

PROJET DE LOI

ENTITLED

The Currency Offences (Guernsey) Law, 1950 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XIV, p. 417; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Currency Offences (Guernsey) (Amendment) Law, 2001 (No. XXII of 2001); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the States Treasurer (Transfer of Functions) (Guernsey) Ordinance, 2008 (No. VII of 2008, Recueil d'Ordonnances Tome XXXIII, p. 38). See also the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (No. IX of 1996); the Magistrate's Court (Guernsey) Law, 2008 (No. XVIII of 2009). This Law was repealed by the Forgery and Counterfeiting (Bailiwick of Guernsey) Law, 2006 (No. II of 2010).

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The Currency Offences (Guernsey) Law, 1950

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The Currency Offences (Guernsey) Law, 1950

THE STATES have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Interpretation.

1. (1) In this Law, unless the context otherwise requires or it is otherwise specially provided, the following expressions have the meanings hereby respectively assigned to them, namely –

"Bailiwick" means the Bailiwick of Guernsey,

"British coin" means any coin lawfully current by virtue of any proclamation or otherwise in any part of His Majesty's dominions, whether within the United Kingdom or elsewhere, and the expression **"British money"** means money expressed in the terms of any British coin,

"Currency" means any money, whether paper money or metallic money, lawfully current in any part of His Majesty's dominions or in any foreign country,

"Currency notes" means any notes (by whatever name called) which are legal tender in the country in which they are issued,

"Foreign coin" means any coin lawfully current in any foreign country, and the expression **"foreign money"** means money expressed in the terms of any foreign coin,

"Magistrate" means –

In the Island of Guernsey, the Bailiff,

In the Island of Alderney, the Chairman or a Jurat of the Court of Alderney,

In the Island of Sark, the Seneschal or Deputy Seneschal of Sark.

(2) For the purposes of this Law –

(a) the expression **"Paper money"** includes bank notes and currency notes,

(b) the expression **"copper coin"** includes any coin of any metal or mixed metal not being a gold or silver coin,

(c) the expression **"silver coin"** includes any coin which in any country is legal tender as silver coin,

(d) a coin shall be deemed to be current if it has been coined in any of His Majesty's Mints, or is lawfully current by virtue of the royal prerogative or of enacted or customary law or of any Proclamation, or otherwise, in any part of His Majesty's dominions, or is lawfully current in any foreign country; and any

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paper moneys shall be deemed to be current if it is thus lawfully current in any part of Majesty's dominions or is lawfully current in any foreign country,

- (e) **"die"** includes any plate, type, tool, or implement whatsoever, and also any part of any die, plate, type, tool or implement, and any stamp or impression thereof or part of such stamp or impression,
- (f) a coin apparently intended to resemble or pass for any current coin shall be deemed to resemble that current coin,
- (g) a current coin which has been gilt, silvered, washed, coloured or cased over or in any manner altered so as to resemble any current coin of a higher denomination shall be deemed to be a false or counterfeit coin resembling a current gold or silver coin,
- (h) a thing shall be deemed to be in the possession of any person, if he himself has it in his personal custody or possession, and also if he knowingly and wilfully has it in the actual custody or possession of some other person, or in some building or place, whether open or enclosed, or in some ship, boat or other vessel, or aircraft, (whether belonging to or occupied by himself or not), and whether he has it for his own benefit or for that of any other person,

- (i) forgery includes the making of any false paper money in order that it may be used as genuine, or with intent to defraud or deceive, and also includes the fraudulent alteration of any paper money.

NOTE

The following case has referred to this Law:

Taylor v. Law Officers of the Crown 2007-08 GLR 207.

Jurisdiction with regard to punishment.

2. WHEREAS the Royal Court of the Island of Guernsey has jurisdiction to try and convict persons charged with any offence within the meaning of the expression "*fausse-monnaie*" but the punishment of persons so convicted has hitherto been reserved to His Majesty:

ON AND AFTER the date on which this Law comes into operation, the said Royal Court shall have jurisdiction as well to punish as to try and convict persons charged as hereinbefore in this section mentioned.

Counterfeiting.

