

CHAPTER 4. No. 8.
COINAGE OFFENCES.

AN ORDINANCE FOR THE PUNISHMENT OF OFFENCES RELATING TO THE COIN. Ordinance
Ch. 4. No. 8-
1940.

[3rd April, 1925.]

Commence-
ment.

1. This Ordinance may be cited as the Coinage Offences Ordinance. Short title.

2. (1) In this Ordinance—

Interpre-
tation.

“copper coin” includes any coin of any metal or mixed metal (not being a gold or silver coin) coined in any of His Majesty’s mints, or lawfully current, by virtue of any proclamation or otherwise, in the Colony or in any other Commonwealth country or lawfully current in any foreign country;

“current coin” includes any coin coined in any of His Majesty’s mints, or lawfully current, by virtue of any proclamation or otherwise, in the Colony or in any other Commonwealth country or lawfully current in any foreign country;

“current gold or silver coin” includes any gold or silver coin coined in any of His Majesty’s mints, or lawfully current, by virtue of any proclamation or otherwise, in the Colony or in any other Commonwealth country, or lawfully current in any foreign 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;

“Commonwealth country,” in the foregoing definitions, shall include any British protectorate or protected state or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty.

“Possession.”

(2) Where the having any matter in the custody or possession of any person is mentioned in this Ordinance, it shall include, 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 shall be so had for his own use or benefit or for that of any other person.

Counterfeiting gold or silver coin.

3. Whosoever shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any current gold or silver coin shall be guilty of felony and liable to be imprisoned for life or for any term of years.

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

4. Whosoever shall gild or silver, or shall, with any wash or materials capable of producing the colour or appearance of gold or of silver, or by any means whatsoever, wash, case over, or colour any coin whatsoever resembling or apparently intended to resemble or pass for any current gold or silver coin; or shall gild or silver, or shall, with any wash or materials capable of producing the colour or appearance of gold or of silver, or by any means whatsoever, wash, case over, or colour 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 shall gild, or shall, with any wash or materials capable of producing the colour or appearance of gold, or by any means whatsoever, wash, case over, or colour any current

silver coin, or file or in any manner alter such coin, with intent to make the same resemble or pass for any current gold coin; or shall gild or silver, or shall, with any wash or materials capable of producing the colour or appearance of gold or silver, or by any means whatsoever, wash, case over, or colour any current copper coin, or file or in any manner alter such coin, with intent to make the same resemble or pass for any current gold or silver coin, shall be guilty of felony and liable to be imprisoned for ten years.

5. Whosoever shall impair, diminish, or lighten any current gold or silver coin, with intent that the coin so impaired, diminished, or lightened may pass for current gold or silver coin, shall be guilty of felony and liable to be imprisoned for three years.

Impairing
gold or silver
coin, etc.

6. Whosoever shall unlawfully have 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 shall have 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, shall be guilty of felony and liable to be imprisoned for three years.

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

7. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall buy, sell, receive, pay, or put off, or offer 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 lower rate or value than the same imports or was apparently intended to import, shall be guilty of felony and liable to be imprisoned for any term of years; and in any indictment for any such offence as in this section aforesaid it shall be sufficient to allege that the party accused did buy, sell, receive, pay, or put off, or did offer 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.

Buying or
selling, etc.,
counterfeit
gold or silver
coin for
lower value
than its
denomina-
tion.

Importing
counterfeit
coin.

8. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall import or receive into the Colony 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, shall be guilty of felony and liable to be imprisoned for fourteen years.

Exporting
counterfeit
coin.

9. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall export, or put on board any ship, vessel, or boat for the purpose of being exported from the Colony, 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, shall be guilty of felony and liable to be imprisoned for fourteen years.

Uttering
counterfeit
gold or silver
coin.

10. Whosoever shall tender, utter, or put 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, shall be guilty of a misdemeanor and liable to be imprisoned for one year.

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

11. Whosoever shall tender, utter, or put 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 shall, at the time of such tendering, uttering, or putting off, have 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 shall, either on the day of such tendering, uttering, or putting off, or within the space of ten days then next ensuing, tender, utter, or put 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, shall be guilty of a misdemeanor and liable to be imprisoned for two years.

Having
three or
more pieces
of counterfeit
gold or
silver coin

12. Whosoever shall have 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, shall be guilty of a misdemeanor and liable to be imprisoned for three years.

in possession
with intent
to utter
same.

