



# Forgery and Counterfeiting Act 1981

## 1981 CHAPTER 45

An Act to make fresh provision for England and Wales and Northern Ireland with respect to forgery and kindred offences; to make fresh provision for Great Britain and Northern Ireland with respect to the counterfeiting of notes and coins and kindred offences; to amend the penalties for offences under section 63 of the Post Office Act 1953; and for connected purposes. [27th July 1981]

### Commencement Information

**II** Act not in force at Royal Assent see [s. 33](#). Act wholly in force at 28.10.1981.

## PART I

### FORGERY AND KINDRED OFFENCES

### Modifications etc. (not altering text)

**C1** [Pt. I](#) (ss.1-13) modified (11.11.1999) by [1999 c. 33](#), [ss. 31\(3\)\(a\), 170\(3\)\(e\)](#)

### *Offences*

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

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

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

It is an offence for a person to make a copy of an instrument which is, and which he knows or believes to be, a false instrument, with the intention that he or another shall

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use it to induce somebody to accept it as a copy of a genuine instrument, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice.

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

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

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

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

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

- (1) It is an offence for a person to have in his custody or under his control an instrument to which this section applies which is, and which he knows or believes to be, false, with the intention that he or another shall use it to induce somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice.
- (2) It is an offence for a person to have in his custody or under his control, without lawful authority or excuse, an instrument to which this section applies which is, and which he knows or believes to be, false.
- (3) It is an offence for a person to make or to have in his custody or under his control a machine or implement, or paper or any other material, which to his knowledge is or has been specially designed or adapted for the making of an instrument to which this section applies, with the intention that he or another shall make an instrument to which this section applies which is false and that he or another shall use the instrument to induce somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice.
- (4) It is an offence for a person to make or to have in his custody or under his control any such machine, implement, paper or material, without lawful authority or excuse.
- (5) The instruments to which this section applies are—
  - (a) money orders;
  - (b) postal orders;
  - (c) United Kingdom postage stamps;
  - (d) Inland Revenue stamps;
  - (e) share certificates;
  - <sup>F1</sup>(f) .....
  - <sup>F2</sup>[<sup>F3</sup>(fa)] .....
  - (g) cheques<sup>F4</sup> and other bills of exchange ];
  - (h) travellers' cheques;
  - [<sup>F5</sup>(ha) bankers' drafts;
  - (hb) promissory notes;]

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- (j) cheque cards;
  - [<sup>F6</sup>(ja) debit cards;]
  - (k) credit cards;
  - (l) certified copies relating to an entry in a register of births, adoptions, marriages [<sup>F7</sup>, civil partnerships] or deaths and issued by the Registrar General, the Registrar General for Northern Ireland, a registration officer or a person lawfully authorised to [<sup>F8</sup>issue certified copies relating to such entries ]; and
  - (m) certificates relating to entries in such registers.
- (6) In subsection (5) (e) above “share certificate” means an instrument entitling or evidencing the title of a person to a share or interest—
- (a) in any public stock, annuity, fund or debt of any government or state, including a state which forms part of another state; or
  - (b) in any stock, fund or debt of a body (whether corporate or unincorporated) established in the United Kingdom or elsewhere.
- [<sup>F9</sup>(7) An instrument is also an instrument to which this section applies if it is a monetary instrument specified for the purposes of this section by an order made by the Secretary of State.
- (8) The power under subsection (7) above is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]
- <sup>F10</sup>[<sup>F11</sup>(9) . . . . .
- <sup>F10</sup>(10) . . . . .
- <sup>F10</sup>(11)] . . . . .

