



# Forgery and Counterfeiting Act 1981

## 1981 CHAPTER 45

### PART II

#### COUNTERFEITING AND KINDRED OFFENCES

##### *Offences*

#### **14 Offences of counterfeiting notes and coins**

- (1) It is an offence for a person to make a counterfeit of a currency note or of a protected coin, intending that he or another shall pass or tender it as genuine.
- (2) It is an offence for a person to make a counterfeit of a currency note or of a protected coin without lawful authority or excuse.

#### **15 Offences of passing etc. counterfeit notes and coins**

- (1) It is an offence for a person—
  - (a) to pass or tender as genuine any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin ; or
  - (b) to deliver to another any thing which is, and which he knows or believes to be, such a counterfeit, intending that the person to whom it is delivered or another shall pass or tender it as genuine.
- (2) It is an offence for a person to deliver to another, without lawful authority or excuse, any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin.

#### **16 Offences involving the custody or control of counterfeit notes and coins**

- (1) It is an offence for a person to have in his custody or under his control any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin, intending either to pass or tender it as genuine or to deliver it to another with the intention that he or another shall pass or tender it as genuine.

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- (2) It is an offence for a person to have in his custody or under his control, without lawful authority or excuse, any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin.
- (3) It is immaterial for the purposes of subsections (1) and (2) above that a coin or note is not in a fit state to be passed or tendered or that the making or counterfeiting of a coin or note has not been finished or perfected.

## **17 Offences involving the making or custody or control of counterfeiting materials and implements**

- (1) It is an offence for a person to make, or to have in his custody or under his control, any thing which he intends to use, or to permit any other person to use, for the purpose of making a counterfeit of a currency note or of a protected coin with the intention that it be passed or tendered as genuine.
- (2) It is an offence for a person without lawful authority or excuse—
  - (a) to make; or
  - (b) to have in his custody or under his control,
 any thing which, to his knowledge, is or has been specially designed or adapted for the making of a counterfeit of a currency note.
- (3) Subject to subsection (4) below, it is an offence for a person to make, or to have in his custody or under his control, any implement which, to his knowledge, is capable of imparting to any thing a resemblance—
  - (a) to the whole or part of either side of a protected coin ; or
  - (b) to the whole or part of the reverse of the image on either side of a protected coin.
- (4) It shall be a defence for a person charged with an offence under subsection (3) above to show—
  - (a) that he made the implement or, as the case may be, had it in his custody or under his control, with the written consent of the Treasury ; or
  - (b) that he had lawful authority otherwise than by virtue of paragraph (a) above, or a lawful excuse, for making it or having it in his custody or under his control.

## **18 The offence of reproducing British currency notes**

- (1) It is an offence for any person, unless the relevant authority has previously consented in writing, to reproduce on any substance whatsoever, and whether or not on the correct scale, any British currency note or any part of a British currency note.
- (2) In this section—
  - " British currency note" means any note which—
    - (a) has been lawfully issued in England and Wales, Scotland or Northern Ireland ; and
    - (b) is or has been customarily used as money in the country where it was issued ; and
    - (c) is payable on demand ; and

" the relevant authority ", in relation to a British currency note of any particular description, means the authority empowered by law to issue notes of that description.

## **19 Offences of making etc. imitation British coins**

- (1) It is an offence for a person—
- (a) to make an imitation British coin in connection with a scheme intended to promote the sale of any product or the making of contracts for the supply of any service; or
  - (b) to sell or distribute imitation British coins in connection with any such scheme, or to have imitation British coins in his custody or under his control with a view to such sale or distribution,
- unless the Treasury have previously consented in writing to the sale or distribution of such imitation British coins in connection with that scheme.

- (2) In this section—

" British coin " means any coin which is legal tender in any part of the United Kingdom; and

" imitation British coin " means any thing which resembles a British coin in shape, size and the substance of which it is made.

### *Prohibition of importation and exportation of counterfeit coins*

## **20 Prohibition of importation of counterfeit notes and coins**

The importation, landing or unloading of a counterfeit of a currency note or of a protected coin without the consent of the Treasury is hereby prohibited.

## **21 Prohibition of exportation of counterfeit notes and coins**

- (1) The exportation of a counterfeit of a currency note or of a protected coin without the consent of the Treasury is hereby prohibited.
- (2) A counterfeit of a currency note or of a protected coin which is removed to the Isle of Man from the United Kingdom shall be deemed to be exported from the United Kingdom—
- (a) for the purposes of this section ; and
  - (b) for the purposes of the customs and excise Acts, in their application to the prohibition imposed by this section.
- (3) In section 9(1) of the Isle of Man Act 1979 (which relates to the removal of goods from the United Kingdom to the Isle of Man) after the word " below " there shall be inserted the words " and section 21(2) of the Forgery and Counterfeiting Act 1981 ".

