



Forgery and Counterfeiting Act 1981

1981 CHAPTER 45

PART I

FORGERY AND KINDRED OFFENCES

Penalties etc.

6 Penalties for offences under Part I

- (1) A person guilty of an offence under this Part of this Act shall be liable on summary conviction—
 - (a) to a fine not exceeding the statutory maximum; or
 - (b) to imprisonment for a term not exceeding six months; or
 - (c) to both.
- (2) A person guilty of an offence to which this subsection applies shall be liable on conviction on indictment to imprisonment for a term not exceeding ten years.
- (3) The offences to which subsection (2) above applies are offences under the following provisions of this Part of this Act—
 - (a) section 1;
 - (b) section 2;
 - (c) section 3;
 - (d) section 4;
 - (e) section 5(1); and
 - (f) section 5(3).
- (4) A person guilty of an offence under section 5(2) or (4) above shall be liable on conviction on indictment to imprisonment for a term not exceeding two years.
- (5) In this section " statutory maximum ", in relation to a fine on summary conviction, means 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); and those sections shall extend to Northern Ireland for the purposes of the application of this definition.

7 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 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 false instrument or copy of a false instrument, in contravention of section 1 or 2 above; or
 - (b) any false instrument or copy of a false instrument which he or another has used, whether before or after the coming into force of this Act, or intends to use, in contravention of section 3 or 4 above; or
 - (c) any thing custody or control of which without lawful authority or excuse is an offence under section 5 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), (b) or (d) 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 any 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 object 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 object 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.