

LAWS OF TRINIDAD AND TOBAGO

COINAGE OFFENCES ACT

CHAPTER 11:15

Act
12 of 1925
Amended by
20 of 1936
G.N. 136/1976
45 of 1979

Current Authorised Pages

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
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Note
on
Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note
on
Revision Date

As this Act was amended by the Law Revision (Miscellaneous Amendments) (No. 1) Act 1979 (Act 45 of 1979), this Chapter has been revised up to 31st December 1979, instead of the normal revision date (31st December 1977).

CHAPTER 11:15**COINAGE OFFENCES ACT****ARRANGEMENT OF SECTIONS**

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CHAPTER 11:15
COINAGE OFFENCES ACT

1950 Ed.
Ch. 4 No. 8.

An Act for the punishment of offences relating to the coin.

12 of 1925.
Commencement.

[3RD APRIL 1925]

Short title.

1. This Act may be cited as the Coinage Offences Act.

Interpretation.

2. (1) In this Act—

“Commonwealth country” means any country to which section 18 of the Constitution applies;

“copper coin” includes any coin of any metal or mixed metal (not being a gold or silver coin) coined in any mint belonging to the Government or the Central Bank or coined for or on behalf of the Government or the Central Bank or lawfully current in Trinidad and Tobago or in any other country;

“current coin” includes any coin coined in any mint belonging to the Government or the Central Bank or coined for or on behalf of the Government or the Central Bank or lawfully current in Trinidad and Tobago or in any other country;

“current gold or silver coin” includes any gold or silver coin coined in any mint belonging to the Government or the Central Bank or coined for or on behalf of the Government or the Central Bank or lawfully current in Trinidad and Tobago or in any other country;

“false or counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin” includes any of the current coin which shall have been gilt, silvered, washed, coloured, or cased over, or in any manner altered, so as to resemble, or be apparently intended to resemble or pass for, any current coin of a higher denomination.

“Possession.”

(2) Where the having any matter in the custody or possession of any person is mentioned in this Act, it includes not only the having of it by himself in his personal custody or possession but also the knowingly and wilfully having it in the actual custody or possession of any other person, and also the knowingly and wilfully having it in any dwelling-house or other building, lodging, apartment, field, or other place, open or enclosed, whether belonging to or occupied by himself or not, and whether such matter is so had for his own use or benefit or for that of any other person.

3. Any person who falsely makes or counterfeits any coin resembling or apparently intended to resemble or pass for any current gold or silver coin is liable to imprisonment for life.

Counterfeiting gold or silver coin.

4. Any person who gilds or silvers or who, with any wash or materials capable of producing the colour or appearance of gold or of silver, or by any means whatsoever, washes, cases over, or colours any coin whatsoever resembling or apparently intended to resemble or pass for any current gold or silver coin; or who gilds or silvers or, with any wash or materials capable of producing the colour or appearance of gold or of silver, or by any means whatsoever, washes, cases over, or colours any piece of silver, or copper, or of coarse gold or coarse silver, or of any metal or mixture of metals respectively, being of a fit size and figure to be coined, and with intent that the same shall be coined into false and counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin; or who 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, or files or in any manner alters such coin, with intent to make the same resemble or pass for any current gold coin; or who gilds or silvers or who, 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 any current copper coin, or files or in any manner alters such coin, with intent to make the same resemble or pass for any current gold or silver coin, is liable to imprisonment for ten years.

Colouring counterfeit coin or any pieces of metal, with intent to make them pass for gold or silver coin.

5. Any 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 current gold or silver coin, is liable to imprisonment for three years.

Impairing gold or silver coin, etc.

6. Any person who unlawfully has in his custody or possession any filings or clippings, 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 the same to have been so produced or obtained, is liable to imprisonment for three years.

Unlawful possession of filings or clippings of gold or silver coins.

7. Any person who without lawful authority or excuse (the proof whereof lies on the party accused), buys, sells, receives, pays, or puts off, or offers to buy, sell, receive, pay, or put off, any false or counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin, at or for a

Buying or selling, etc., counterfeit gold or silver coin for lower value than its denomination. [45 of 1979].

lower rate or value than the same imports or was apparently intended to import, is liable to imprisonment for ten years; and in any indictment for any such offence under this section it shall be sufficient to allege that the party accused bought, sold, received, paid, or put off, or offered to buy, sell, receive, pay, or put off, the false or counterfeit coin at or for a lower rate or value than the same imports or was apparently intended to import, without alleging at or for what rate, price, or value the same was bought, sold, received, paid, or put off, or offered to be bought, sold, received, paid, or put off.

Importing
counterfeit
coin.

8. Any person who without lawful authority or excuse (the proof whereof lies on the party accused), imports or receives into Trinidad and Tobago any false or counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit, is liable to imprisonment for fourteen years.

Exporting
counterfeit
coin.

9. Any person who without lawful authority or excuse (the proof whereof lies on the party accused), exports or puts on board any ship, vessel, or boat for the purpose of being exported from Trinidad and Tobago, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current coin, knowing the same to be false or counterfeit, is liable to imprisonment for fourteen years.

