

Jersey Law 23/1952**CURRENCY OFFENCES (JERSEY) LAW, 1952.**

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Jersey Law 23/1952

Currency Offences (Jersey) Law, 1952

A LAW for the suppression of fraud in coinage and paper money, sanctioned by Order of Her Majesty in Council of the

24th day of JUNE, 1952.

(Registered on the 26th day of July, 1952).

STATES OF JERSEY.

The 22nd day of April, 1952.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law: -

ARTICLE 1

INTERPRETATION

(1) In this Law, unless the context otherwise requires –

“British coin” means any coin lawfully current by virtue of any Proclamation or otherwise in any part of Her Majesty’s dominions, whether within the United Kingdom or elsewhere and “British money” means money expressed in the terms of any British coin;

“copper coin” includes any coin of any metal or mixed metal not being a gold or silver coin;

“currency” means any money, whether paper money or metallic money, lawfully current in any part of Her Majesty’s dominions or in any foreign country;

“current notes” means any notes (by whatever name called) which are legal tender in the country in which they are issued;

“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;

“foreign coin” means any coin lawfully current in any foreign country, and “foreign money” means money expressed in the terms of any foreign coin;

“paper money” includes bank notes and currency notes;

“silver coin” includes any coin which in any country is legal tender as silver coin.

(2) For the purposes of this Law –

- (a) a coin shall be deemed to be current if it has been coined in or for any of Her Majesty’s Mints, or is lawfully current by virtue of the Royal Prerogative or of enacted or customary law or of any Proclamation or otherwise in any part of Her Majesty’s dominions or is lawfully current in any foreign country;
- (b) a coin apparently intended to resemble or pass for any current coin shall be deemed to resemble that current coin;
- (c) a current coin which has been gilt, silvered, washed, coloured or cased over or in any manner altered so as to resemble any current coin of a higher denomination shall be deemed to be a false or counterfeit coin resembling a current gold or silver coin;
- (d) a thing shall be deemed to be in the possession of any person, if he himself has it in his personal custody or possession, and also if he knowingly and wilfully has it in the actual custody or possession of some other person, or

in some building or place, whether open or enclosed, or in some ship, boat or other vessel, or aircraft, (whether belonging to or occupied by himself or not) and whether he has it for his own use or benefit or for that of any other person;

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

ARTICLE 2

COUNTERFEITING

(1) Every person who falsely makes or counterfeits any coin resembling any current coin shall be liable –

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

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

ARTICLE 3

GILDING, SILVERING, FILING AND ALTERING

Every person who –

- (a) gilds or silvers, or, with any wash or materials capable of producing the colour or appearance of gold or silver or by any means whatsoever, washes, cases over or colours –

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

shall be liable to imprisonment for life or for any lesser term as the court may direct.

ARTICLE 4

IMPAIRING GOLD OR SILVER COIN AND UNLAWFUL POSSESSION OF FILINGS, ETC

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

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

ARTICLE 5

DEFACING AND UTTERING DEFACED COINS

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

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

(3) Every person who tenders, utters or puts off any coin which has been defaced as aforesaid shall be liable to a fine not exceeding two pounds sterling:

Provided that no proceedings shall be instituted under this paragraph without the consent of the Attorney General.

ARTICLE 6

FORGERY OF PAPER MONEY

(1) Every person who forges any paper money with intent to defraud shall be liable to imprisonment for life or for any lesser term as the court may direct.

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

ARTICLE 7

UTTERING FORGED PAPER MONEY

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

(2) Every person who utters any forged paper money shall be liable to imprisonment for life or for any lesser term as the court may direct.

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

ARTICLE 8

POSSESSION OF FORGED PAPER MONEY

Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), purchases or receives from any person, or has in his custody or possession, any forged paper money, knowing it to be forged, shall be liable to imprisonment for a term not exceeding fourteen years.

ARTICLE 9

UTTERING, AND POSSESSION WITH INTENT TO UTTER, OF FALSE OR COUNTERFEIT COIN

(1) Every person who tenders, utters or puts off any false or counterfeit coin resembling any current coin knowing it to be false or counterfeit, shall be liable to imprisonment for a term not exceeding one year.

