

TERRORIST FINANCING
Generally, **§ 3:106**
See also ECONOMIC SANCTIONS
FINTRAC reports of, **§ 3:107 et seq.**

TIME CERTAINTY
Acceleration, **§ 24:80**
Alternative times expressed, **§ 24:74, § 24:78**
Antedated items, **§ 24:85**
Cheque
See FINALITY OF PAYMENT
Days of grace
See DAYS OF GRACE
Delayed demand, **§ 24:72, § 37:55**
Demand, when payable on, **§ 24:70, § 24:71**
Demand after future date, **§ 24:72**
Formal requirements generally, **§ 24:76**
Inconsistent alternatives, **§ 24:74**
Limitation period, commencement of, **§ 30:62 et seq.**
No time expressed, when, **§ 24:73**
On or before date, **§ 24:79**
Post-dated items, **§ 24:86**
Precise hour, reference to, **§ 24:77**

TIME CERTAINTY—Cont'd
Reckoning, method of, **§ 23:58, § 24:83**
Sight, meaning in Canadian law, **§ 24:71**
Time of day, **§ 24:77**
Uncertain future time, **§ 24:76**
Undated items, **§ 24:84**

TIME LIMITS FOR RETURNS — ELECTRONIC ITEMS
Generally, **§ 11:42**

TIME LIMITS FOR RETURNS — PAPER ITEMS
Generally, **§ 11:42**

TIME OF PAYMENT OF CHEQUE
See FINALITY OF PAYMENT

TOKENENIZATION OF PAYMENT ORDERS
Generally, **§ 16:37**

TOKENS OF VALUE
Money, as, **§ 4:4**

TRACING MONEY
Generally, **§ 3:46**
Common law, at
See TRACING MONEY — COMMON LAW
Equity, in
See TRACING MONEY — EQUITABLE
Statutory
See TRACING MONEY — STATUTORY

TRACING MONEY — COMMON LAW
Generally, **§ 3:48 et seq., § 10:126**
Ad hoc fiduciary relationships, and, **§ 3:59**
Advantages of, **§ 3:57**
Confusion of concepts, **§ 3:60**
Defences, **§ 3:50**
Fiduciary relationship, whether required, **§ 3:58**

TRACING MONEY — COMMON LAW—Cont'd
Proceeds of crime or fraud, **§ 3:58**
Summary, **§ 3:61**

TRACING MONEY — EQUITABLE
Common law tracing merged with, **§ 10:126**
Defences, **§ 3:74**
juristic reason, absence of, **§ 10:37**
Pre-requisites of
generally, **§ 3:63**
equitable property right
Generally, **§ 3:66**
fiduciary relationship
invented ad hoc, **§ 3:65**
pre-existing, **§ 3:64**
trust, **§ 3:64**

TRACING MONEY — STATUTORY
Generally, **§ 3:80 et seq.**
Creditors and purchasers, **§ 3:7**
Debtor-initiated
EFTs, **§ 3:8**
other forms of transfer, **§ 3:9**
Deemed trust funds, **§ 3:88**
Employee deductions, **§ 3:88**
Holder of money, **§ 3:6**
Income Tax Act, **§ 3:87**
Personal Property Security Acts
generally, **§ 3:81**
common law or equitable rules
application of, **§ 3:83**
defences, of, **§ 3:85**
modification of, **§ 3:84**
"identifiable or traceable," meaning of, **§ 3:82**

TRADING STAMPS
Money, as, **§ 4:5**

TRANSACTIONAL VALIDITY OF BILL, CHEQUE OR NOTE
Authority to sign
See AUTHORITY TO SIGN BILL, CHEQUE OR NOTE

TRANSACTIONAL VALIDITY OF BILL, CHEQUE OR NOTE —Cont'd
Capacity to contract
See CAPACITY OF PARTIES TO BILL, CHEQUE OR NOTE
Contract defences, availability of
See also DEFENCES TO LIABILITY ON BILL, CHEQUE OR NOTE
generally, **§ 28:27**
Delivery
See DELIVERY OF BILL, CHEQUE OR NOTE
Promissory notes, of, **§ 37:24 et seq.**
Valuable consideration
See also CONSIDERATION FOR BILL, CHEQUE OR NOTE
generally, **§ 25:136 et seq.**

TRANSFER OF BILL, CHEQUE OR NOTE AFTER DISHONOUR
Generally, **§ 27:43**

TRANSFER OF BILL, CHEQUE OR NOTE AFTER MATURITY/DISHONOUR
Generally, **§ 27:37 et seq.**
Dishonoured items, **§ 27:43**
Overdue, when bill or note, **§ 27:38**
Post-maturity, **§ 27:38**

