

**STATUTORY RULES AND ORDERS**

No.[ ]

**PAYMENT SYSTEM (EASTERN CARIBBEAN CLEARINGHOUSE AMENDMENT)  
RULES 2019**

IN EXERCISE of the power conferred under section 33 of the Payment System Act, No. [ ] of the laws of [ ], the Eastern Caribbean Central Bank makes the following Rules.

*[ Gazetted .....]*

**1. SHORT TITLE AND COMMENCEMENT.**

(1) These Rules may be cited as the Payment System (Eastern Caribbean Automated Clearing House) (Amendment) Rules, 2019.

(2) These Rules shall come into effect on the 1<sup>st</sup> day of February 2019.

**2. INTERPRETATION.**

In these Rules, "principal Rules" means the Payment System (Eastern Caribbean Automated Clearing House) Rules, 2014.

**3. AMENDMENT OF RULE 3 – DEFINITIONS.**

Rule 3 of the principal Rules is amended by inserting the following definitions in alphabetical order:

"clearing cut-offtime" means the latest time, stipulated in the Operating Procedures Manual, by which the ECACH will accept a file for settlement;

"Operating Procedures Manual" means the document which sets out the process and procedures for the operation of the ECACH; and

"VIP item" means a cheque of the high value as stipulated in the Operating Procedures Manual".

**4. AMENDMENT OF RULE 27 – ENTRANCE AND EXIT FEES.**

Rule 27 of the principal Rules is amended by

- (a) deleting "participate" and substituting "participant"; and
- (b) deleting paragraph (b) and substituting the following paragraph:

"(b) shall pay the exit fee set out in the Operating Procedures Manual".

**5. AMENDMENT OF RULE 43- DELIVERY OF ITEMS TO RECEIVING PARTICIPANTS.**

Rule 43(3)(a) of the principal Rules is amended by deleting "advice" and substituting "advise".<sup>2</sup>

**6. AMENDMENT OF RULE 69 – RETURN OF ITEMS AND FUNDS.**

Rule 69 of the principal Rules is deleted and the following rule is substituted:

**RETURN OF ITEMS.**

- 69. (1) A system participant may return a debit or credit item, except a VIP item, to the ECACH by the clearing cut-off time for the last session on the business day following settlement.
- (2) A system participant is accountable for the amount of a debit or credit item received if the item is not returned to the originating participant by the clearing cut-off time."

**7. AMENDMENT OF RULE 74-FINALITY.**

Rule 74 of the principal Rules is amended by deleting sub-rule (2) and substituting the following sub-rule:

"(2) A valid payment instruction accepted by the ECACH and transmitted to the receiving participant is deemed final when the clearing cut-off time for the last session on the business day following the settlement of the instruction has passed."

**8. AMENDMENT OF RULE 79- FEES AND PENALTIES.**

Rule 79 of the principal Rules is deleted and the following rule is substituted:

"FEES AND PENALTIES.

79. (I) The ECACH

(a) may set fees including entrance, exit, annual membership and other fees for transactions and services rendered to system participants by the ECACH-I;

(b) may periodically review the fees; and

(c) shall publish the fees in the Operating Procedures Manual.

(2) The ECACH shall notify a system participant in writing of any fee revisions no less than one month before the effective date.

(3) A system participant shall pay any applicable fees for transactions and services rendered to the system participant by the ECACH.

(4) For fees payable pursuant to sub-rule (3), the

ECACH shall

- (a) send a notice stipulating the amount owed by each system participant on the first business day of the month following the month in which the fees were incurred; and
- (b) withdraw the amount stipulated in the notice from the settlement account of the system participant within fifteen business days after the notice is issued."

**9. AMENDMENT OF RULE 88 – VIP SESSION**

Rule 88 of the Principal Rules is amended by:

- (a) deleting "Schedule 3" wherever it appears and substituting "the Operating Procedures Manual"; and
- (b) deleting "high value items" in sub-rule ( I ) and substituting "VIP items".

**10. AMENDMENT OF RULE 103 – IMAGE CASH LETTER TRANSMISSION.**

Rule 103 of the principal Rules is deleted and the following rule substituted:

**"IMAGE CASH LETTER IMAGE TRANSMISSION.**

103. A system participant shall transmit and receive an image cash letter in accordance with the processing schedule stipulated in the Operating Procedures Manual for cheques."

**II. AMENDMENT OF RULE 106 - RESPONSIBILITIES OF RECEIVING PARTICIPANT.**

Rule 106 of the principal Rules is deleted and the following rule is substituted:

**"RESPONSIBILITIES OF RECEIVING PARTICIPANT.**

106.(1) A receiving participant shall verify the cheque image received in an image cash letter and where necessary return the eligible item no later than the clearing cut-off time for the last session on the business day following settlement.

(2) Sub-rule (1) shall not apply to a VIP item."

**12. AMENDMENT OF RULE 119 – WORDS AND FIGURES DIFFER.**

Rule 119 of the principal Rules is amended by deleting "Schedule 3" and substituting "the Operating Procedures Manual".

**13. AMENDMENT OF RULE 150 - NOTICE BY ORIGINATOR OF CHANGE IN SCHEDULED DEBITING DATE.**

Rule 150 of the principal Rules is amended in sub-rule (2) by deleting "calendar" and substituting "business".

**14. AMENDMENT OF RULE 166 – PROCESSING OBLIGATION OF THE ECACH.**

Rule 166 of the principal Rules is amended by deleting paragraph (b) and substituting the following paragraph:

"(b) transmit or make available entries and entry data to system participants in accordance with the processing schedule stipulated in the Operating Procedures Manual;"

**15. AMENDMENT OF RULE 173 - DIRECT DEBIT PAYMENTS.**

Rule 173 of the principal Rules is amended in sub-rule (2) by deleting "Schedule 3" and substituting "the Operating Procedures Manual".

**16. REPEAL OF SCHEDULE 3.**

Schedule 3 to the principal Rules is repealed.

**17. REPEAL OF SCHEDULE 4.**

Schedule 4 to the principal Rules is repealed.

Made this 3<sup>rd</sup> day of January 2019.

**TIMOTHY ANTOINE**  
*Governor*  
*Eastern Caribbean Central*  
*Bank*

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