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

- (a) at the time of the tendering, uttering or putting off, has in his possession, besides that coin, any other such false or counterfeit coin; or
- (b) on the day of the tendering, uttering or putting off, or, within the period of ten days next following, tenders, utters or puts off any other such false or counterfeit coin, knowing it to be false or counterfeit;

shall be liable to imprisonment for a term not exceeding two years.

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

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

- (5) Every person who commits –
 - (a) any offence under paragraph (1) of this Article in respect of a coin resembling a current gold or silver coin; or
 - (b) any offence under paragraph (2) or paragraph (3) of this Article;

having been previously convicted of any such offence or of any offence under any of the following Articles of this Law, namely, Articles 2, 3, 4, 6, 7, 8, 10, 14 and 15, shall be liable to imprisonment for life or for any lesser term as the court may direct.

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

- (a) any coin not being that current coin and being of less value than that current coin; or
- (b) any medal or piece of metal or mixed metals resembling in size, figure and colour that current coin and being of less value than that current coin;

shall be liable to imprisonment for a term not exceeding one year.

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

ARTICLE 10

BUYING OR SELLING, ETC., COUNTERFEIT COIN OR FORGED PAPER MONEY FOR LOWER VALUE THAN ITS DENOMINATION

(1) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), buys, sells, receives, pays or puts off, or offers to buy, sell, receive, pay or put off, any false or counterfeit coin resembling any current coin, or any forged paper money resembling any current paper money, at or for a lower rate or value than the false or counterfeit coin or forged paper money imports, or apparently is intended to import, shall be liable –

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

(2) In any indictment for an offence under this Article in respect of a coin resembling a current gold or silver coin, or in respect of any paper money resembling any current paper money, it shall be

sufficient to allege that the person accused bought, sold, received, paid or put off the coin or paper money or offered to buy, sell, receive, pay or put off the coin or paper money, at or for a lower rate of value than it imports or was apparently intended to import, without alleging at or for what rate, price or value it was bought, sold, received, paid or put off, or offered to be bought, sold, received, paid or put off.

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

ARTICLE 11

IMPORTING AND EXPORTING COUNTERFEIT COIN AND FORGED PAPER MONEY

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

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

shall be liable to imprisonment for a term not exceeding fourteen years.

ARTICLE 12

PROHIBITION ON IMPORTATION OF IMITATION COIN

(1) Subject as hereinafter provided, every person who imports or brings into the Island any imitation coin as defined in paragraph (2) of this Article shall be liable to a fine not exceeding one hundred pounds sterling and to the forfeiture of the imitation coin in respect of which the offence was committed:

Provided that the Treasurer of the States may grant permission for the importation into the Island of any imitation coin in any particular instance if he is satisfied that such importation is for the purpose of knowledge or art, or any exhibition or collection, or for any lawful purpose, and that the imitation coin is not likely to circulate as current coin or to be otherwise used for deceiving the public.

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

- (a) any piece of gold, silver, copper or bronze, or of metal or mixed metal, purporting to be a British or foreign coin or a token for British or foreign money, or bearing any word or device which indicates or may reasonably be taken to indicate that the holder thereof is entitled to demand any value in British or foreign money denoted thereon; and
- (b) any medal, cast, coin, or other like thing made wholly or partially of metal or any mixture of metals, and resembling in size, figure and colour any British or foreign coin, or having thereon a device resembling any device on any British or foreign coin, or being so formed that it can, by gilding, silvering, colouring, washing or other like process, be so dealt with as to resemble any British or foreign coin.

ARTICLE 13

**MAKING, POSSESSING AND SELLING MEDALS
RESEMBLING GOLD OR SILVER COIN**

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

- (a) resembling in size, figure and colour any current gold or silver coin; or
- (b) having thereon a device resembling a device on any such current coin; or
- (c) being so formed that it can, by gilding, silvering, colouring, washing or other like process, be so dealt with as to resemble any such current coin;

shall be liable to imprisonment for a term not exceeding one year.