TRANSFER OF BILL, CHEQUE OR NOTE BY DELIVERY OR ASSIGNMENT
Instrument payable to bearer
generally, **§ 27:27**
warranies of transferor, **§ 27:28**
Instrument payable to order
generally, **§ 27:24**
legal effect, **§ 27:25**
liability of transferor, **§ 27:25**
rights of assignee, **§ 27:26**

TRANSFER OF BILL, CHEQUE OR NOTE BY DELIVERY OR ASSIGNMENT—Cont'd
Instrument payable to order —Cont'd
with endorsement
See ENDORSEMENT OF BILL, CHEQUE OR NOTE
without endorsement
See TRANSFER WITHOUT ENDORSEMENT
Liability of transferor, **§ 30:42**
Meaning of, **§ 23:17**

TRANSFER OF BILL, CHEQUE OR NOTE BY OTHER MEANS
Generally, **§ 27:34**
Investment security, as, **§ 27:35**
Securities Transfer Act transfer, **§ 27:36**

TRANSFER OF BILL OR NOTE BY ENDORSEMENT
See NEGOTIATION OF BILL, CHEQUE OR NOTE

TRANSFERRED FIDUCIARY OBLIGATION
Generally, **§ 9:135**
Deposit, with respect to
See TRUST OF DEPOSIT
Knowledge by the bank, **§ 9:141**
Summary of law, **§ 9:136**
Supreme Court decisions, **§ 9:137**
Trustee de son tort, **§ 9:140**

TRANSFER WITHOUT ENDORSEMENT
Generally, **§ 27:24 et seq.**
Assignment, **§ 27:24**
Instruments payable to bearer, **§ 27:27**

TRUST ACCOUNT
See TRUST OF DEPOSIT

TRUST AND LOAN COMPANY
"Bank" for certain purposes, **§ 36:8**
Banking by, **§ 8:24**

TRUST OF DEPOSIT
Bank Act provisions, **§ 9:74**
Bank agreement to act as trustee, **§ 9:33**
Express agreement by bank, **§ 9:74**
Quistclose trust, **§ 3:45**
Segregated funds, **§ 3:45**

UCP500; UCP600
See UNIFORM CUSTOMS AND PRACTICES FOR DOCUMENTARY CREDITS

UIGLC ACT
See UNIFORM INDEPENDENT GUARANTIES AND LETTERS OF CREDIT ACT

UNAUTHORIZED CREDIT TRANSFERS
Generally, **§ 10A:1**
Bank, agency of, **§ 10A:2**
Claims against own bank by corporate customer, **§ 10A:11**
Claims against payee
mistaken transfer by corporate employee, **§ 10A:10**
Fraudulently induced payment
employee deceived by predator, **§ 10A:7**
employee fraud - enterprise liability, **§ 10A:6**
payer corporation executive fraud, **§ 10A:8**
Quebec - fair allocation of losses, **§ 10A:9**
Intention of payer, subjective, **§ 10A:3**
Mistaken payments
payer employee's mistake, **§ 10A:5**
payer's personal mistake, **§ 10A:5**

UNAUTHORIZED CREDIT TRANSFERS—Cont'd
Patterns of mistaken and fraudulent transfers, generally, **§ 10A:4**

UNAUTHORIZED PAYMENT ORDERS
Philipp v. Barclay's Bank plc., **§ 3:19 pro tem.**

UNAUTHORIZED SIGNATURE
Generally, **§ 25:61**
Computer generated document, and, **§ 25:63**
Forged signature
See FORGED SIGNATURE
Photoshopped items, **§ 25:70**
Preclusion to deny, **§ 25:77**
Ratification of, **§ 25:88**

UNCITRAL
Convention on Stand-By Credits, **§ 13:107, § 13:163**
International texts, **§ 18:101**

UNDUE INFLUENCE
Defence to liability on bill or note, **§ 28:20**

UNIFORM CUSTOMS AND PRACTICES FOR DOCUMENTARY CREDITS
Generally, **§ 13:100**

UNIFORM INDEPENDENT GUARANTIES AND LETTERS OF CREDIT ACT
Conflicts of laws rules, **§ 13:187**
Defences to honour, **§ 13:151**
Fraud, and, **§ 13:168**
Good faith, duty of, **§ 13:142**
Interpretation of undertakings, **§ 13:143**
Preventing payment under, **§ 13:156**
Reimbursement of issuer, **§ 13:181**
Strict compliance, **§ 13:127**

UNIFORM RULES FOR COLLECTIONS
Generally, **§ 10:112**

UNIFORM SECURITIES TRANSFER ACT
See SECURITIES TRANSFER ACT

UNITED NATIONS ACT
Economic sanctions, and, **§ 3:100**
Freezing bank accounts, and, **§ 9:119**

