

# PROJET DE LOI

ENTITLED

## **The Forgery and Counterfeiting (Bailiwick of Guernsey) Law, 2006 \***

[CONSOLIDATED TEXT]

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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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\* No. II of 2010; as amended by the: Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the: Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022 (No. XII of 2022).

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## **The Forgery and Counterfeiting (Bailiwick of Guernsey) Law, 2006**

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## **The Forgery and Counterfeiting (Bailiwick of Guernsey) Law, 2006**

**THE STATES**, in pursuance of their Resolution of the 27<sup>th</sup> April, 2006<sup>a</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

### PART I

#### FORGERY AND KINDRED OFFENCES

##### *Offences*

##### **The offence of forgery.**

1. A person is guilty of forgery if he makes a false instrument with the intention that he or another shall use it to induce somebody to accept it as genuine and, by reason of so accepting it, to do or not to do some act to his own or any other person's prejudice.

##### **The offence of copying a false instrument.**

2. It is an offence for a person to make a copy of an instrument which is, and which he knows or believes to be, a false instrument with the intention that he or another shall use it to induce somebody to accept it as a copy of a genuine instrument and, by reason of so accepting it, to do or not to do some act to his own or any other

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<sup>a</sup> Article XI of Billet d'État No. VIII of 2006.

person's prejudice.

**The offence of using a false instrument.**

3. It is an offence for a person to use an instrument which is, and which he knows or believes to be, false with the intention of inducing somebody to accept it as genuine and, by reason of so accepting it, to do or not to do some act to his own or any other person's prejudice.

**The offence of using a copy of a false instrument.**

4. It is an offence for a person to use a copy of an instrument which is, and which he knows or believes to be, a false instrument with the intention of inducing somebody to accept it as a copy of a genuine instrument and, by reason of so accepting it, to do or not to do some act to his own or any other person's prejudice.

**Offences relating to money orders, share certificates, passports, etc.**

5. (1) It is an offence for a person to have in his custody or under his control an instrument to which this section applies which is, and which he knows or believes to be, false with the intention that he or another shall use it to induce somebody to accept it as genuine and, by reason of so accepting it, to do or not to do some act to his own or any other person's prejudice.

(2) It is an offence for a person to have in his custody or under his control, without lawful authority or excuse, an instrument to which this section applies which is, and which he knows or believes to be, false.

(3) It is an offence for a person to make or to have in his custody or under his control a machine or implement, or paper or any other material, which to his knowledge is or has been specially designed or adapted for the making of an instrument to which this section applies with the intention that he or another shall make an instrument to which this section applies which is false and that he or another shall use the instrument to induce somebody to accept it as genuine and, by reason of

so accepting it, to do or not to do some act to his own or any other person's prejudice.

(4) It is an offence for a person to make or to have in his custody or under his control any such machine, implement, paper or material, without lawful authority or excuse.

(5) The instruments to which this section applies are –

- (a) money orders,
- (b) postal orders,
- (c) Bailiwick postage stamps,
- (d) share certificates,
- (e) passports and documents which can be used instead of passports,
- (f) immigration documents,
- (g) cheques and other bills of exchange,
- (h) travellers' cheques,
- (i) bankers' drafts,
- (j) promissory notes,
- (k) cheque cards,

- (l) debit cards,
- (m) credit cards,
- (n) certified copies relating to an entry in a register of births, adoptions, marriages or deaths issued by Her Majesty's Greffier or a person lawfully authorised to issue certified copies relating to such entries, and
- (o) certificates relating to entries in such registers.

(6) In subsection (5)(d) "**share certificate**" means an instrument entitling or evidencing the title of a person to a share or interest –

- (a) in any public stock, annuity, fund or debt of any government, state or territory, including a state or territory which forms part of another state, or
- (b) in any stock, fund or debt of a body (whether corporate or unincorporated) established in the Bailiwick or elsewhere.

(7) In subsection (5)(f) "**immigration document**" means a card, adhesive label or other instrument which satisfies subsection (8) or (9).

(8) A card, adhesive label or other instrument satisfies this subsection if –

- (a) it is designed to be given, in the exercise of a function

under the Immigration Acts 1971 and 1988<sup>b</sup> or any other enactment relating to immigration in force in the Bailiwick, to a person who has been granted leave to enter or remain in the Bailiwick, and

- (b) it carries information (whether or not wholly or partly electronically) about the leave granted.

(9) A card, adhesive label or other instrument satisfies this subsection if it is given to a person to confirm a right of his under the Community Treaties in respect of entry to or residence in the Bailiwick.