3. (1) Every person who falsely makes or counterfeits any coin resembling any current coin shall be guilty of an offence and on conviction thereof liable –

- (a) in a case where the coin resembles a current gold or silver coin, to imprisonment for life, or for any lesser term as the Court may direct, and

- (b) in a case where the coin resembles a current copper coin, to imprisonment for a term not exceeding seven years.

(2) The offence of falsely making or counterfeiting a coin shall be deemed to be complete although the coin made or counterfeited is not in a fit state to be uttered or the making or counterfeiting thereof has not been finished or perfected.

NOTE

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offences in section 3, a court, instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Gilding, silvering, filing and altering.

4. Every person who –

- (a) gilds or silvers, or, with any wash or materials capable of producing the colour or appearance of gold or silver or by any means whatsoever, washes, cases over or colours –
 - (i) any coin whatsoever resembling any current gold or silver coin, or
 - (ii) any current copper coin with intent to make it resemble or pass for any current gold or silver coin, or

- (iii) any piece of silver or copper or of coarse gold or coarse silver or of any metal or mixture of metals, being of a fit size and figure to be coined, with intent that it shall be coined into false and counterfeit coin resembling any current gold or silver coin, or
- (b) gilds, or, with any wash or materials capable of producing the colour or appearance of gold or by any means whatsoever, washes, cases over or colours, any current silver coin with intent to make it resemble or pass for any current gold coin, or
- (c) files or in any manner alters –
 - (i) any current silver coin with intent to make it resemble or pass for any current gold coin, or
 - (ii) any current copper coin with intent to make it resemble or pass for any current gold or silver coin,

shall be guilty of an offence and on conviction thereof liable to imprisonment for life or for any lesser term as the Court may direct.

NOTE

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offences in section 4, a court,

instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Impairing gold or silver coin and unlawful possession of filings, etc.

5. (1) Every person who impairs, diminishes or lightens any current gold or silver coin with intent that the coin so impaired, diminished or lightened may pass for a current gold or silver coin shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding fourteen years.

(2) Every person who unlawfully has in his possession any filing or clipping, or any gold or silver bullion, or any gold or silver in dust, solution or otherwise, which has been produced or obtained by impairing, diminishing or lightening any current gold or silver coin, knowing that it has been so produced or obtained shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding seven years.

NOTE

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offences in section 5, a court, instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Defacing and uttering defaced coins.

6. (1) Every person who defaces any current coin by stamping thereon any names or words, whether the coin is or is not thereby diminished or lightened, shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding one year.

(2) A tender of payment in money made in any coin which has been defaced as aforesaid shall not be legal tender.

(3) Every person who tenders, utters or puts off any coin which has been defaced as aforesaid shall be guilty of an offence and on conviction thereof liable to a fine not exceeding [level 1 on the uniform scale].

NOTES

In section 6, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offence in subsection (1), a court, instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Forgery of paper money.

7. (1) Forgery of any paper money lawfully current in any part of His Majesty's dominions or in any foreign country, if committed with intent to defraud, shall be an offence and punishable with imprisonment for life or for any lesser term as the Court may direct.

(2) The offence of forgery of paper money shall be deemed to be complete although the paper money as forged is incomplete and is not in a fit state to be uttered.

NOTE

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offence in subsection (1), a

court, instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Uttering forged paper money.

8. (1) A person utters forged paper money who, knowing the same to be forged, and with intent to defraud or deceive, uses, offers, delivers, disposes of, tenders in payment or in exchange, exposes for sale or exchange, exchanges, or puts off the said forged paper money.

(2) Every person who utters any forged paper money shall be guilty of an offence and on conviction thereof liable to imprisonment for life or for any lesser term as the Court may direct.

(3) It is immaterial where the forged paper money was forged.

NOTES

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offence in subsection (2), a court, instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

The following case has referred to section 8:

Taylor v. Law Officers of the Crown [2007-08] GLR 207.

Possession of forged paper money.

9. Every person shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding fourteen years, who, without lawful authority or excuse (the proof whereof shall lie on the person accused), purchases

or receives from any person, or has in his custody or possession, any forged paper money, knowing it to be forged.

NOTES

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offence in section 9, a court, instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

The following case has referred to section 9:

Taylor v. Law Officers of the Crown [2007-08] GLR 207.