USBES
See US DOLLAR BULK EXCHANGE SYSTEM

US DOLLAR BULK EXCHANGE SYSTEM
Generally, **§ 11:85 et seq.**
ACSS, not part of, **§ 11:85**
Clearing and settlement in, **§ 11:106**
Default by member in, **§ 11:107**
Exchange of items
generally, **§ 11:101**
electronic items, **§ 11:105**
national electronic bulk exchange, **§ 11:93**
paper items, **§ 11:101**
points of exchange, **§ 11:93**
Items acceptable for exchange
generally, **§ 11:35, § 11:98**
electronic items, **§ 11:100**
paper items, **§ 11:99**
Legal foundations of, **§ 11:94**
Legal relations of participants and public
See also LEGAL RELATIONS OF ACSS PARTICIPANTS AND PUBLIC
generally, **§ 11:110 et seq.**
Organization, **§ 11:93**
Participation
generally, **§ 11:95**
direct clearers, **§ 11:96**
indirect clearers, **§ 11:97**

US DOLLAR BULK EXCHANGE SYSTEM—Cont'd
Point-of-entry offices, **§ 11:93**
Scope of application, **§ 11:89**
Terminology, **§ 11:88**
Volume and value of exchanges, **§ 1:4**

US DOLLARS
Legal proceedings claiming sum denominated in, **§ 2:21**
National domestic clearing of payments in
See US DOLLAR BULK EXCHANGE SYSTEM

USURIOUS CONSIDERATION
Effect of s. 58 BEA, **§ 26:63**
History of section, **§ 26:64**
Meaning of usury, **§ 26:65**
Repeal of s. 58, **§ 26:67**

VALUABLE CONSIDERATION
See CONSIDERATION FOR BILL, CHEQUE OR NOTE

VALUE
Bank credit as, **§ 26:9**
Consideration compared, **§ 26:11**
Defined, **§ 26:7**
Holder for
See HOLDER FOR VALUE
Presumption of, **§ 26:45**
Recital in bill, cheque or note, **§ 24:106**

VERIFICATION AGREEMENT
See ACCOUNT VERIFICATION AGREEMENT

VERIFICATION CLAUSE
Credit card agreement, and, **§ 9:108**
Electronic funds transfers, and, **§ 10:56**

VIRTUAL CURRENCY
Anti-Money Laundering, **§ 40:9**
As a security, **§ 40:14.50**
Bitcoins, **§ 4:27, § 40:6**

VIRTUAL CURRENCY—Cont'd
Coins, **§ 40:13**
Cryptoassets
Definition, **§ 40:7**
Exposures, **§ 40:7**
Groups, **§ 40:7**
Crypto contracts, **§ 40:17, § 40:18**
Currency conversion, **§ 40:15**
Custody, **§ 40:3.70**
Cybersecurity, **§ 40:11.50**
Dash, **§ 4:31**
Decentralized finance, **§ 40:3.50**
Definition, **§ 2:44, § 4:33, § 40:7**
Digital wallet, **§ 40:22**
custodians, **§ 40:22**
definition, **§ 40:7**
keys, **§ 40:7, § 40:22**
Ether, **§ 4:30**
Exchanges, **§ 40:17, § 40:18**
Financial services, **§ 40:7**
Glossary of terms, **§ 40:31**
Initial coin offering, **§ 40:17**
Insurance, **§ 40:23**
International payment system, **§ 40:30**
Introduction, **§ 4:26**
Investment funds, **§ 40:17**
Liability
Directors, **§ 40:25.70**
Insider trading, **§ 40:25.70**
Insolvency, **§ 40:25.70**
Litecoin, **§ 4:31**

VIRTUAL CURRENCY—Cont'd
Payment by, **§ 1:8.60, § 4:32, § 40:8, § 40:16**
Proposed regulation of, **§ 4:33, § 40:3.30, § 40:4.30, § 40:4.70, § 40:7, § 40:8.30, § 40.8.70, § 40:16**
Ripple (XRP), **§ 4:30, § 40:6, § 40:8**
Risks, **§ 40:7, § 40:20**
Senate Digital Currency (Bitcoin) Report 2015, **§ 4:35**
Taxation, **§ 40:25**
Tokens
conversion, **§ 40:15**
definition, **§ 40:14**
payment transfer, **§ 40:26**
regulation, **§ 40:21**
risks, **§ 40:20**
Verifying transactions, **§ 40:3.50**
Uses, **§ 40:3.50**

VISA DEBIT
Generally, **§ 15:2**
International debit card service, **§ 15:87**

ZERO LIABILITY POLICIES
Interac Online, **§ 18:46**

ZOOMPASS
Legal relations, **§ 16:31**
Regulation of, **§ 16:30**
System description, **§ 16:29**