#### Textual Amendments

- F1** S. 5(5)(f) repealed (7.6.2006) by [Identity Cards Act 2006 \(c. 15\)](#), s. 44(3), **Sch. 2**; S.I. 2006/1439, art. 2(e) [Editorial Note: The repealing Sch. 2 is induced by s. 44(2) of the 2006 Act and that section is in force at 30.3.2006 by virtue of s. 44(3) of that Act. However, Sch. 2 itself is expressly brought into force at 7.6.2006 by S.I. 2006/1439, art. 2(e)]
- F2** S. 5(5)(fa) repealed (7.6.2006) by [Identity Cards Act 2006 \(c. 15\)](#), s. 44(3), **Sch. 2**; S.I. 2006/1439, art. 2(e) [Editorial Note: The repealing Sch. 2 is induced by s. 44(2) of the 2006 Act and that section is in force at 30.3.2006 by virtue of s. 44(3) of that Act. However, Sch. 2 itself is expressly brought into force at 7.6.2006 by S.I. 2006/1439, art. 2(e)]
- F3** S. 5(5)(fa) inserted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), **ss. 3(2)**, 48(3); S.I. 2004/2523, art. 2, Sch.
- F4** Words in s. 5(5)(g) inserted (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), **ss. 88(2)(a)**, 94(1); S.I. 2004/786, art. 3(1)(2)
- F5** S. 5(5)(ha)(hb) inserted (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), **ss. 88(2)(b)**, 94(1); S.I. 2004/786, art. 3(1)(2)
- F6** S. 5(5)(ja) inserted (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), **ss. 88(2)(c)**, 94(1); S.I. 2004/786, art. 3(1)(2)
- F7** Words in s. 5(5)(l) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), **Sch. 27 para. 67(a)**; S.I. 2005/3175, art. 2(2)
- F8** Words in s. 5(5)(l) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), **Sch. 27 para. 67(b)**; S.I. 2005/3175, art. 2(2)
- F9** S. 5(7)(8) inserted (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), **ss. 88(3)**, 94(1); S.I. 2004/786, art. 3(1)(2)

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- F10** S. 5(9)-(11) repealed (7.6.2006) by Identity Cards Act 2006 (c. 15), s. 44(3), **Sch. 2**; S.I. 2006/1439, art. 2(e) [Editorial Note: The repealing Sch. 2 is induced by s. 44(2) of the 2006 Act and that section is in force at 30.3.2006 by virtue of s. 44(3) of that Act. However, Sch. 2 itself is expressly brought into force at 7.6.2006 by S.I. 2006/1439, art. 2(e)]
- F11** S. 5(9)-(11) added (1.10.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **ss. 3(3), 48(3)**; S.I. 2004/2523, art. 2, Sch.

*Penalties etc.*

**6 Penalties for offences under Part I.**

- (1) A person guilty of an offence under this Part of this Act shall be liable on summary conviction—
  - (a) to a fine not exceeding the statutory maximum; or
  - (b) to imprisonment for a term not exceeding six months; or
  - (c) to both.
- (2) A person guilty of an offence to which this subsection applies shall be liable on conviction on indictment to imprisonment for a term not exceeding ten years.
- (3) The offences to which subsection (2) above applies are offences under the following provisions of this Part of this Act—
  - (a) section 1;
  - (b) section 2;
  - (c) section 3;
  - (d) section 4;
  - (e) section 5(1); and
  - (f) section 5(3).
- (4) A person guilty of an offence under section 5(2) or (4) above shall be liable on conviction on indictment to imprisonment for a term not exceeding two years.
- <sup>F12</sup>(5) .....

**Textual Amendments**  
**F12** S. 6(5) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group2.

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

- (1) If it appears to a justice of the peace, from information given him on oath, that there is reasonable cause to believe that a person has in his custody or under his control—
  - (a) any thing which he or another has used, whether before or after the coming into force of this Act, or intends to use, for the making of any false instrument or copy of a false instrument, in contravention of section 1 or 2 above; or
  - (b) any false instrument or copy of a false instrument which he or another has used, whether before or after the coming into force of this Act, or intends to use, in contravention of section 3 or 4 above; or
  - (c) any thing custody or control of which without lawful authority or excuse is an offence under section 5 above,

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the justice may issue a warrant authorising a constable to search for and seize the object in question, and for that purpose to enter any premises specified in the warrant.

- (2) A constable may at any time after the seizure of any object suspected of falling within paragraph (a), (b) or (c) of subsection (1) above (whether the seizure was effected by virtue of a warrant under that subsection or otherwise) apply to a magistrates' court for an order under this subsection with respect to the object; and the court, if it is satisfied both that the object in fact falls within any of those paragraphs and that it is conducive to the public interest to do so, may make such order as it thinks fit for the forfeiture of the object and its subsequent destruction or disposal.
- (3) Subject to subsection (4) below, the court by or before which a person is convicted of an offence under this Part of this Act may order any object shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.
- (4) The court shall not order any object to be forfeited under subsection (2) or (3) above where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