### *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—

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- (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
  - (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.
- (6) In this section " statutory maximum", in relation to a fine on summary conviction, means—
- (a) if the offence was committed in England and Wales or Northern Ireland, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980 (£1,000 or another sum fixed by order under section 143 of that Act to take account of changes in the value of money);
  - (b) if the offence was committed in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (£1,000 or another sum fixed by order under section 289D(1) of that Act to take account of changes in the value of money);
- and sections 32 and 143 of the Magistrates' Courts Act 1980 shall extend to Northern Ireland for the purposes of the application of this definition.

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

(1) In section 50 of the 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 (Mb) 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.)—

- (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 ".”.

## **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

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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 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 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".

## 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 Amendment of Schedule 1 to the Criminal Justice (Scotland) Act 1980

In Schedule 1 to the Criminal Justice (Scotland) Act 1980 there shall be added at the end the following—

<p>“CUSTOMS AND EXCISE MANAGEMENT ACT 1979. The following provisions in so far</p>	<p>Two officials authorised to do so by the Secretary of State, being officials of the authority or body which may lawfully issue</p>	<p>That the coin or note identified in the certificate by reference to a label or otherwise is a counterfeit of a currency note or</p>
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<p>as they have effect in relation to the prohibitions contained in sections 20 and 21 of the Forgery and Counterfeiting Act 1981 namely:— Sections 50(2) and (3) Section 68; and Section 170 (various offences committed in connection with contraventions of prohibitions on the import and export of counterfeit currency notes or protected coins).</p> <p>THE FORGERY AND COUNTERFEITING ACT 1981 sections 14 to 16 (certain offences relating to counterfeiting).</p>	<p>the currency notes or protected coins referred to in column 3 hereof.</p> <p>Two officials authorised to do so by the Secretary of State, being officials of the authority or body which may lawfully issue the currency notes or protected coins referred to in column 3 hereof.</p>	<p>protected coin; where "currency note " has the meaning assigned to it by section 27(1 Yd) of the Forgery and Counterfeiting Act 1981, and "protected coin" means any coin which is customarily used as money in the United Kingdom, any of the Channel Islands, the Isle of Man or the Republic of Ireland.</p> <p>That the coin or note identified in the certificate by reference to a label or otherwise is a counterfeit of a currency note or protected coin; where "currency note " has the meaning assigned to it by section 27(1)(a) of that Act, and " protected coin" means any coin which is customarily used as money in the United Kingdom, any of the Channel Islands, the Isle of Man or the Republic of Ireland.”.</p>
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*Interpretation of Part II*

**27 Meaning of " currency note " and " protected coin "**

- (1) In this Part of this Act—
- " currency note " means—
    - (a) any note which—
      - (i) has been lawfully issued in England and Wales, Scotland, Northern Ireland, any of the Channel Islands, the Isle of Man or the Republic of Ireland ; and
      - (ii) is or has been customarily used as money in the country where it was issued; and
      - (iii) is payable on demand ; or
    - (b) any note which—

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- (i) has been lawfully issued in some country other than those mentioned in paragraph (a)(i) above; and
  - (ii) is customarily used as money in that country ; and
- " protected coin " means any coin which—
- (a) is customarily used as money in any country; or
  - (b) is specified in an order made by the Treasury for the purposes of this Part of this Act.
- (2) The power to make an order conferred on the Treasury by subsection (1) above shall be exercisable by statutory instrument.
  - (3) A statutory instrument containing such an order shall be laid before Parliament after being made.

## **28 Meaning of " counterfeit"**

- (1) For the purposes of this Part of this Act a thing is a counterfeit of a currency note or of a protected coin—
  - (a) if it is not a currency note or a protected coin but resembles a currency note or protected coin (whether on one side only or on both) to such an extent that it is reasonably capable of passing for a currency note or protected coin of that description ; or
  - (b) if it is a currency note or protected coin which has been so altered that it is reasonably capable of passing for a currency note or protected coin of some other description.
- (2) For the purposes of this Part of this Act—
  - (a) a thing consisting of one side only of a currency note, with or without the addition of other material, is a counterfeit of such a note;
  - (b) a thing consisting—
    - (i) of parts of two or more currency notes; or
    - (ii) of parts of a currency note, or of parts of two or more currency notes, with the addition of other material,
 is capable of being a counterfeit of a currency note.
- (3) References in this Part of this Act to passing or tendering a counterfeit of a currency note or a protected coin are not to be construed as confined to passing or tendering it as legal tender.