Uttering, and possession with intent to utter, of false or counterfeit coin.

10. (1) Every person who tenders, utters, or puts off any false or counterfeit coin resembling any current coin knowing it to be false or counterfeit, shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding one year.

(2) Every person who tenders, utters or puts off any false or counterfeit coin resembling any current gold or silver coin, knowing it to be false or counterfeit, and –

(a) at the time of the tendering, uttering or putting off has in his possession, besides that coin, any other such false or counterfeit coin, or

(b) on the day of the tendering, uttering or putting off, or within the period of ten days next following tenders, utters or puts off any other such false or counterfeit coin, knowing it to be false or counterfeit,

shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding two years.

(3) Every person who has in his possession three or more false or counterfeit coins resembling any current gold or silver coin, knowing them to be false or counterfeit and with intent to utter or put off the said coins or any of them, shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding five years.

(4) Every person who has in his possession three or more false or counterfeit coins resembling any current copper coin, knowing them to be false or counterfeit, and with intent to utter or put off the said coins or any of them, shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding one year.

(5) Every person who commits –

- (a) any offence under subsection (1) of this section in respect of a coin resembling a current gold or silver coin, or
- (b) any offence under subsection (2) or subsection (3) of this section,

having been previously convicted of any such offence or of any offence under section three, section four, section five, section seven, subsection (2) of section eight, section nine, subsection (1) of section eleven, subsections (1), (2) or (3) of section fifteen or section sixteen of this Law, shall, on conviction thereof be liable to imprisonment for life or for any lesser term as the Court may direct.

(6) Every person who, with intent to defraud, tenders, utters or puts off as or for any current gold or silver coin –

(a) any coin not being that current coin and being of less value than that current coin, or

(b) any medal or piece of metal or mixed metals resembling in size, figure and colour that current coin and being of less value than that current coin,

shall be guilty of an offence and on, conviction thereof liable to imprisonment for a term not exceeding one year.

(7) The offence of tendering, uttering or putting off a false or counterfeit coin shall be deemed to be complete although the coin is not in a fit state to be uttered or the counterfeiting thereof has not been finished or perfected.

NOTE

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offences in section 10, a court, instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Buying or selling, etc., counterfeit coin or forged paper money for lower value than its denomination.

11. (1) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), buys, sells, receives, pays or puts off, or offers to buy, sell, receive, pay or put off, any false or counterfeit coin

resembling any current coin, or any forged paper money resembling any current paper money, at or for a lower rate or value than the false or counterfeit coin or forged paper money imports, or apparently is intended to import, shall be guilty of an offence, and on conviction thereof liable –

- (a) in a case where the coin resembles a current gold or silver coin, or the paper money resembles any current paper money, to imprisonment for life or for any lesser term as the Court may direct, and
- (b) in a case where the coin resembles a current copper coin, to imprisonment for a term not exceeding seven years.

(2) In any indictment for any offence under this section in respect of a coin resembling a current gold or silver coin, or in respect of any paper money resembling any current paper money, it shall be sufficient to allege that the person accused bought, sold, received, paid or put off the coin or paper money or offered to buy, sell, receive, pay or put off the coin or paper money, at or for a lower rate of value than it imports or was apparently intended to import, without alleging at or for what rate, price or value it was bought, sold, received, paid or put off, or offered to be bought, sold, received, paid or put off.

(3) An offence under this section shall be deemed to be complete although the coin or paper money bought, sold, received, paid or put off, or offered to be bought, sold, received, paid or put off is not in a fit state to be uttered, or the counterfeiting or forging thereof has not been finished or perfected.

NOTE

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offences in subsection (1), a court, instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Importing and exporting counterfeit coin and forged paper money.

12. Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused) –

- (a) imports or receives into any part of the Bailiwick any false or counterfeit coin resembling any current gold, silver, or copper coin, knowing it to be false or counterfeit, or any forged paper money, knowing it to be forged, or
- (b) exports from any part of the Bailiwick, or puts on board any ship, boat or other vessel, or aircraft for the purpose of being so exported, any false or counterfeit coin resembling any current coin, knowing it to be false or counterfeit, or any forged paper money, knowing it to be forged,

shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding fourteen years.