*Penalties, etc.*

**Penalties for offences under Part I.**

6. (1) A person guilty of an offence under this Part of this Law is liable, on summary conviction, to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding 12 months, or to both.

(2) A person guilty of an offence to which this subsection applies is liable, on conviction on indictment, to imprisonment for a term not exceeding 10 years, or to a fine, or to both.

(3) The offences to which subsection (2) applies are offences under the following provisions of this Part of this Law –

- (a) section 1,

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<sup>b</sup> Acts of Parliament (1971 c. 77 and 1988 c. 14); extended to the Bailiwick by the Immigration (Guernsey) Order 1993 (No. 1796).

- (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 5(4) is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

**Powers of search, forfeiture, etc.**

7. (1) If it appears to the Bailiff or the appropriate judicial officer, from information given to 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 Law, or intends to use, for the making of any false instrument or copy of a false instrument, in contravention of section 1 or 2,
- (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 Law, or intends to use, in contravention of section 3 or 4, or
- (c) any thing custody or control of which without lawful authority or excuse is an offence under section 5,

the Bailiff or (as the case may be) the appropriate judicial officer may issue a warrant authorising a police officer to search for and seize the object in question and, for that purpose, to enter any premises specified in the warrant.

(2) A police officer may at any time after the seizure of any object suspected of falling within paragraph (a), (b) or (c) of subsection (1) (whether the seizure was effected by virtue of a warrant under that subsection or otherwise) apply to the Magistrate's Court for an order under this subsection with respect to the object, and the court, if it is satisfied –

- (a) that the object in fact falls within any of those paragraphs, and
- (b) that it is conducive to the public interest to do so,

may, subject to subsection (4), make such order as it thinks fit for the forfeiture of the object and its subsequent destruction or disposal.

(3) Subject to subsection (4), the court by or before which a person is convicted of an offence under this Part of this Law 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) 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.

*Interpretation of Part I*

**Meaning of "instrument".**

8. (1) Subject to subsection (2), in this Part of this Law "instrument" means –

- (a) any document, whether of a formal or informal character,
- (b) any stamp issued or sold by a postal licensee, and
- (c) any disc, tape, sound track or other device on or in which information is recorded or stored by mechanical, electronic or other means.

(2) A currency note within the meaning of Part II of this Law is not an instrument for the purposes of this Part of this Law.

(3) A mark denoting payment of postage which a postal licensee authorises to be used instead of an adhesive stamp is to be treated for the purposes of this Part of this Law as if it were a stamp issued by the licensee concerned.

(4) In this section a "postal licensee" means a person authorised by licence granted under the Post Office (Bailiwick of Guernsey) Law, 2001<sup>c</sup> to provide postal services.

**Meaning of "false" and "making".**

9. (1) An instrument is false for the purposes of this Part of this Law

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- (a) if it purports to have been made in the form in which it

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<sup>c</sup> Order in Council XV of 2001.

*Consolidated text*

is made by a person who did not in fact make it in that form,

- (b) if it purports to have been made in the form in which it is made on the authority of a person who did not in fact authorise its making in that form,
- (c) if it purports to have been made in the terms in which it is made by a person who did not in fact make it in those terms,
- (d) if it purports to have been made in the terms in which it is made on the authority of a person who did not in fact authorise its making in those terms,
- (e) if it purports to have been altered in any respect by a person who did not in fact alter it in that respect,
- (f) if it purports to have been altered in any respect on the authority of a person who did not in fact authorise the alteration in that respect,
- (g) if it purports to have been made or altered on a date on which, or at a place at which, or otherwise in circumstances in which, it was not in fact made or altered, or
- (h) if it purports to have been made or altered by an existing person but he did not in fact exist.

(2) A person is to be treated for the purposes of this Part of this

Law as making a false instrument if he alters an instrument so as to make it false in any respect (whether or not it is false in some other respect apart from that alteration).

**Meaning of "prejudice" and "induce".**

**10.** (1) Subject to subsections (2) and (4), for the purposes of this Part of this Law an act or omission intended to be induced is to a person's prejudice if, and only if, it is one which, if it occurs –

- (a) will result –
  - (i) in his temporary or permanent loss of property,
  - (ii) in his being deprived of an opportunity to earn remuneration or greater remuneration, or
  - (iii) in his being deprived of an opportunity to gain a financial advantage otherwise than by way of remuneration,
- (b) will result in somebody being given an opportunity –
  - (i) to earn remuneration or greater remuneration from him, or
  - (ii) to gain a financial advantage from him otherwise than by way of remuneration, or
- (c) will be the result of his having accepted a false instrument as genuine, or a copy of a false instrument as a copy of a genuine one, in connection with his performance of any duty.

