

Bank Act, SC 1991, c 46

Current version: in force since Jun 29, 2012

Link to the [latest version](http://canlii.ca/t/7vqm) : <http://canlii.ca/t/7vqm>

Stable link to [this version](http://canlii.ca/t/51w30) : <http://canlii.ca/t/51w30>

Citation to this version: Bank Act, SC 1991, c 46, <<http://canlii.ca/t/51w30>> retrieved on 2012-09-12

Currency: Last updated from the [Justice Laws Web Site](#) on 2012-08-31

Share:   

Bank Act

S.C. 1991, c. 46

Assented to 1991-12-13

An Act respecting banks and banking

Preamble

Whereas a strong and efficient banking sector is essential to economic growth and prosperity;

Whereas a legislative framework that enables banks to compete effectively and be resilient in a rapidly evolving marketplace, taking into account the rights and interests of depositors and other consumers of banking services, contributes to stability and public confidence in the financial system and is important to the strength and security of the national economy;

And whereas it is desirable and is in the national interest to provide for clear, comprehensive, exclusive, national standards applicable to banking products and banking services offered by banks;

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

2012, c. 19, s. 525.

SHORT TITLE

Short title

1. This Act may be cited as the *Bank Act*.

PART I

INTERPRETATION AND APPLICATION

DEFINITIONS

Definitions

2. In this Act,

"affairs"
« *affaires internes* »

"affairs", with respect to a bank, an authorized foreign bank or a bank holding company, means the relationships among the bank, authorized foreign bank or bank holding company and its affiliates and the shareholders, directors and officers of the bank, authorized foreign bank or bank holding company and its affiliates, but does not include the business of the bank, authorized foreign bank or bank holding company or any of its affiliates;

"affiliate"
« *groupe* »

"affiliate" means an entity that is affiliated with another entity within the meaning of section 6;

"Agency"
« *Agence* »

Warehouse receipts and bills of lading

435. (1) A bank may acquire and hold any warehouse receipt or bill of lading as security for the payment of any debt incurred in its favour, or as security for any liability incurred by it for any person, in the course of its banking business.

Effect of taking

(2) Any warehouse receipt or bill of lading acquired by a bank under subsection (1) vests in the bank, from the date of the acquisition thereof,

(a) all the right and title to the warehouse receipt or bill of lading and to the goods, wares and merchandise covered thereby of the previous holder or owner thereof; and

(b) all the right and title to the goods, wares and merchandise mentioned therein of the person from whom the goods, wares and merchandise were received or acquired by the bank, if the warehouse receipt or bill of lading is made directly in favour of the bank, instead of to the previous holder or owner of the goods, wares and merchandise.

When previous holder is agent

436. (1) Where the previous holder of a warehouse receipt or bill of lading referred to in section 435 is a person

(a) entrusted with the possession of the goods, wares and merchandise mentioned therein, by or by the authority of the owner thereof,

(b) to whom the goods, wares and merchandise are, by or by the authority of the owner thereof, consigned, or

(c) who, by or by the authority of the owner of the goods, wares and merchandise, is possessed of any bill of lading, receipt, order or other document covering the same, such as is used in the course of business as proof of the possession or control of goods, wares and merchandise, or as authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such a document to transfer or receive the goods, wares and merchandise thereby represented,

a bank is, on the acquisition of that warehouse receipt or bill of lading, vested with all the right and title of the owner of the goods, wares and merchandise, subject to the right of the owner to have the same re-transferred to the owner if the debt or liability, as security for which the warehouse receipt or bill of lading is held by the bank, is paid.

Possessor

(2) For the purposes of this section, a person shall be deemed to be the possessor of goods, wares and merchandise, or a bill of lading, receipt, order or other document,

(a) who is in actual possession thereof; or

(b) for whom, or subject to whose control the goods, wares and merchandise are, or bill of lading, receipt, order or other document is, held by any other person.