#### **Modifications etc. (not altering text)**

- C2** S. 7(1): powers of seizure extended (*prosp.*) by 2001 c. 16, ss. 50, 52-54, 68, 138(2), **Sch. 1 Pt. 1 para. 26**
- C3** S. 7(1) modified (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), ss. 55, 138(2), **Sch. 1 paras. 101** (with ss. 57(3), 68); S.I. 2003/708, art. 2(a)
- C4** S. 7(1) powers of seizure extended (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), ss. 50, 138(2), **Sch. 1 paras. 26** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)
- C5** S. 7(2) applied (*prosp.*) by 2001 c. 16, ss. 70, 138(2), **Sch. 2 Pt. 1 para. 10(2)(d)**
- C6** S. 7(2) applied (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), s. 138(2), **Sch. 2 para. 10(2)(d)**; S.I. 2003/708, art. 2(k)

### *Interpretation of Part I*

#### **8 Meaning of “instrument”.**

- (1) Subject to subsection (2) below, in this Part of this Act “instrument” means—
  - (a) any document, whether of a formal or informal character;
  - (b) any stamp issued or sold by [<sup>F13</sup>a postal operator];
  - (c) any Inland Revenue stamp; and
  - (d) any disc, tape, sound track or other device on or in which information is recorded or stored by mechanical, electronic or other means.
- (2) A currency note within the meaning of Part II of this Act is not an instrument for the purposes of this Part of this Act.
- (3) A mark denoting payment of postage which the [<sup>F14</sup>a postal operator authorises] to be used instead of an adhesive stamp is to be treated for the purposes of this Part of this Act as if it were a stamp issued by [<sup>F15</sup>the postal operator concerned].

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[<sup>F16</sup>(3A) In this section “postal operator” has [<sup>F17</sup>the meaning given by section 27 of the Postal Services Act 2011 ].]

(4) In this Part of this Act “Inland Revenue stamp” means a stamp as defined in section 27 of the <sup>M1</sup>Stamp Duties Management Act 1891.

#### Textual Amendments

- F13** Words in s. 8(1)(b) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 50(2)**
- F14** Words in s. 8(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 50(3)(a)**
- F15** Words in s. 8(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 50(3)(b)**
- F16** S. 8(3A) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 50(4)**
- F17** Words in s. 8(3A) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 111**; S.I. 2011/2329, art. 3

#### Marginal Citations

- M1** 1891 c. 38.

## 9 Meaning of “false” and “making”.

- (1) An instrument is false for the purposes of this Part of this Act—
- (a) if it purports to have been made in the form in which it is made by a person who did not in fact make it in that form; or
  - (b) if it purports to have been made in the form in which it is made on the authority of a person who did not in fact authorise its making in that form; or
  - (c) if it purports to have been made in the terms in which it is made by a person who did not in fact make it in those terms; or
  - (d) if it purports to have been made in the terms in which it is made on the authority of a person who did not in fact authorise its making in those terms; or
  - (e) if it purports to have been altered in any respect by a person who did not in fact alter it in that respect; or
  - (f) if it purports to have been altered in any respect on the authority of a person who did not in fact authorise the alteration in that respect; or
  - (g) if it purports to have been made or altered on a date on which, or at a place at which, or otherwise in circumstances in which, it was not in fact made or altered; or
  - (h) if it purports to have been made or altered by an existing person but he did not in fact exist.
- (2) A person is to be treated for the purposes of this Part of this Act as making a false instrument if he alters an instrument so as to make it false in any respect (whether or not it is false in some other respect apart from that alteration).

## 10 Meaning of “prejudice” and “induce”.

- (1) Subject to subsections (2) and (4) below, for the purposes of this Part of this Act an act or omission intended to be induced is to a person’s prejudice if, and only if, it is one which, if it occurs—
- (a) will result—
    - (i) in his temporary or permanent loss of property; or

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- (ii) in his being deprived of an opportunity to earn remuneration or greater remuneration; or
  - (iii) in his being deprived of an opportunity to gain a financial advantage otherwise than by way of remuneration; or
  - (b) will result in somebody being given an opportunity—
    - (i) to earn remuneration or greater remuneration from him; or
    - (ii) to gain a financial advantage from him otherwise than by way of remuneration; or
  - (c) will be the result of his having accepted a false instrument as genuine, or a copy of a false instrument as a copy of a genuine one, in connection with his performance of any duty.
- (2) An act which a person has an enforceable duty to do and an omission to do an act which a person is not entitled to do shall be disregarded for the purposes of this Part of this Act.
- (3) In this Part of this Act references to inducing somebody to accept a false instrument as genuine, or a copy of a false instrument as a copy of a genuine one, include references to inducing a machine to respond to the instrument or copy as if it were a genuine instrument or, as the case may be, a copy of a genuine one.
- (4) Where subsection (3) above applies, the act or omission intended to be induced by the machine responding to the instrument or copy shall be treated as an act or omission to a person’s prejudice.
- (5) In this section “loss” includes not getting what one might get as well as parting with what one has.