13. Whosoever, having been convicted, either before or after the commencement of this Ordinance, of any such misdemeanor as in any of the three last preceding sections mentioned, or of any felony against this or any former enactment relating to the coin, shall afterwards commit any of the misdemeanors in any of the said sections mentioned, shall be guilty of felony and liable to be imprisoned for any term of years.

Every
second
offence of
uttering
after a
previous
conviction
shall be
felony.

14. Whosoever shall, with intent to defraud, tender, utter, or put 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 shall be 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, shall be guilty of a misdemeanor and liable to be imprisoned for one year.

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

15. Whosoever shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any current copper coin; and whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall knowingly make or mend, or begin or proceed 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 shall buy, sell, receive, pay, or put off, or offer 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, shall be guilty of felony and liable to be imprisoned for ten years.

Counter-
feiting, etc.,
copper coin.

Uttering
base copper
coin.

16. Whosoever shall tender, utter, or put 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 shall have 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, knowing the same to be false or counterfeit, and with intent to utter or put off the same or any of them, shall be guilty of a misdemeanor and liable to be imprisoned for one year.

Defacement
of coin.

17. Whosoever shall deface 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 shall or shall not be thereby diminished or lightened, shall be guilty of a misdemeanor and liable to be imprisoned 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 in the last preceding section mentioned shall be allowed to be a legal tender; and whosoever shall tender, utter, or put off any coin so defaced shall, on summary conviction, be liable to a fine of twenty-four dollars, or to be imprisoned for three months.

Punishment
for selling
medals
resembling
current coin.

19. If any person without due authority or excuse (the proof whereof shall lie 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, he shall be guilty of a misdemeanor and liable to be imprisoned for one year.

Prohibition
of importa-
tion of
imitation
coin.

20. (1) It shall not be lawful to import or bring into the Colony 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 Ordinance, and the law relating to the customs shall apply accordingly:

Provided that 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 British 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 British 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. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in his custody or possession, any puncheon, counter-puncheon, matrix, stamp, die, pattern, or mould, in or upon which there shall be made or impressed, or which will make or impress, or which shall be 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 shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his custody or possession, any edger, edging or other tool, collar, instrument, or engine adapted and intended for the marking

Making, mending, or having possession of any coining tools, felony.

of coin round the edges with letters, grainings, or other marks or figures apparently resembling those on the edges of any such coin as in this section aforesaid, knowing the same to be so adapted and intended as aforesaid; or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or shall have 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 in this section aforesaid, shall be guilty of felony and liable to be imprisoned for any term of years.

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

22. Where any coin shall be tendered as current gold or silver coin to any person who shall suspect the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such person to cut, break, bend, or deface such coin, and if any coin so cut, broken, bent, or defaced shall appear 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 shall appear 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 shall arise whether the coin so cut, broken, bent, or defaced be diminished in 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 the decision of such 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 shall find or discover 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 shall have 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 shall be 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 aforesaid, it shall be lawful for a Magistrate, by warrant under his hand, to 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, shall be found in any place so searched, to 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, shall in any case whatsoever be 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 Ordinance.

(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 aforesaid, after they shall have been produced in evidence, or when

they shall have been seized, and shall not be 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.

What shall be sufficient proof of coin being counterfeit.

24. Where, upon the trial of any person charged with any offence against this Ordinance, it shall be 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.

Where the counterfeiting coin shall be complete.

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 Ordinance, 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, shall not be in a fit state to be uttered, or the counterfeiting thereof shall not be finished or perfected.

Any person may apprehend offenders against this Ordinance.

26. It shall be lawful for any person to apprehend without warrant any person who shall be found committing any offence against this Ordinance, and to convey or deliver him to any member of the Police Force, in order to his being conveyed as soon as reasonably may be before a Magistrate to be dealt with according to law.

Fine and sureties for keeping the peace.

27. Whenever any person shall be convicted of any indictable misdemeanor punishable under this Ordinance, the Court may, if it shall think fit, in addition to or in lieu of any of the punishments by this Ordinance authorised, fine the offender, and require him to enter into his own recognisances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Ordinance, the Court may, if it shall think fit, require the offender to enter into his own recognisances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Ordinance authorised: Provided that no person shall be imprisoned under this section for not finding sureties for any period exceeding one year.