



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.
- (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 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—

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- (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 as they have effect in relation to the prohibitions contained in sections 20 and 21 of the Forgery and Counterfeiting Act 1981 namely:—</p> <p style="padding-left: 40px;">Sections 50(2) and (3) Section 68; and Section 170</p> <p>(various offences committed in connection with contraventions of prohibitions on the import and export of counterfeits of currency notes or protected coins).</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>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 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>THE FORGERY AND COUNTERFEITING ACT</p>	<p>Two officials authorised to do so by the Secretary</p>	<p>That the coin or note identified in the certificate</p>

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1981 sections 14 to 16
(certain offences relating
to counterfeiting).

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.

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.”.