

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 18 of 2019

**PAYMENT SYSTEM (EASTERN CARIBBEAN AUTOMATED
CLEARING HOUSE) (AMENDMENT) RULES 2019**

IN EXERCISE of the power conferred under section 33 of the Payment System Act, Cap. 20.57, the Eastern Caribbean Central Bank makes the following Rules.

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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 be deemed to have come into effect on the 1st 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-off time” 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”.

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. (1) 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;
 - (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 (1) 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 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.”

11. 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 31st day of January 2019.

TIMOTHY ANTOINE
Governor
Eastern Caribbean Central Bank