Uttering
counterfeit gold
or silver coin.

10. Any person who tenders, utters, or puts off any false or counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit, is liable to imprisonment for one year.

Uttering
accompanied by
possession of
other
counterfeit
coin, or
followed by a
second uttering.

11. Any person who tenders, utters or puts off any false or counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit, and who, at the time of such tendering, uttering, or putting off, has in his custody or possession, besides the false or counterfeit coin so tendered, uttered, or put off, any other piece of false or counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin, or who, either on the day of such tendering, uttering, or putting off, or within the space of ten days then next ensuing, tenders, utters, or puts off any false or counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit, is liable to imprisonment for two years.

12. Any person who has in his custody or possession three or more pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit, and with intent to utter or put off the same or any of them, is liable to imprisonment for three years.

Having three or more pieces of counterfeit gold or silver coin in possession with intent to utter same.

13. Any person who, having been convicted, either before or after the commencement of this Act, of any offence mentioned in sections 10, 11 or 12 or of any arrestable offence against this or any former written law relating to the coin, afterwards commits any of the offences mentioned in any of the said sections is liable to imprisonment for ten years.

Every second offence of uttering after a previous conviction shall be an arrestable offence. [45 of 1979].

14. Any person who, with intent to defraud, tenders, utters, or puts off, as or for any current gold or silver coin, any coin not being such current gold or silver coin, or any medal or piece of metal or mixed metals, resembling in size, figure, and colour the current coin as or for which the same is so tendered, uttered, or put off, such coin, medal, or piece of metal or mixed metals so tendered, uttered, or put off being of less value than the current coin as or for which the same shall be so tendered, uttered, or put off, is liable to imprisonment for one year.

Uttering foreign coin, medals, etc., as current coin, with intent to defraud.

15. Any person who falsely makes or counterfeits any coin resembling or apparently intended to resemble or pass for any current copper coin; and any person who, without lawful authority or excuse (the proof whereof lies on the party accused), knowingly makes or mends, or begins or proceeds to make or mend, or buy or sell, or have in his custody or possession any instrument, tool, or engine adapted and intended for the counterfeiting of, any current copper coin, or buys, sells, receives, pays or puts off, or offers to buy, sell, receive, pay, or put off, any false or counterfeit coin resembling or apparently intended to resemble or pass for any current copper coin, at or for a lower rate or value than the same imports or was apparently intended to import, is liable to imprisonment for ten years.

Counterfeiting, etc., copper coin.

16. Any person who tenders, utters, or puts off any false or counterfeit coin resembling or apparently intended to resemble or pass for any current copper coin, knowing the same to be false or counterfeit, or who has in his custody or possession three or more pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any current copper coin, know-

Uttering base copper coin.

ing the same to be false or counterfeit, and with intent to utter or puts off the same or any of them, is liable to imprisonment for one year.

Defacement of coin.

17. Any person who defaces any current gold, silver, or copper coin, by stamping or otherwise putting thereon any names, or words, or letters, or by cutting any marks on the same, or by perforating the same, whether such coin is or is not thereby diminished or lightened, is liable to imprisonment for one year.

Tender of coin so defaced not to be a legal tender, and penalty for uttering the same.

18. No tender of payment in money made in any gold, silver, or copper coin so defaced as mentioned in section 17 shall be allowed to be a legal tender; and any person who tenders, utters or puts off any coin so defaced is liable on summary conviction to a fine of two hundred dollars, or to imprisonment for three months.

Punishment for selling medals resembling current coin.

19. Any person who without due authority or excuse (the proof whereof lies on the person accused) makes or has in his possession for sale, or offers for sale, or sells any medal, cast, coin, or any other like thing made wholly or partially of metal or any metallic combination and resembling in size, figure, and colour any current gold or silver coin, or having thereon a device resembling any device on any current gold or silver 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 current gold or silver coin, is liable to imprisonment for one year.

Prohibition of importation of imitation coin.

20. (1) It shall not be lawful to import or bring into Trinidad and Tobago any imitation coin as defined by this section, and any such imitation coin shall be included among the goods enumerated and described in the table of prohibitions and restrictions inwards contained in section 39 of the Customs Act, and the law relating to the customs shall apply accordingly.

Ch. 32 No. 2. (1950 Ed.).

However, the Comptroller of Customs and Excise may permit the importation of any imitation coin in a 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 current coin, shall be an imitation coin within the meaning of this section, that is to say—

- (a) any piece of gold, silver, copper, or bronze, or of metal or mixed metal, purporting to be a current coin or a token for Trinidad and Tobago or foreign money, or bearing any word or device which indicates or may reasonably be taken to indicate that the holder thereof is entitled to demand any value in Trinidad and Tobago or foreign money denoted thereon; and
- (b) any metal, cast, coin, or other like thing made wholly or partially of metal or any metallic combination, and resembling in size, figure, and colour any current coin, or having thereon a device resembling any device on any current 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 current coin.