*Consolidated text*

(2) An act which a person has an enforceable duty to do and an omission to do an act which a person is not entitled to do shall be disregarded for the purposes of the Part of the Law.

(3) In this Part of this Law references to inducing somebody to accept a false instrument as genuine, or a copy of a false instrument as a copy of a genuine one, include references to inducing a machine to respond to the instrument or copy as if it were a genuine instrument or, as the case may be, a copy of a genuine one.

(4) Where subsection (3) applies, the act or omission intended to be induced by the machine responding to the instrument or copy shall be treated as an act or omission to a person's prejudice.

(5) In this section "loss" includes not getting what one might get as well as parting with what one has.

*Miscellaneous*

**Abolition of offence of forgery at common law.**

**11.** The offence of forgery at common law is abolished for all purposes not relating to offences committed before the commencement of this Law.

PART II

COUNTERFEITING AND KINDRED OFFENCES

*Offences*

**Offences of counterfeiting notes and coins.**

**12.** (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.

**Offences of passing, etc, counterfeit notes and coins.**

**13.** (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.

**Offences involving custody or control of counterfeit notes and coins.**

**14.** (1) It is an offence for a person to have in his custody or under his control any thing which is, and 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.

(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) 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.

**Offences involving making, custody or control of counterfeiting materials and implements.**

**15.** (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), 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 is a defence for a person charged with an offence under subsection (3) 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 States [Policy & Resources Committee] ("**the [Committee]**"), or
- (b) that he had lawful authority otherwise than by virtue of paragraph (a), or a lawful excuse, for making it or having it in his custody or under his control.

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**NOTE**

*In section 15, the words in the first and second pairs of square brackets in subsection (4) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 2, Schedule 1, paragraph 15(a) and section 5(1), Schedule 3, paragraph 1, with effect from 1st May, 2016.*

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**Offence of reproducing British currency notes.**

**16.** (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 the Bailiwick, England and

Wales, Scotland, Northern Ireland, Jersey or the Isle of Man,

- (b) is or has been customarily used as money in the country or territory where it was issued, and
- (c) is payable on demand, and

**"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.

**Offences of making, etc, imitation British coins.**

**17.** (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 relevant authority has 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 the Bailiwick, any part of the United Kingdom, Jersey or the Isle of Man,

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

**"relevant authority"** means –

- (a) in relation to a coin which is legal tender in the Bailiwick, the [Committee],
- (b) in relation to a coin which is legal tender in the United Kingdom, Her Majesty's Treasury, and
- (c) in relation to a coin which is legal tender in Jersey or the Isle of Man, the authority empowered by law to issue a coin of that description in that island.

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**NOTE**

*In section 17, the word in square brackets in subsection (2) was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 1, with effect from 1st May, 2016.*

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*Prohibition of importation and exportation of counterfeits*

**Prohibition of importation of counterfeit notes and coins.**

**18.** The importation, landing or unloading of a counterfeit of a currency note or of a protected coin without the consent of the [Committee] is prohibited.

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**NOTE**

*In section 18, the word in square brackets in subsection (2) was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance,*

2016, section 5(1), Schedule 3, paragraph 1, with effect from 1st May, 2016.

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**Prohibition of exportation of counterfeit notes and coins.**

**19.** The exportation of a counterfeit of a currency note or of a protected coin without the consent of the [Committee] is prohibited.

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**NOTE**

*In section 19, the word in square brackets in subsection (2) was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 1, with effect from 1st May, 2016.*

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*Penalties, etc.*

**Penalties for offences under Part II.**

**20.** (1) A person guilty of an offence to which this subsection applies is liable –

- (a) on summary conviction, to a fine not exceeding level 5 on the uniform scale, or to imprisonment for a term not exceeding 12 months, or to both, and
- (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding 10 years, or to both.

(2) The offences to which subsection (1) applies are offences under the following provisions of this Part of this Law –

- (a) section 12(1),

- (b) section 13(1),
  - (c) section 14(1), and
  - (d) section 15(1).
- (3) A person guilty of an offence to which this subsection applies is liable –
- (a) on summary conviction, to a fine not exceeding level 5 on the uniform scale, or to imprisonment for a term not exceeding 12 months, or to both, and
  - (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding 2 years, or to both.
- (4) The offences to which subsection (3) applies are offences under the following provisions of this Part of this Law –
- (a) section 12(2),
  - (b) section 13(2),
  - (c) section 14(2),
  - (d) section 15(2), and
  - (e) section 15(3).
- (5) A person guilty of an offence under section 16 or 17 is liable –

- (a) on summary conviction, to a fine not exceeding level 5 on the uniform scale, and
- (b) on conviction on indictment, to a fine.

