

CHAPTER 4. No. 12.

FORGERY.

Ordinance
Ch. 4, No. 12—
1940.

AN ORDINANCE RELATING TO FORGERY AND KINDRED
OFFENCES.

Commence-
ment.

[22nd April, 1925.]

Short title.

1. This Ordinance may be cited as the Forgery Ordinance.

Interpre-
tation.

2. In this Ordinance—

“ bank note ” includes any note or bill of exchange of the Bank of England, or of any other person, body corporate, or company carrying on the business of banking in any part of the world, and includes “ bank bill,” “ bank post bill,” “ blank bank note,” “ blank bank bill of exchange,” and “ blank bank post bill ”;

“ currency note ” includes any note issued as currency by or under the authority of the Government of the Colony, or of any Commonwealth country including 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, or of any foreign state, or of any part or colony or dependency of any foreign state;

“ 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 any part of such stamp or impression;

“ document of title to goods ” includes any bill of lading, India warrant, dock warrant, warehouse keeper’s certificate, warrant or order for the delivery or transfer

of any goods or valuable thing, bought or sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by endorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to;

“ document of title to lands ” includes any Crown grant, certificate of title, deed, map, roll, register, or instrument in writing being or containing evidence of the title or any part of the title to any land or to any interest in or arising out of any land, or any authenticated copy thereof;

“ revenue paper ” means any paper provided by the proper authority for the purpose of being used for stamps, licences, permits, post office money orders, or postal orders, or for any purpose whatever connected with the public revenue;

“ seal ” includes any stamp or impression of a seal, or any stamp or impression made or apparently intended to resemble the stamp or impression of a seal. as well as the seal itself;

“ stamp ” includes a stamp impressed by means of a die as well as an adhesive stamp;

“ Treasury bill ” includes Exchequer bill, Exchequer bond, Exchequer debenture, and War bond;

“ valuable security ” includes any writing entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund, or debt of any Commonwealth country or of any foreign state, or in any stock, annuity, fund, or debt of any body corporate, company, or society, whether within or without any Commonwealth country, or to any deposit in any bank; and also includes any scrip, debenture, bill, note, warrant, order, or other security for the payment of money, or any authority or request for the payment of money or the delivery or transfer of goods or chattels, or any accountable receipt, release, or discharge, or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal.

Definition of
"forgery."

3. (1) For the purposes of this Ordinance, "forgery" is the making of a false document in order that it may be used as genuine, and, in the case of the seals and dies mentioned in this Ordinance, the counterfeiting of a seal or die; and forgery with intent to defraud or deceive, as the case may be, is punishable as in this Ordinance provided.

"False
document."

(2) A document is false within the meaning of this Ordinance if the whole or any material part thereof purports to be made by or on behalf or on account of a person who did not make it nor authorise its making; or if, though made by or on behalf or on account of the person by whom or by whose authority it purports to have been made, the time or place of making, where either is material, or, in the case of a document identified by number or mark, the number or any distinguishing mark identifying the document, is falsely stated therein, and in particular a document is false—

(a) if any material alteration, whether by addition, insertion, obliteration, erasure, removal, or otherwise, has been made therein; or

(b) if the whole or some material part of it purports to be made by or on behalf of a fictitious or deceased person; or

(c) if, though made in the name of an existing person, it is made by him or by his authority with the intention that it should pass as having been made by some person, real or fictitious, other than the person who made or authorised it.

(3) For the purposes of this Ordinance—

(a) it is immaterial in what language a document is expressed or in what place within or without any Commonwealth country it is expressed to take effect;

(b) forgery of a document may be complete even if the document when forged is incomplete, or is not or does not purport to be such a document as would be binding or sufficient in law;

(c) the crossing on any cheque, draft on a banker, post office money order, postal order, coupon, or other document the crossing of which is authorised or recognised by law, shall be a material part of such cheque, draft, order, coupon, or document.

4. (1) Forgery of the following documents, if committed with intent to defraud, shall be felony and punishable with imprisonment for life or for any term—

Forgery of certain documents with intent to defraud.

(a) any will, codicil, or other testamentary document, either of a dead or of a living person, or any probate or letters of administration, whether with or without the will annexed;

(b) any deed or bond, or any assignment at law or in equity of any deed or bond, or any attestation of the execution of any deed or bond;

(c) any bank note, or any endorsement on or assignment of any bank note;

(d) any currency note.