### *Miscellaneous*

## **II Amendments of Mental Health Acts.**

- (1) ..... **F18**
- (2) ..... **F19**

### **Textual Amendments**

**F18** s. 11(1) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

**F19** s. 11(2) repealed by [S.I. 1986/595 \(N.I. 4\)](#), art. 138, [Sch. 7](#)

## **12 Amendments of Road Traffic Act and Public Passenger Vehicles Act 1981.**

In <sup>F20</sup> . . . section 65(3) of the <sup>M2</sup>Public Passenger Vehicles Act 1981, for the words ““forges” means forges within the meaning of the Forgery Act, 1913.” there shall be substituted the words ““forges” means makes a false document or other thing in order that it may be used as genuine.”

### **Textual Amendments**

**F20** Words in s. 12 repealed (1.1.1996) by [1995 c. 23, s. 60\(2\)](#), [Sch. 8 Pt. I](#) (with ss. 54, 55); [S.I. 1995/2181](#), [art.2](#)

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**Modifications etc. (not altering text)**

- C7** The text of ss. 12, 21(3), 23, 26, 29, 30 and Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M2** 1981 c. 14.

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

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

**PART II**

COUNTERFEITING AND KINDRED OFFENCES

**Modifications etc. (not altering text)**

- C8** Pt. II (ss. 14-28) extended (17.8.1999) by S.I. 1999/2095, art. 2(1)

*Offences*

**14 Offences of counterfeiting notes and coins.**

- (1) It is an offence for a person to make a counterfeit of a currency note or of a protected coin, intending that he or another shall pass or tender it as genuine.
- (2) It is an offence for a person to make a counterfeit of a currency note or of a protected coin without lawful authority or excuse.

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

- (1) It is an offence for a person—
  - (a) to pass or tender as genuine any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin; or
  - (b) to deliver to another any thing which is, and which he knows or believes to be, such a counterfeit, intending that the person to whom it is delivered or another shall pass or tender it as genuine.
- (2) It is an offence for a person to deliver to another, without lawful authority or excuse, any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin.

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

- (1) It is an offence for a person to have in his custody or under his control any thing which is, and which he knows or believes to be, a counterfeit of a currency note or



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of a protected coin, intending either to pass or tender it as genuine or to deliver it to another with the intention that he or another shall pass or tender it as genuine.

- (2) It is an offence for a person to have in his custody or under his control, without lawful authority or excuse, any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin.
- (3) It is immaterial for the purposes of subsections (1) and (2) above that a coin or note is not in a fit state to be passed or tendered or that the making or counterfeiting of a coin or note has not been finished or perfected.

## **17 Offences involving the making or custody or control of counterfeiting materials and implements.**

- (1) It is an offence for a person to make, or to have in his custody or under his control, any thing which he intends to use, or to permit any other person to use, for the purpose of making a counterfeit of a currency note or of a protected coin with the intention that it be passed or tendered as genuine.
- (2) It is an offence for a person without lawful authority or excuse—
  - (a) to make; or
  - (b) to have in his custody or under his control,any thing which, to his knowledge, is or has been specially designed or adapted for the making of a counterfeit of a currency note.
- (3) Subject to subsection (4) below, it is an offence for a person to make, or to have in his custody or under his control, any implement which, to his knowledge, is capable of imparting to any thing a resemblance—
  - (a) to the whole or part of either side of a protected coin; or
  - (b) to the whole or part of the reverse of the image on either side of a protected coin.
- (4) It shall be a defence for a person charged with an offence under subsection (3) above to show—
  - (a) that he made the implement or, as the case may be, had it in his custody or under his control, with the written consent of the Treasury; or
  - (b) that he had lawful authority otherwise than by virtue of paragraph (a) above, or a lawful excuse, for making it or having it in his custody or under his control.

## **18 The offence of reproducing British currency notes.**

- (1) It is an offence for any person, unless the relevant authority has previously consented in writing, to reproduce on any substance whatsoever, and whether or not on the correct scale, any British currency note or any part of a British currency note.
- (2) In this section—

“British currency note” means any note which—

  - (a) has been lawfully issued in England and Wales, Scotland or Northern Ireland; and
  - (b) is or has been customarily used as money in the country where it was issued; and
  - (c) is payable on demand; and

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“the relevant authority”, in relation to a British currency note of any particular description, means the authority empowered by law to issue notes of that description.

