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Case Name Caye International Bank Ltd v Rosemore International Corp

Judges Wit, Jacob, JCCJ
Anderson, Winston, JCCJ
Rajnauth-Lee, Maureen, JCCJ
Barrow, Denys, JCCJ
Burgess, Andrew, JCCJ

Delivered by Burgess, Andrew, JCCJ

Catchwords Banking - Banker/client relationship - Duty of Bank - Quincecare duty of care - Online Banking - Cyber Fraud - Cyber fraudster posing as bank customer

and giving instructions - Unlawful deduction of funds by Bank from customer account without authorisation and consent - Whether bank under duty of care to make inquiries before transferring money

Contract - Interpretation - Blairmont approach to contractual interpretation - Business common sense rule - Depository Agreement - Exclusion Clauses - Whether clear words are required to exclude liability for Quincecare duty of care – Indemnity Agreement - Whether bank indemnified for breach of Quincecare duty in the absence of clear words.

Suit No.	CCJ Appeal No BZCV2022/003 BZ Civil Appeal No 25 of 2018
Date of Delivery	31 Jan 2023
Counsel Appearing	Mr Simon Christopher Peter Knox KC and Ms Sheena S Pitts for the Appellant Ms Pricilla J Banner for the Respondent
Cases referred to	Barclays Bank plc v Quincecare Ltd [1992] 4 All ER 363 Blairmont Rice Investments Inc v Kayman Sankar Co Ltd [2021] CCJ 7 (AJ) GY, [2021] 5 LRC 433 Canada Steamship Lines Ltd v The King [1952] AC 192 Caye International Bank Ltd v Rosemore International Corp (Belize CA, 26 February 2021) Federal Republic of Nigeria v JP Morgan Chase Bank NA [2022] EWHC 1447 (Comm) JP Morgan Chase Bank NA v Federal Republic of Nigeria [2019] EWCA Civ 1641 Lipkin Gorman v Karpnale Ltd [1992] 4 All ER 409; Philipp v Barclays Bank UK plc [2022]QB 578 Singularis Holdings Ltd v Daiwa Capital Markets Europe Ltd [2018] 1 WLR 2777 Singularis Holdings Ltd v Daiwa Capital Markets Europe Ltd [2019] UKSC 50 Tai Hing Cotton Mill Ltd v Liu Chong Hing Bank Ltd [1986] AC 80 Wood v Per Capita Insurance [2017] AC 1173
Citation	[2023] CCJ 4 (AJ) BZ (2023) 104 WIR 74
Material Type	Judgment
Country	Belize
Physical Description	47 pages

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