



# Crime (International Co-operation) Act 2003

## 2003 CHAPTER 32

### PART 4

#### MISCELLANEOUS

##### *False monetary instruments*

#### **88 False monetary instruments: England and Wales and Northern Ireland**

- (1) Section 5 of the Forgery and Counterfeiting Act 1981 (c. 45) (offences relating to money orders, share certificates, passports, etc.) is amended as follows.
- (2) In subsection (5)—
  - (a) in paragraph (g), at the end there is inserted “ and other bills of exchange ”,
  - (b) after paragraph (h) there is inserted—
    - “(ha) bankers' drafts;
    - (hb) promissory notes;”
  - (c) after paragraph (j) there is inserted—
    - “(ja) debit cards;”
- (3) After subsection (6) there is inserted—
  - “(7) An instrument is also an instrument to which this section applies if it is a monetary instrument specified for the purposes of this section by an order made by the Secretary of State.
  - (8) The power under subsection (7) above is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

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*Changes to legislation: Crime (International Co-operation) Act 2003, Cross Heading: False monetary instruments is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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### Commencement Information

**II** S. 88 in force at 26.4.2004 by [S.I. 2004/786, art. 3](#)

## 89 False monetary instruments: Scotland

After section 46 of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39) there is inserted—

### *“False monetary instruments*

#### **46A False monetary instruments**

- (1) A person who counterfeits or falsifies a specified monetary instrument with the intention that it be uttered as genuine is guilty of an offence.
- (2) A person who has in his custody or under his control, without lawful authority or excuse—
  - (a) anything which is, and which he knows or believes to be, a counterfeited or falsified specified monetary instrument; or
  - (b) any machine, implement or computer programme, or any paper or other material, which to his knowledge is specially designed or adapted for the making of a specified monetary instrument,
 is guilty of an offence.
- (3) For the purposes of subsections (1) and (2)(a) above, it is immaterial that the specified monetary instrument (or purported specified monetary instrument) is not in a fit state to be uttered or that the counterfeiting or falsifying of it has not been finished or perfected.
- (4) A person guilty of an offence under this section is liable on summary conviction—
  - (a) to a fine not exceeding the statutory maximum;
  - (b) to imprisonment for a term not exceeding six months; or
  - (c) both to a fine and to such imprisonment.
- (5) A person guilty of an offence—
  - (a) under subsection (1) above is liable on conviction on indictment—
    - (i) to a fine;
    - (ii) to imprisonment for a term not exceeding ten years; or
    - (iii) both to a fine and to such imprisonment;
  - (b) under subsection (2) above is liable on conviction on indictment—
    - (i) to a fine;
    - (ii) if it is proved that the offence was committed with the intention that the specified monetary instrument in question be uttered (or as the case may be that a specified monetary instrument be uttered), to imprisonment for a term not exceeding ten years and if it is not so proved, to imprisonment for a term not exceeding two years; or

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- (iii) both to a fine and to imprisonment for a term not exceeding ten years, if it is proved as mentioned in sub-paragraph (ii) above, or both to a fine and to imprisonment for a term not exceeding two years if it is not so proved.
- (6) Where an offence under this section which has been committed—
- (a) 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 that body; or
  - (b) by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a member of that partnership,
- or by any person who was purporting to act in any such capacity, he as well as the body corporate, or as the case may be the partnership, is guilty of that offence and is liable to be proceeded against and punished accordingly.
- (7) Where the affairs of a body corporate are managed by its members, subsection (6) above applies in relation to the actings and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (8) In subsections (1) to (5) above, “specified” means for the time being specified for the purposes of this section, by order made by the Scottish Ministers.
- (9) The power to make an order under subsection (8) above—
- (a) includes power to make such incidental, supplemental, transitional or transitory provision as the Scottish Ministers think necessary or expedient; and
  - (b) is exercisable by statutory instrument.
- (10) A statutory instrument containing such an order is subject to annulment in pursuance of a resolution of the Scottish Parliament.”

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**Commencement Information**

**I2** S. 89 in force at 26.4.2004 by [S.S.I. 2004/175](#), [art. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A4B inserted by [2003 c. 44 Sch. 36 para. 16](#)
- Sch. 3 para. 3(da)(db) inserted by [2024 c. 10 Sch. 3 para. 3\(2\)](#)
- Sch. 3 para. 4A inserted by [2024 c. 10 Sch. 3 para. 3\(3\)](#)