**Penalties for offences under Customs and Excise Law.**

21. (1) After section 23(1A)<sup>d</sup> of the Customs and Excise Law insert the following subsection –

"(1B) In the case of an offence under subsection (1) committed in connection with the prohibition on importation, landing and unloading contained in section 18 of the Forgery and Counterfeiting (Bailiwick of Guernsey) Law, 2006, the penalty on conviction on indictment is imprisonment for a term not exceeding 10 years, or a fine, or both".

(2) After section 30(3)<sup>e</sup> of the Customs and Excise Law insert the following subsection –

"(4) In the case of an offence under subsection (2) committed in connection with the prohibition on exportation contained in section 19 of the Forgery and Counterfeiting (Bailiwick of Guernsey) Law, 2006, the penalty on conviction on indictment is imprisonment for a term not exceeding 10 years, or a fine, or both."

(3) After section 77(2)<sup>f</sup> of the Customs and Excise Law insert the following subsection –

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**d** Section 23(1A) was inserted by Order in Council No. XIII of 1991.

**e** Section 30(3) was inserted by Order in Council No. XIII of 1991.

**f** Section 77(2) was inserted by Order in Council No. XIII of 1991.

"(3) In the case of an offence under subsection (1) committed in connection with the prohibitions contained in sections 18 and 19 of the Forgery and Counterfeiting (Bailiwick of Guernsey) Law, 2006, the penalty on conviction on indictment is imprisonment for a term not exceeding 10 years, or a fine, or both."

**Powers of search, forfeiture, etc.**

22. (1) If it appears to the Bailiff or the appropriate judicial officer, from information given to 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 or imitation made in contravention of section 16 or 17, or
- (b) any thing which he or another has used, whether before or after the coming into force of this Law, or intends to use, for the making of any such counterfeit, or the making of any reproduction or imitation in contravention of section 16 or 17,

the Bailiff or (as the case may be) the appropriate judicial officer may issue a warrant authorising a police officer to search for and seize the object in question and, for that purpose, to enter any premises specified in the warrant.

(2) A police officer may at any time after the seizure of any object suspected of falling within paragraph (a) or (b) of subsection (1) (whether the seizure was effected by virtue of a warrant under that subsection or otherwise) apply to the Magistrate's Court for an order under this subsection with respect to the object, and the court, if it is satisfied –

- (a) that the object in fact falls within one or other of those paragraphs, and
- (b) that it is conducive to the public interest to do so,

may, subject to subsection (4), make such order as it thinks fit for the forfeiture of the object and its subsequent destruction or disposal.

(3) Subject to subsection (4), the court by or before which a person is convicted of an offence under this Part of this Law 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) 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), 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.

**Directors' liability, etc.**

**23.** (1) Where an offence under section 16 or 17 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, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies 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.

*Interpretation of Part II*

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

**24.** (1) In this Part of this Law –

**"currency note"** means –

(a) any note which –

(i) has been lawfully issued in the Bailiwick, England and Wales, Scotland, Northern Ireland, Jersey or the Isle of Man.

(ii) is or has been customarily used as money in the country or territory where it was issued, and

(iii) is payable on demand, or

(b) any note which –

(i) has been lawfully issued in some country or territory other than those mentioned in paragraph (a)(i), and

(ii) is customarily used as money in that country or

territory, and

**"protected coin"** means any coin which –

- (a) is customarily used as money in any country or territory, or
- (b) is specified in regulations made by the [Committee] for the purposes of this Part of this Law.

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**NOTE**

*In section 24, the word in square brackets in subsection (2) was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 1, with effect from 1st May, 2016.*

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**Meaning of "counterfeit".**

25. (1) For the purposes of this Part of this Law 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 Law –

- (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 Law to passing or tendering a counterfeit of a currency note or of a protected coin are not to be construed as confined to passing or tendering it as legal tender.