21. Any person who, without lawful authority or excuse (the proof whereof lies on the party accused) knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells or has in his custody or 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 or parts of both or either of such sides; or who makes or mends or begins or proceeds to make or mend, or buys or sells or has in his custody or possession, 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 such coin as mentioned above in this section, knowing the same to be so adapted and intended as aforesaid; or who makes or mends or begins or proceeds to make or mend, or who buys or sells or has in his custody or possession, any press for coinage, or any cutting engine for cutting, by force of a screw or any other contrivance, round blanks out of gold, silver, or other metal, or mixture of metals, or any other machine, knowing such press to be a press for coinage, or knowing such engine or machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any such coin as mentioned above in this section, is liable to imprisonment for ten years.

Making mending, or having possession of any coining tools, arrestable offence. [45 of 1979].

Coin suspected to be diminished or counterfeit may be cut by any person to whom it is tendered.

22. Where any coin is tendered as current gold or silver coin to any person who suspects the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, such person may cut, break, bend, or deface such coin, and if any coin so cut, broken, bent, or defaced appears to be diminished otherwise than by reasonable wearing, or to be counterfeit, the person tendering the same shall bear the loss thereof; but if the same shall be of due weight and appears to be lawful coin, the person cutting, breaking, bending, or defacing the same is hereby required to receive the same at the rate it was coined for; and if any dispute arises whether the coin so cut, broken, bent, or defaced is diminished in the manner aforesaid, or counterfeit, it shall be heard and finally determined in a summary manner by a Magistrate who is hereby empowered to examine on oath as well the parties as any other person, in order to determine the dispute.

Provision for the discovery and seizure of counterfeit coin and coining tools, for securing them as evidence, and for ultimately disposing of them.

23. (1) If any person finds or discovers in any place whatsoever, or in the custody or possession of any person having the same without lawful authority or excuse, any false or counterfeit coin resembling or apparently intended to resemble or pass for any current gold, silver, or copper coin, or any instrument, tool, or engine whatsoever adapted and intended for the counterfeiting of any such coin, or any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise which has been produced or obtained by diminishing or lightening any current gold or silver coin, it shall be lawful for the person so finding or discovering, and he is hereby required, to seize the same, and to carry the same forthwith before a Magistrate.

(2) Where it is proved, on the oath of a credible witness before any Magistrate, that there is reasonable cause to suspect that any person has been concerned in counterfeiting current gold, silver, or copper coin, or has in his custody or possession any such false or counterfeit coin, or any instrument, tool, or engine whatsoever adapted and intended for the making or counterfeiting of any such coin, or any other machine used or intended to be used for making or counterfeiting any such coin, or any such filings, clippings, or bullion, or any such gold or silver in dust, solution, or otherwise as mentioned above, a Magistrate may, by warrant under his hand, cause any place whatsoever belonging to or in the occupation or under the control of such suspected person to be searched, either in the day or in the night, and if any such false or counterfeit coin, or any such instrument, tool, or engine, or any such machine, or any such filings clippings, or bullion, or

any such gold or silver in dust, solution, or otherwise as aforesaid, is found in any place so searched, cause the same to be seized and carried forthwith before a Magistrate.

(3) Whenssoever any such false or counterfeit coin or any such instrument, tool, or engine, or any such machine or any such filings, clippings, or bullion, or any such gold or silver in dust, solution, or otherwise as aforesaid, is in any case whatsoever seized and carried before a Magistrate, he shall, if necessary, cause the same to be secured for the purpose of being produced in evidence against any person who may be prosecuted for any offence against this Act.

(4) All such false and counterfeit coin, and all instruments, tools, and engines adapted and intended for the making or counterfeiting of coin, and all such machines, and all such filings, clippings, and bullion, and all such gold and silver in dust, solution, or otherwise as mentioned above, after they have been produced in evidence, or when they have been seized, and are not required to be produced in evidence, shall forthwith be delivered up to the Commissioner of Police, or to any person authorised by him to receive the same.

24. Where, upon the trial of any person charged with any offence against this Act, it is necessary to prove that any coin produced in evidence against such person is false or counterfeit, it shall be sufficient to prove the same to be false or counterfeit by the evidence of any credible witness.

What shall be sufficient proof of coin being counterfeit.

25. Every offence of falsely making or counterfeiting any coin, or of buying, selling, receiving, paying, tendering, uttering, or putting off, or of offering to buy, sell, receive, pay, utter, or put off, any false or counterfeit coin, against the provisions of this Act, shall be deemed to be complete, although the coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered, or put off, or offered to be bought, sold, received, paid, uttered, or put off, is not in a fit state to be uttered, or the counterfeiting thereof is not finished or perfected.

Where the counterfeiting coin shall be complete.

26. Any person may apprehend without warrant anyone found committing any offence against this Act, and may convey or deliver him to any member of the Police Service for the purpose of his being conveyed as soon as reasonably may be before a Magistrate to be dealt with according to law.

Any person may apprehend offenders against this Act.