NOTE

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offences in section 12, a court, instead of or in addition to any other punishment which may lawfully be

imposed, may fine the offender for such offence.

Prohibition of importation of imitation coin.

13. (1) Save with such permission as is referred to in the proviso to this paragraph it shall be an offence to import or bring into the Bailiwick any imitation coin as defined in subsection (2) of this section, and upon the conviction of any person in respect of an offence against this subsection, that person shall be liable to a fine not exceeding [level 2 on the uniform scale] and to the forfeiture of the imitation coin in respect of which the offence was committed:

PROVIDED that the [Chief Accountant] may grant permission for the importation into any part of the Bailiwick of any imitation coin in any particular instance if he is satisfied that such importation is for the purposes of knowledge or art, or any exhibition or collection, or for any lawful purpose, and that the imitation coin is not likely to circulate as current coin, or to be otherwise used for deceiving the public.

(2) Each of the following articles, if not a British or foreign coin, shall be an imitation coin within the meaning of this Law –

- (a) any piece of gold, silver, copper or bronze, or of metal or mixed metal, purporting to be a British or foreign coin or a token for British or foreign money, or bearing any word or device which indicates or may reasonably be taken to indicate that holder thereof is entitled to demand any value in British or foreign money denoted thereon, and
- (b) any medal, cast, coin, or other like thing made wholly or partially of metal or any metallic combination, and

resembling in size, figure and colour any British or foreign coin, or having thereon a device resembling any device on any British or foreign coin, or being so formed that it can by gilding, silvering, colouring, washing, or other like process, be so dealt with as to resemble any British or foreign coin.

NOTES

In section 13,

the words and figure in the first pair of square brackets in subsection (1) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;

the words in the second pair of square brackets in subsection (1), in the proviso thereto, were substituted by the States Treasurer (Transfer of Functions) (Guernsey) Ordinance, 2008, section 1, with effect from 1st February, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.¹

Making, possessing and selling medals resembling gold or silver coin.

14. Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused) makes, sells, offers for sale or has in his possession for sale, any medal, cast, coin, or other like thing made wholly or partially of metal or any mixture of metals, and either –

- (a) resembling in size, figure and colour any current gold or silver coin, or
- (b) having thereon a device resembling a device on any such current coin, or

- (c) being so formed that it can, by gilding silvering, colouring, washing or other like process be so dealt with as to resemble any such current coin,

shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding one year.

NOTE

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offences in section 14, a court, instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Making, mending and having possession of coining implements.

15. (1) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his possession, any puncheon, counter-puncheon, matrix, stamp, die, pattern or mould in or upon which there is made or impressed, or which will make or impress, or which is adapted and intended to make or impress, the figure, stamp or apparent resemblance of both or either of the sides of any current gold or silver coin, or any part of both or either of those sides, shall be guilty of an offence and on conviction thereof liable to imprisonment for life or for any lesser term as the Court may direct.

(2) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his possession –

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- (a) any edger, edging or other tool, collar, instrument or engine adapted and intended for the marking of coin round the edges with letters, grainings or other marks or figures apparently resembling those on the edges of any current gold or silver coin, knowing it to be so adapted and intended as aforesaid, or
- (b) any press for coinage, or any cutting engine for cutting by force of a screw or of any other contrivance round blanks out of gold, silver or other metal or mixture of metals, or any other machine, knowing the press to be a press for coinage or knowing the engine or machine to have been used or to be intended to be used for the false making or counterfeiting of any current gold or silver coin,

shall be guilty of an offence and on conviction thereof liable to imprisonment for life or for any lesser term as the Court may direct.

(3) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his possession, any instrument, tool or engine adapted and intended for the counterfeiting of any current copper coin, shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding seven years.

NOTE

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offences in section 15, a court,

instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Making or having in possession paper or implements for forging paper money.

