



Forgery and Counterfeiting Act 1981

1981 CHAPTER 45

PART II

COUNTERFEITING AND KINDRED OFFENCES

Penalties etc.

22 Penalties for offences under Part II.

- (1) A person guilty of an offence to which this subsection applies shall be liable—
 - (a) on summary conviction—
 - (i) to a fine not exceeding the statutory maximum; or
 - (ii) to imprisonment for a term not exceeding six months; or
 - (iii) to both; and
 - (b) on conviction on indictment—
 - (i) to a fine; or
 - (ii) to imprisonment for a term not exceeding ten years; or
 - (iii) to both.
- (2) The offences to which subsection (1) above applies are offences under the following provisions of this Part of this Act—
 - (a) section 14(1);
 - (b) section 15(1);
 - (c) section 16(1); and
 - (d) section 17(1).
- (3) A person guilty of an offence to which this subsection applies shall be liable—
 - (a) on summary conviction—
 - (i) to a fine not exceeding the statutory maximum; or
 - (ii) to imprisonment for a term not exceeding six months; or
 - (iii) to both; and

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- (b) on conviction on indictment—
 - (i) to a fine; or
 - (ii) to imprisonment for a term not exceeding two years; or
 - (iii) to both.
- (4) The offences to which subsection (3) above applies are offences under the following provisions of this Part of this Act—
 - (a) section 14(2);
 - (b) section 15(2);
 - (c) section 16(2);
 - (d) section 17(2); and
 - (e) section 17(3).
- (5) A person guilty of an offence under section 18 or 19 above shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, to a fine.

^{F1}(6)

Textual Amendments
F1 S. 22(6) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV Group2.

23 Penalties for offences under Customs and Excise Management Act 1979 relating to counterfeits.

- (1) In section 50 of the ^{M1}Customs and Excise Management Act 1979 (penalty for improper importation of goods)—
 - (a) in subsection (4) after the words “subsection (5)” there shall be inserted the words “or (5A)”; and
 - (b) the following subsection shall be inserted after subsection (5):—
 - “(5A) In the case of an offence under subsection (2) or (3) above in connection with the prohibition contained in section 20 of the Forgery and Counterfeiting Act 1981, subsection (4)(b) above shall have effect as if for the words “2 years” there were substituted the words “10 years”.”.
- (2) In section 68 of that Act (offences in relation to exportation of prohibited or restricted goods)—
 - (a) in subsection (3) after the words “subsection (4)” there shall be inserted the words “or (4A)”; and
 - (b) the following subsection shall be inserted after subsection (4):—
 - “(4A) In the case of an offence under subsection (2) above in connection with the prohibition contained in section 21 of the Forgery and Counterfeiting Act 1981, subsection (3)(b) above shall have effect as if for the words “2 years” there were substituted the words “10 years”.”.
- (3) In section 170 of that Act (penalty for fraudulent evasion of duty, etc.)—

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- (a) in subsection (3) after the words “subsection (4)” there shall be inserted the words “or (4A)”; and
- (b) the following subsection shall be inserted after subsection (4):—

“(4A) In the case of an offence under this section in connection with the prohibitions contained in sections 20 and 21 of the Forgery and Counterfeiting Act 1981, subsection (3)(b) above shall have effect as if for the words “2 years” there were substituted the words “10 years”.”.

Modifications etc. (not altering text)

C1 The text of ss. 12, 21(3), 23, 26, 29, 30 and Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1979 c. 2.

24 Powers of search, forfeiture, etc.

- (1) If it appears to a justice of the peace, from information given him on oath, that there is reasonable cause to believe that a person has in his custody or under his control—
 - (a) any thing which is a counterfeit of a currency note or of a protected coin, or which is a reproduction made in contravention of section 18 or 19 above; or
 - (b) any thing which he or another has used, whether before or after the coming into force of this Act, or intends to use, for the making of any such counterfeit, or the making of any reproduction in contravention of section 18 or 19 above,the justice may issue a warrant authorising a constable to search for and seize the object in question, and for that purpose to enter any premises specified in the warrant.
- (2) A constable may at any time after the seizure of any object suspected of falling within paragraph (a) or (b) of subsection (1) above (whether the seizure was effected by virtue of a warrant under that subsection or otherwise) apply to a magistrates’ court for an order under this subsection with respect to the object; and the court, if it is satisfied both that the object in fact falls within one or other of those paragraphs and that it is conducive to the public interest to do so, may make such order as it thinks fit for the forfeiture of the object and its subsequent destruction or disposal.
- (3) Subject to subsection (4) below, the court by or before which a person is convicted of an offence under this Part of this Act may order any thing shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.
- (4) The court shall not order any thing to be forfeited under subsection (2) or (3) above where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.
- (5) Without prejudice to the generality of subsections (2) and (3) above, the powers conferred on the court by those subsections include power to direct that any object

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shall be passed to an authority with power to issue notes or coins or to any person authorised by such an authority to receive the object.

(6) In the application of this section to Scotland—

- (a) in subsection (1) for the words “justice of the peace” there shall be substituted the words “justice within the meaning of section 462 of the ^{M2}Criminal Procedure (Scotland) Act 1975”; and
- (b) in subsection (2) :—
 - (i) for the words “A constable” there shall be substituted “The procurator fiscal”; and
 - (ii) for the words “a magistrates’ court” there shall be substituted “the sheriff court”.

Modifications etc. (not altering text)

- C2** S. 24(1): powers of seizure extended (*prosp.*) by 2001 c. 16, ss. 50, 52-54, 68, 138(2), **Sch. 1 Pt. 1 para. 26**
- C3** S. 24(1) modified (1.4.2003) by **Criminal Justice and Police Act 2001 (c. 16)**, ss. 55, 138(2), **Sch. 1 paras. 101** (with ss. 57(3), 68); S.I. 2003/708, art. 2(a)
- C4** S. 24(1) powers of seizure extended (1.4.2003) by **Criminal Justice and Police Act 2001 (c. 16)**, ss. 50, 138(2), **Sch. 1 paras. 26** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)
- C5** S. 24(2) applied (*prosp.*) by 2001 c. 16, ss. 70, 138(2), **Sch. 2 Pt. 1 para. 10(2)(d)**
- C6** S. 24(2) applied (1.4.2003) by **Criminal Justice and Police Act 2001 (c. 16)**, s. 138(2), **Sch. 2 para. 10(2)(d)**; S.I. 2003/708, art. 2(k)

Marginal Citations

- M2** 1975 c. 21.

25 Directors’ etc. liability.

- (1) Where an offence under section 18 or 19 of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

26 ^{F2}.....

Textual Amendments

- F2** S. 26 repealed (1.4.1996) by 1995 c. 40, ss. 6(1), 7(2), **Sch. 5**

Changes to legislation:

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