1st session, 31st Legislature, 28 Elizabeth II
1979

HOUSE OF COMMONS OF CANADA

BILL C-462

CHAMBRE DES COMMUNES DU CANADA

BILL C-462

EXPLANATORY NOTE

The purpose of this Bill is to provide indebted persons with both the opportunity and the incentive to make good on bad cheques.

Where a cheque has been returned marked "not sufficient funds" or "account closed", the bank, to allow the person who wrote the cheque to avoid criminal liability by paying it off,

In the event the debt was not paid off within that period, it would become futile to prosecution in the ordinary way.

Subsection 320(4) at present reads as follows:

"(4) Where on the trial of a person charged with [illegible] that anything was obtained by the accused by means of a cheque that, when presented for payment within a reasonable time, was dishonoured on the ground that no funds or sufficient funds were on deposit to the credit of the accused

Institution on which the cheque was drawn, shall be proof that the cheque was obtained by the accused by means of a false pretense unless the accused proves that he believed on reasonable grounds that the cheque would be honoured if presented for payment within a reasonable time after it was issued."

Clause 1 of the Bill repeals subsection 320(4) and substitutes the following therefor:

"(4) Where on the trial of a person charged with [illegible] that anything was obtained by the accused by means of a cheque that, when presented for payment within a reasonable time, was dishonoured on the ground that no funds or sufficient funds were on deposit to the credit of the accused with the bank or other institution on which the cheque was drawn, shall be proof that the cheque was obtained by the accused by means of a false pretense unless the accused proves that he believed on reasonable grounds that the cheque would be honoured if presented for payment within a reasonable time after it was issued, or

a) si la preuve établit, à la satisfaction de la cour, que lorsque le prévenu a émis le chèque il avait des motifs raisonnables de croire que ce chèque serait honoré lors de la présentation au paiement dans un délai raisonnable après son émission, ou

b) si l'accusé verse le montant du chèque refusé au bénéficiaire de ce dernier dans les quinze jours de la date où la banque ou autre institution sur laquelle le chèque a été tiré a notifié le refus à l'accusé par lettre affranchie.»

Published under authority of the Speaker of the House of Commons
by the Queen's Printer for Canada

Available from the Canadian Government Publishing Centre, Supply and Services Canada, Hull, Québec, Canada K1A 0S9

Publié en conformité de l'autorité de l'Orateur de la Chambre des communes par l'Imprimeur de la Reine pour le Canada

En vente: Centre d'édition du gouvernement du Canada, Approvisionnements et Services Canada, Hull, Québec, Canada K1A 0S9