16. Every person shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a term not exceeding seven years, who, without lawful authority or excuse (the proof whereof shall lie on the person accused) –

- (a) makes, uses, or knowingly has in his custody or possession any paper intended to resemble and pass as special paper such as is provided and used for making any paper money,
- (b) makes, uses, or knowingly has in his custody or possession, any frame, mould, or instrument for making such paper, or for producing in or on such paper any words, figures, letters, marks, lines or devices peculiar to and used in or on any such paper,
- (c) engraves or in anywise makes upon any plate, wood, stone or other material, any words, figures, letters, marks, lines or devices, the print whereof resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to and used in or on any paper money,
- (d) uses or knowingly has in his custody or possession any plate, wood, stone or other materials, upon which any such words, figures, letters, marks, lines, or devices have been engraved or in anywise made as aforesaid,

- (e) uses or knowingly has in his custody or possession any paper upon which any such words, figures, letters, marks, lines or devices have been printed or in anywise made as aforesaid.

NOTE

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offences in section 16, a court, instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Purchasing or having in possession certain paper before it has been duly stamped and issued.

17. Every person shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding two years, who, without lawful authority or excuse (the proof whereof shall lie on the person accused) purchases, receives, or knowingly has in his custody or possession –

- (a) any special paper provided and used for making paper money,
- (b) any die peculiarly used in the manufacture of any such paper.

NOTE

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offences in section 17, a court,

instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Offences with regard to foreign currencies.

18. Acts which would be offences under this Law if committed with regard to any currency of any part of His Majesty's dominions shall if committed with regard to the currency of any foreign country be offences under this Law.

Provisions as to arrest, discovery and seizure.

19. (1) Any person found committing an offence against this Law, other than an offence against section 14 thereof, may be immediately apprehended by any person and shall be produced with all convenient speed before the appropriate Court in the Bailiwick, to be dealt with according to law.

(2) If any person finds in any place whatsoever, or in the possession of any person without lawful authority or excuse –

(a) any false or counterfeit coin resembling any current coin (in this section referred to as a "**counterfeit coin**"), or

(b) any instrument, tool or engine whatsoever adapted and intended for the counterfeiting of any such coin (in this section referred to as a "**counterfeiting instrument**"), or

(c) any filings or clippings, or any gold or silver bullion, or any gold or silver in dust solution or otherwise, which have been produced or obtained by diminishing

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or lightening any current gold or silver coin (in this section referred to as "**counterfeiting material**"),

he shall seize the counterfeit coin or counterfeiting instrument or material and forthwith place it, or cause it to be placed, in the possession of the Police.

(3) If a Magistrate is satisfied by information on oath that there is reasonable ground for supposing that –

(a) any person has been concerned in counterfeiting any current coin, or has in his possession any counterfeit coin or any counterfeiting instrument or any other machine used or intended to be used for making or counterfeiting any current coin (in this section referred to as a "**counterfeiting machine**") or any counterfeiting, material, or

(b) any person has in his custody or possession without lawful authority or excuse –

(i) any implement for making paper used for paper money or for making any imitation of such paper, or

(ii) any material having thereon any words, forms, devices, or characters capable of producing or intended to produce the impression of any paper; money, or

(iii) any forged paper money or die, or

- (iv) any machinery, implement, utensil, or material used or intended to be used for the forgery of any paper money,

the said Magistrate may grant a search warrant to any one or more police officers named in the warrant, and a warrant so granted shall authorise the officer or officers named therein –

to enter and search any building, place, ship, boat, vessel or aircraft whatsoever belonging to or under the control of the suspected person, either in the day or in the night, and

to seize and secure, for the purpose of being produced in evidence and otherwise dealt with according to law, any of the things mentioned in paragraphs (a) and (b) of this subsection.

(4) Any thing or things seized in virtue of this section, or otherwise, shall, if it is or they are not required to be produced in evidence, or, if so required, after being so produced, be delivered up to the Lieutenant Governor or to any person authorised by him to receive it or them.

Form of indictment and proof of intent.

20. (1) In any criminal process in respect of an offence against this Law with reference to any paper money or die, it shall be sufficient to refer to the paper money or die by any name or designation by which it is usually known, or by its purport, without setting out any copy or facsimile of the whole or any part of the paper money or die.