(2) Forgery of the following documents, if committed with intent to defraud, shall be felony and punishable with imprisonment for fourteen years—

(a) any valuable security or assignment thereof or endorsement thereon, or, where the valuable security is a bill of exchange, any acceptance thereof;

(b) any document of title to lands or any assignment thereof or endorsement thereon;

(c) any document of title to goods or any assignment thereof or endorsement thereon;

(d) any power of attorney or other authority to transfer any share or interest in any stock, annuity, or public fund of the United Kingdom or any Commonwealth country or of any foreign state or country, or to transfer any share or interest in the debt of any public body, company, or society, British or foreign, or in the capital stock of any such company or society, or to receive any dividend or money payable in respect of such share or interest, or any attestation of any such power of attorney or other authority;

(e) any entry in any book or register which is evidence of the title of any person to any share or interest hereinbefore mentioned or to any dividend or interest payable in respect thereof;

(f) any policy of insurance or any assignment thereof or endorsement thereon;

(g) any charter-party or any assignment thereof.

Forgery of
certain
documents
with intent
to defraud
or deceive.

5. (1) Forgery of the following documents, if committed with intent to defraud or deceive, shall be felony and punishable with imprisonment for life or for any term—

any document whatsoever having thereupon or affixed thereto the stamp or impression of the Public Seal of the Colony, the Great Seal of the United Kingdom, His Majesty's Privy Seal, any Privy Signet of His Majesty, His Majesty's Royal Sign Manual, any of His Majesty's Seals appointed by the twenty-fourth article of the Union between England and Scotland to be kept, used, and continued in Scotland.

(2) Forgery of the following documents, if committed with intent to defraud or deceive, shall be felony and punishable with imprisonment for fourteen years—

(a) any register or record of births, baptisms, namings, dedications, marriages, deaths, burials, or cremations which now is, or hereafter may be, by law authorised or required to be kept in the Colony, relating to any birth, baptism, naming, dedication, marriage, death, burial, or cremation, or any part of any such register, or any certified copy of any such register, or of any part thereof;

(b) any copy of any register of births, baptisms, marriages, burials, or cremations directed or required by law to be transmitted to any registrar or other officer;

(c) any wrapper or label provided by or under the authority of the Governor or the head of any department of the public service.

(3) Forgery of the following documents, if committed with intent to defraud or deceive, shall be felony and punishable with imprisonment for seven years—

(a) any official document whatsoever of or belonging to any court of justice, or made or issued by any Judge, Magistrate, Justice, officer, or clerk of any such court;

(b) any register or book kept under the provisions of any law in or under the authority of any court of justice;

(c) any certificate, office copy, or certified copy of

any such document, register, or book or of any part thereof;

(d) any document which any person authorised to administer an oath under the Commissioners of Affidavits Ordinance, is authorised or required by law to make or issue;

(e) any document made or issued by any public officer or law officer of the Crown, or any document upon which, by the law or usage at the time in force any court of justice or any officer might act;

(f) any document or copy of a document used or intended to be used in evidence in any court of justice or any document which is made evidence by law;

(g) any certificate required by any enactment for the celebration of marriage;

(h) any licence for the celebration of marriage which may be given by law;

(i) any certificate, declaration, or order under any enactment relating to vaccination or to the registration of births or deaths;

(j) any register book, builder's certificate, surveyor's certificate, certificate of registry, declaration, bill of sale, instrument of mortgage, or certificate of mortgage or sale under Part I. of the Merchant Shipping Act, 1894, or any entry or endorsement required by the said Part of the said Act to be made in or on any of those documents; 57 & 58 Vic.
c. 60.

(k) any permit, certificate, or similar document made or granted by or under the authority of the Comptroller of Customs and Excise or the Commissioner of Inland Revenue or the Accountant General for the purpose of or in connection with Customs or Excise;

(l) any certificate of the Commissioner of Income Tax acting in execution of the Income Tax Ordinance;

(m) any certificate or any copy of any register issued by or under the authority of the Registrar General and not otherwise provided for.

6. The forgery of any passport, or the making by any person of a statement which is to his knowledge untrue for the purpose of procuring a passport, whether for himself Passports:
forgery;
untrue
statements.

or any other person, shall be a misdemeanor and punishable with imprisonment for two years.

Forgery of documents with intent to defraud or deceive.

7. Forgery of any document which is not made felony under this or any other enactment for the time being in force, if committed with intent to defraud or deceive, shall be a misdemeanor and punishable with imprisonment for two years.

Forgery of seals and dies.

