

## THE SUSPENSION OF CIVIL PENALTY AND IMPRISONMENT IN CASES OF BOUNCED CHEQUES UNDER GLOBAL COVID-19 MEASURES AND CHECK SUBMISSION ISSUES

In our country, as part of the fight against the spread of COVID-19 (Coronavirus) which was declared as PANDEMIC by World Health Organization and has brought life to a standstill, some measures have been taken in terms of the legal provisions of bounced check and check submission in order to prevent the natural and legal persons from being negatively affected in accordance with the Law No. 7226 published in the Official Gazette dated 26.03.2020.

### 1. Who can benefit from the suspension of the execution of check?

In compliance with the circular issued, the execution of those convicted of bounced check crime before 24.03.2020, is halted. Imprisonment and civil penalties imposed on the person who bounced a check are suspended for 3 years.

### 2. What are the procedures to be followed after the suspension of the execution of the people convicted of bounced check crime?

Persons whose execution is halted are obliged to pay one-tenth of the outstanding amount of the check amount within 3 (three) months at the latest. The rest of the check amount must be paid in 15 equal installments, every two months as of the end of the 3 (three) month period.

### 3. How will the process proceed after the check amount has been fully paid?

In the event that the borrower fully pays the check amount in accordance with the provisions set forth in the circular, the Executive Criminal Court will eliminate criminal conviction with all the consequences.

### 4. What are the rights of the creditor and the consequences of these rights if the borrower does not pay the installments of the check amount?

If the borrower does not pay one of the installments for the first time in due time, the unpaid installment

will be added as an installment at the end of the period. If the borrower fails to pay the installments for the second time in due time, the court will decide on the execution of the sentence upon the complaint of the creditor.

### 5. Who does the right regarding the check submission within the scope of the circular issued apply to?

Due to the short period of time allowed for the submission of check and to prevent a forfeiture, those who are 65 years old and older and those with Chronic Diseases do not have to submit a check within the scope of the Curfew Circular dated 21.03.2020.

### 6. What is the situation in terms of the periods for the checks to be submitted?

In accordance with article 811 of the Turkish Commercial Code, as the submission of a check, protesting a check or any equivalent determination within the periods defined by law could not be carried out in order to prevent the spread of Covid-19 epidemic within the scope of the curfew, the periods specified in the law are extended in terms of the submission of a check, protesting a check or any equivalent determination until the epidemic ends.

### 7. What are the obligations of the holders who are 65 years old and older and those with Chronic Diseases?

People who are not allowed to go out due to force majeure have obligations to fulfill. The actions to be taken by the holder in case of force majeure are as follows:

- The holder shall notify their endorser of the force majeure.
- The holder is obliged to add this notice to the check or allonge, and put the date and place and their signature under it.

- If the force majeure disappears, the holder must submit the check for disbursement without delay and protest it if necessary or make an equivalent determination.

#### **8. How shall the holder notify their endorser?**

The notice will be given as indicated in article 723 of the Turkish Commercial Code. It is not possible for the persons covered by the ban to notify via a notary. In cases where it is necessary to make a notice through a notary public, there are options such as contacting the notaries and issuing the notice text at home. It is also possible to carry out this procedure through a proxy.

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