(2) Where an intent to defraud or an intent to deceive is one of the constituent elements of an offence punishable under this Law or by virtue of any other enacted Law or customary law relating to forgery or any kindred offence for the time being in force in the Bailiwick, it shall not be necessary to allege or to prove an intent to defraud or deceive any particular person; and it shall be sufficient to prove that the defendant did the act charged with intent to defraud or to deceive, as the case may require.

Power to fine.

21. On conviction of an offence punishable under this Law, the Court instead of, or in addition to, any other punishment which may be lawfully imposed may fine the offender.

Breaking of coin suspected to be counterfeit.

22. (1) If any person suspects any coin tendered to him as current gold or silver coin to have been diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for him to break the coin.

(2) If any coin when so broken appears to have been diminished otherwise than as aforesaid, or to be counterfeit, the person tendering it shall bear the loss thereof, but if it is of due weight and appears to be lawful coin, the person breaking it shall receive it at the rate it was coined for.

(3) If any dispute arises whether any coin so broken has been diminished otherwise than as aforesaid, or is counterfeit, it shall be heard and finally determined in a summary manner –

- (a) before the Petty Debts Court in the Island of Guernsey, if the dispute arises in that Island,

- (b) before the Chairman and two Jurats of the Court of Alderney, if the dispute arises in that Island, or
- (c) before the Seneschal or Deputy Seneschal of the Island of Sark, if the dispute arises in that Island.

NOTE

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), the reference in this section to the "Petty Debts Court" shall be construed as a reference to the Magistrate's Court within the meaning of the 2008 Law, with effect from 1st September, 2009.

Designated coin and paper money.

23. (1) The Committee may by Order designate any description of non-current coin or non-current paper money as coin or paper money in respect of which the provisions of this Law shall apply in the same manner as if the designated coin or designated paper money was currency.

- (2) Any Order made by the Committee under subsection (1) –
 - (a) may be amended or repealed by a subsequent Order,
 - (b) may contain such consequential, incidental, supplemental and transitional provisions as may appear to the Committee to be necessary or expedient, and
 - (c) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul the Order, cease to have effect,

but without prejudice to any thing done under them or to the making of a new Order.

(3) In this section –

"the Committee" means the States of Guernsey [Treasury and Resources Department],

"designated coin" means coin designated by the Committee under subsection (1),

"designated paper money" means paper money designated by the Committee under subsection (1),

"non-current coin" means metallic money which is neither currency nor deemed to be current under section 1(2)(d),

"non-current paper money" means paper money which is neither currency nor deemed to be current under section 1(2)(d).]

NOTES

The Law received Royal Sanction on 9th October, 1950 and was registered on the Records of the Island of Guernsey and came into force on 25th November, 1950.

Section 23 was inserted by the Currency Offences (Guernsey) (Amendment) Law, 2001, section 1, with effect from 20th November, 2001.

In section 23, the words in square brackets in the definition of the expression "the Committee" in subsection (3) were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 1(b), Schedule 2, paragraph 1(b), with effect from 6th May, 2004.

The functions, rights and liabilities of the Advisory and Finance Committee and of its President arising under or by virtue of this Law were transferred to and vested in, respectively, the Treasury and Resources Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 1(b), Schedule 2, paragraph 1(b), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

The following Order has been made under section 23:

Currency Offences (Designation of Euro) Order, 2001.

¹ These words were previously substituted by the States Supervisor (Transfer of Functions) (No. 1) Ordinance, 1972, section 3, Schedule, Part I, with effect from 1st April, 1972. The powers and functions formerly vested in the States Supervisor and Treasurer of the States under or by virtue of the provisions of section 13 and subsequently vested in the States Supervisor, were transferred to and vested in the States Treasurer by the States Supervisor (Transfer of Functions) (No. 1) Ordinance, 1972, section 1(1), Schedule, Part I, with effect from 1st April, 1972, subject to the savings in section 2 of the 1972 Ordinance. All rights and liabilities enjoyed by or incumbent upon the States Supervisor in, or as a result of, the exercise of the powers and functions under the provisions of section 13 were transferred to and vested in the States Treasurer by the States Supervisor (Transfer

of Functions) (No. 1) Ordinance, 1972, section 1(2), Schedule, Part I, with effect from 1st April, 1972, subject to the savings in section 2 of the 1972 Ordinance.

REPEALED