ARTICLE 14

**MAKING, MENDING AND HAVING POSSESSION OF COINING
IMPLEMENTS**

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

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

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

shall be liable to imprisonment for life or for any lesser term as the court may direct.

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

ARTICLE 15

MAKING OR HAVING IN POSSESSION PAPER OR IMPLEMENTS FOR FORGING PAPER MONEY

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

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

shall be liable to imprisonment for a term not exceeding seven years.

ARTICLE 16

PURCHASING OR HAVING IN POSSESSION CERTAIN PAPER BEFORE IT HAS BEEN DULY STAMPED AND ISSUED

Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), purchases, receives, or knowingly has in his custody or possession –

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

shall be liable to imprisonment for a term not exceeding two years.

ARTICLE 17

OFFENCES WITH REGARD TO FOREIGN COIN

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

ARTICLE 18

PROVISIONS AS TO ARREST, DISCOVERY AND SEIZURE

(1) Any person found committing an offence against this Law, other than an offence against Article 13 thereof, may be immediately apprehended by any person and forthwith delivered into the hands of the competent police authority to be dealt with according to law.

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

- (a) any false or counterfeit coin resembling any current coin (in this Article referred to as a “counterfeit coin”); or
- (b) any instrument, tool or engine whatsoever adapted and intended for the counterfeiting of any such coin (in this Article referred to as a “counterfeiting instrument”); or
- (c) any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution or otherwise, which have been produced or obtained by diminishing or

lightening any current gold or silver coin (in this Article referred to as “counterfeiting material”);

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

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

- (a) any person has been concerned in counterfeiting any current coin, or has in his possession any counterfeit coin or any counterfeiting instrument or any other machine used or intended to be used for making or counterfeiting any current coin (in this Article referred to as a “counterfeiting machine”) or any counterfeiting material; or
- (b) any person has in his custody or possession without lawful authority or excuse –
 - (i) any implement for making paper used for paper money or for making any imitation of such paper; or
 - (ii) any material having thereon any words, forms, devices or characters capable of producing or intended to produce the impression of any paper money; or
 - (iii) any forged paper money or die; or
 - (iv) any machinery, implement, utensil, or material used or intended to be used for the forgery of any paper money;

the Bailiff may grant a warrant to any one or more members of the honorary or paid police named in the warrant, and a warrant so granted shall authorize the officer or officers named therein to enter and search any building, place, ship, boat or other vessel, or aircraft, belonging to or under the control of the suspected person, either in the day or in the night,

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

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

ARTICLE 19

FORM OF INDICTMENT AND PROOF OF INTENT

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

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

ARTICLE 20

POWER TO FINE

Where any person is convicted of an offence against this Law, the court, instead of, or in addition to, imposing any other punishment which may be lawfully imposed, may fine the offender.

ARTICLE 21

BREAKING OF COIN SUSPECTED TO BE COUNTERFEIT

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

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

(3) If any dispute arises whether any coin so broken has been diminished otherwise than as aforesaid, or is counterfeit, it shall be heard and determined by the Judge of the Court known as “Cour pour le recouvrement de menues dettes” or the “Petty Debts Court” constituted in pursuance of the “Loi sur la Cour pour le recouvrement de menues dettes” confirmed by Order of Her Majesty in Council of the 9th day of May, 1891.¹

(4) In this Article, references to breaking shall include reference to cutting, bending and defacing.

ARTICLE 22

ACCESSORIES AND ABETTORS

Any person who knowingly and wilfully aids, abets, counsels, causes, procures or commands the commission of an offence punishable under this Law shall be liable to be dealt with, indicted, tried and punished as a principal offender.

¹ Tomes IV–VI, page 102.

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ARTICLE 23

SHORT TITLE

This Law may be cited as the Currency Offences (Jersey) Law,
1952.

To be printed, published and posted.

F. DE L. BOIS,

Greffier of the States.