8. (1) Forgery of the following seals, if committed with intent to defraud or deceive, shall be felony and punishable with imprisonment for life or for any term—

(a) the Public Seal of the Colony, the Great Seal of the United Kingdom, His Majesty's Privy Seal, any Privy Signet of His Majesty, His Majesty's Royal Sign Manual, any of His Majesty's Seals appointed by the twenty-fourth article of the Union between England and Scotland to be kept, used, and continued in Scotland;

(b) the seal of any court of justice.

(2) Forgery of the following seals, if committed with intent to defraud or deceive, shall be felony and punishable with imprisonment for fourteen years—

(a) the seal of the Registrar General;

(b) the seal of the Registrar of the Supreme Court;

(c) the seal of any city, town, or borough;

(d) the seal of any mayor or municipal corporation;

(e) the seal of any Judge, minister of religion, consul, commissioner of affidavits, or notary public.

(3) Forgery of the following dies, if committed with intent to defraud or deceive, shall be felony and punishable with imprisonment for fourteen years—

(a) any stamp or die provided, made, or used by the Comptroller of Customs and Excise or the Commissioner of Inland Revenue or the Accountant General for the purpose of or in connection with Customs or Excise;

(b) any stamp or die provided, made, or used in pursuance of the Stamp Duty Ordinance.

9. (1) Every person who utters any forged document, seal, or die shall be guilty of an offence of the like degree (whether felony or misdemeanor) and liable to the same punishment as if he himself had forged the document, seal or die. Uttering.

(2) A person utters a forged document, seal, or die, who, knowing the same to be forged, and with either of the intents necessary to constitute the offence of forging the said document, seal, or die, uses, offers, publishes, delivers, disposes of, tenders in payment or in exchange, exposes for sale or exchange, exchanges, tenders in evidence, or puts off the said forged document, seal, or die. Definition of "uttering."

(3) It is immaterial where the document, seal, or die was forged.

10. Every person shall be guilty of felony and liable to imprisonment for fourteen years, who, with intent to defraud, demands, receives, or obtains, or causes or procures to be delivered, paid, or transferred to any person, or endeavours to receive or obtain or to cause or procure to be delivered, paid, or transferred to any person, any money, security for money, or other property, real or personal— Demanding property on forged documents, etc.

(a) under, upon, or by virtue of any forged instrument whatsoever, knowing the same to be forged; or

(b) under, upon, or by virtue of any probate or letters of administration, knowing the will, testament, codicil, or testamentary writing on which such probate or letters of administration shall have been obtained to have been forged, or knowing such probate or letters of administration to have been obtained by any false oath, affirmation, or affidavit.

11. (1) Every person shall be guilty of felony and liable to imprisonment for fourteen years, who, without lawful authority or excuse, the proof whereof shall lie on the accused, purchases or receives from any person, or has in his custody or possession, a forged bank note, or a forged currency note, knowing the same to be forged. Possession of forged documents, seals, and dies.

(2) Every person shall be guilty of felony and liable to imprisonment for fourteen years, who, without lawful authority or excuse, the proof whereof shall lie on the

accused, and knowing the same to be forged, has in his custody or possession—

(a) any forged die required or authorised by law to be used for the marking of gold or silver plate, or of gold or silver wares, or any ware of gold, silver, or base metal bearing the impression of any such forged die;

(b) any forged stamp or die resembling or intended to resemble either wholly or in part any stamp or die which at any time whatever has been or may be provided, made, or used in pursuance of the Stamp Duty Ordinance;

(c) any forged wrapper or label provided by or under the authority of the Governor or the head of any department of the public service;

(d) any forged seal or die the forgery of which with intent to defraud or deceive is made punishable by section 8 of this Ordinance.

Making or having in possession paper or implements for forgery.

12. Every person shall be guilty of felony and liable to imprisonment for seven years, who, without lawful authority or excuse, the proof whereof shall lie on the accused—

(a) makes, uses, or knowingly has in his custody or possession any paper intended to resemble and pass as—

(i) special paper such as is provided and used for making any bank note, currency note, treasury bill, or Government debenture bond;

(ii) revenue paper;

(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 bank note, or currency note, or Government debenture bond, or in or on any document entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund, or debt of

any Commonwealth country or of any foreign state, or in any stock, annuity, fund, or debt of any body corporate, company, or society, whether within or without any Commonwealth country;

(d) uses or knowingly has in his custody or possession any plate, wood, stone, or other material 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;

(f) makes, uses, or knowingly has in his custody or possession any unfinished or incomplete note purporting to be a currency note, or any paper with any word, figure, device, or distinction peculiar to and appearing in the substance of paper used for any currency note.