### PART III INTERPRETATION AND MISCELLANEOUS

#### **Interpretation.**

**26.** (1) In this Law –

**"appropriate judicial officer"** means –

- (a) in Alderney, the Chairman of the Court of Alderney or, if he is absent or unable to act, a Jurat of the Court of Alderney authorised by him to act in that behalf,

- (b) in Sark, the Seneschal or, if he is absent or unable to act, the Deputy Seneschal,

**"Bailiff"** means the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff or the Juge Délégué,

**"Bailiwick"** means the Bailiwick of Guernsey,

**"counterfeit"** (in Part II): see section 25,

**"currency note"** (in Part II): see section 24,

**"Customs and Excise Law"** means the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972<sup>g</sup>,

**"customs officer"** means an officer within the meaning of section 1(1) of the Customs and Excise Law,

**"[Committee]"** means the States [Policy & Resources Committee],

**"false"** (in Part I): see section 9,

**"Her Majesty's Procureur"** includes Her Majesty's Comptroller,

**"induce"** (in Part I): see section 10,

**"instrument"** (in Part I): see section 8,

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<sup>g</sup> Ordres en Conseil Vol. XXIII, p. 573; amended by Orders in Council No. XIII of 1991 and No. X of 2004.

**"Magistrate's Court"** means –

- (a) in Alderney, the Court of Alderney, and
- (b) in Sark, the Court of the Seneschal,

**"making"** (in Part I): see section 9,

**"police officer"** means –

- (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey,
- (b) in relation to Alderney, a member of the salaried police force of the Island of Guernsey, a member of any police force which may be established by the States of Alderney and, within the limits of his jurisdiction, a special constable appointed pursuant to section 47 of the Government of Alderney Law, 2004<sup>h</sup>,
- (c) in relation to Sark, the Constable, the Vingtenier and a member of the salaried police force of the Island of Guernsey,
- (d) a customs officer,

**"prejudice"** (in Part I): see section 10,

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<sup>h</sup> Order in Council No. III of 2005.

**"protected coin"** (in Part II): see section 24, and

**"uniform scale"** means the uniform scale of fines from time to time in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989<sup>i</sup>.

(2) The Interpretation (Guernsey) Law, 1948<sup>j</sup> applies to the interpretation of this Law throughout the Bailiwick.

(3) Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

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## NOTES

*In section 26, the words in the first and second pairs of square brackets in the definition of the expression "Committee" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 1 and section 2, Schedule 1, paragraph 15(a), with effect from 1st May, 2016.*

*The functions, rights and liabilities of the Treasury and Resources Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 15(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*

*In accordance with the provisions of the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022, section 8, Schedule 2, paragraph 1 and paragraph 2, with effect from 20th October, 2022, unless the contrary intention appears and subject to any*

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<sup>i</sup> Ordres en Conseil Vol. XXXI, p. 278.

<sup>j</sup> Ordres en Conseil Vol. XIII, p. 355.

*regulations made under section 8(3), first, any reference to a police officer in this Law and any subordinate legislation made hereunder includes a reference to the Director of the Economic and Financial Crime Bureau and designated persons and to members of the Financial Intelligence Unit and, second, subject to the provisions of section 8(4), any power in an enactment to disclose information to a police officer or customs officer for a specified purpose includes a power to disclose that information to the Director of the Economic and Financial Crime Bureau and designated persons and to members of the Financial Intelligence Unit for the purpose of carrying out their functions.*

*In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.*

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

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**Power to amend Law by Ordinance.**

27. (1) The States may by Ordinance amend this Law.
- (2) An Ordinance under this Law –
- (a) may, for the avoidance of doubt –
    - (i) create new offences, and
    - (ii) repeal, replace, amend, extend, adapt, modify or disapply any rule of customary or common law,
  - (b) may be amended or repealed by a subsequent Ordinance hereunder, and
  - (c) may contain such consequential, incidental, supplementary, transitional and savings provisions as

may appear to be necessary or expedient.

(3) Any power conferred by this Law to make an Ordinance may be exercised –

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised –

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

(iii) any such provision either unconditionally or subject to any prescribed conditions.

**Repeal.**

28. The Currency Offences (Guernsey) Law, 1950<sup>k</sup> is repealed.

**Citation.**

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<sup>k</sup> Ordres en Conseil Vol. XIV, p. 417.

**29.** This Law may be cited as the Forgery and Counterfeiting (Bailiwick of Guernsey) Law, 2006.

**Commencement.**

**30.** This Law shall come into force on the day appointed by Ordinance of the States; and different days may be appointed for different provisions.

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**NOTE**

*The Law was brought into force on 28th April, 2010 by the Forgery and Counterfeiting (Bailiwick of Guernsey) Law, 2006 (Commencement) Ordinance, 2010, section 1.*

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