13. Every person shall be (guilty of a misdemeanor, and on conviction thereof shall be liable) to imprisonment for two years, who, without lawful authority or excuse, the proof whereof shall lie on the accused, purchases, receives, or knowingly has in his custody or possession—

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

(a) any special paper provided and used for making bank notes, currency notes, treasury bills, and Government debenture bonds, or any revenue paper before such paper has been duly stamped, signed, and issued for public use;

(b) any die peculiarly used in the manufacture of any such paper.

14. (1) On conviction of a misdemeanor punishable under this Ordinance, the Court, instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender.

Punishments.

(2) On conviction of a felony punishable under this Ordinance, the Court, in addition to imposing a sentence of imprisonment, may require the offender to enter into his own recognisances, with or without sureties, for keeping the peace and being of good behaviour.

(3) On conviction of a misdemeanor punishable under this Ordinance, the Court, instead of or in addition to any other punishment which may lawfully be imposed for the offence, may require the offender to enter into his own recognisances, with or without sureties, for keeping the peace and being of good behaviour.

(4) No person shall be imprisoned under this section for more than one year for not finding sureties.

Criminal
possession.

15. Where the having any document, seal, or die in the custody or possession of any person is in this Ordinance expressed to be an offence, a person shall be deemed to have a document, seal, or die in his custody or possession if he—

(a) has it in his personal custody or possession; or

(b) knowingly and wilfully has it in the actual custody or possession of any other person, or in any building, lodging, apartment, field, or other place, whether open or enclosed, and whether occupied by himself or not.

It is immaterial whether the document, matter, or thing is had in such custody, possession, or place for the use of such person or for the use or benefit of another person.

Search
warrants.

16. (1) If it shall be made to appear by information on oath before a Magistrate or Justice that there is reasonable cause to believe that any person has in his custody or possession without lawful authority or excuse—

(a) any bank note, currency note, treasury bill, or Government debenture bond; or

(b) any implement for making paper or imitation of the paper used for bank notes, currency notes, treasury bills, or Government debenture bonds; or

(c) any material having thereon any words, forms, devices, or characters capable of producing or intended to produce the impression of a bank note, currency note, treasury bill, or Government debenture bond; or

(d) any forged document, seal, or die; or

(e) any machinery, implement, utensil, or material used or intended to be used for the forgery of any document;

the Magistrate or Justice may grant a warrant to search for the same; and if the same shall be found on search, it shall be lawful to seize it and carry it before the Magistrate of the district to be by him disposed of according to law.

(2) Where any forged document (including any forged bank note, currency note, treasury bill, or Government debenture bond), or any machinery, implement, utensil, or material used or intended to be used for the forgery of any such document, is lawfully seized under a warrant granted in pursuance of subsection (1) of this section, or otherwise, the document, machinery, implement, utensil or material as the case may be, shall be delivered up to the Commissioner of Police, or to any person authorised by him to receive the same, by order of the court before which the offender is tried or, if there is no trial, by order of a Magistrate.

Disposal of documents, materials, etc., seized.

(3) Every other document, seal, or die lawfully seized under such warrant, or otherwise, shall be defaced and destroyed or otherwise disposed of—

Documents, etc., to be destroyed or otherwise disposed of.

(a) by order of the court before which the offender is tried; or

(b) if there be no trial, by order of a Magistrate; or

(c) if it affects the public revenue, by the Accountant General.

17. (1) In an indictment or information for an offence against this Ordinance with reference to any document, seal, or die, it is sufficient to refer to the document, seal, 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 document, seal, or die.

Form of indictment and proof of intent.

(2) Where an intent to defraud or an intent to deceive is one of the constituent elements of an offence punishable under this Ordinance, or under any other enactment relating to forgery or any kindred offence for the time being in force, it shall not be necessary to allege in the indictment 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.

Partnerships.

(3) If any person who is a member of any co-partnership, or is one of two or more beneficial owners of any property, forges any document, matter, or thing with intent to defraud the co-partnership or the other beneficial owners, he shall be liable to be dealt with, indicted, tried, and punished as if he had not been or was not a member of the co-partnership or one of such beneficial owners.

Savings.

18. (1) Where an offence against this Ordinance also by virtue of some other enactment subjects the offender to any forfeiture or disqualification, or to any penalty other than imprisonment or fine, the liability of the offender to punishment under this Ordinance shall be in addition to and not in substitution for his liability under such other enactment.

Offences
punishable
under other
Ordinances.

(2) Where an offence against this Ordinance is by any other Ordinance, whether passed before or after the commencement of this Ordinance, made punishable on summary conviction, proceedings may be taken either under such other Ordinance or under this Ordinance.