## 19 Offences of making etc. imitation British coins.

(1) It is an offence for a person—

- (a) to make an imitation British coin in connection with a scheme intended to promote the sale of any product or the making of contracts for the supply of any service; or
- (b) to sell or distribute imitation British coins in connection with any such scheme, or to have imitation British coins in his custody or under his control with a view to such sale or distribution,

unless the Treasury have previously consented in writing to the sale or distribution of such imitation British coins in connection with that scheme.

(2) In this section—

“British coin” means any coin which is legal tender in any part of the United Kingdom; and

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

*Prohibition of importation and exportation of counterfeit coins*

## 20 Prohibition of importation of counterfeit notes and coins.

The importation, landing or unloading of a counterfeit of a currency note or of a protected coin without the consent of the Treasury is hereby prohibited.

## 21 Prohibition of exportation of counterfeit notes and coins.

(1) The exportation of a counterfeit of a currency note or of a protected coin without the consent of the Treasury is hereby prohibited.

(2) A counterfeit of a currency note or of a protected coin which is removed to the Isle of Man from the United Kingdom shall be deemed to be exported from the United Kingdom—

- (a) for the purposes of this section; and
- (b) for the purposes of the customs and excise Acts, in their application to the prohibition imposed by this section.

(3) In section 9(1) of the <sup>M3</sup>Isle of Man Act 1979 (which relates to the removal of goods from the United Kingdom to the Isle of Man) after the word “below” there shall be inserted the words “and section 21(2) of the Forgery and Counterfeiting Act 1981”.

### **Modifications etc. (not altering text)**

- C9** The text of ss. 12, 21(3), 23, 26, 29, 30 and Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

M3 1979 c. 58.

*Penalties etc.*

**22 Penalties for offences under Part II.**

- (1) A person guilty of an offence to which this subsection applies shall be liable—
  - (a) on summary conviction—
    - (i) to a fine not exceeding the statutory maximum; or
    - (ii) to imprisonment for a term not exceeding six months; or
    - (iii) to both; and
  - (b) on conviction on indictment—
    - (i) to a fine; or
    - (ii) to imprisonment for a term not exceeding ten years; or
    - (iii) to both.
- (2) The offences to which subsection (1) above applies are offences under the following provisions of this Part of this Act—
  - (a) section 14(1);
  - (b) section 15(1);
  - (c) section 16(1); and
  - (d) section 17(1).
- (3) A person guilty of an offence to which this subsection applies shall be liable—
  - (a) on summary conviction—
    - (i) to a fine not exceeding the statutory maximum; or
    - (ii) to imprisonment for a term not exceeding six months; or
    - (iii) to both; and
  - (b) on conviction on indictment—
    - (i) to a fine; or
    - (ii) to imprisonment for a term not exceeding two years; or
    - (iii) to both.
- (4) The offences to which subsection (3) above applies are offences under the following provisions of this Part of this Act—
  - (a) section 14(2);
  - (b) section 15(2);
  - (c) section 16(2);
  - (d) section 17(2); and
  - (e) section 17(3).
- (5) A person guilty of an offence under section 18 or 19 above shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum; and
  - (b) on conviction on indictment, to a fine.

<sup>F21</sup>(6) .....

*Status: Point in time view as at 01/10/2011.*

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### Textual Amendments

**F21** S. 22(6) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV Group2.

## 23 Penalties for offences under Customs and Excise Management Act 1979 relating to counterfeits.

- (1) In section 50 of the <sup>M4</sup>Customs and Excise Management Act 1979 (penalty for improper importation of goods)—
- (a) in subsection (4) after the words “subsection (5)” there shall be inserted the words “or (5A)”; and
  - (b) the following subsection shall be inserted after subsection (5):—
 

“(5A) In the case of an offence under subsection (2) or (3) above in connection with the prohibition contained in section 20 of the Forgery and Counterfeiting Act 1981, subsection (4)(b) above shall have effect as if for the words “2 years” there were substituted the words “10 years”.”.
- (2) In section 68 of that Act (offences in relation to exportation of prohibited or restricted goods)—
- (a) in subsection (3) after the words “subsection (4)” there shall be inserted the words “or (4A)”; and
  - (b) the following subsection shall be inserted after subsection (4):—
 

“(4A) In the case of an offence under subsection (2) above in connection with the prohibition contained in section 21 of the Forgery and Counterfeiting Act 1981, subsection (3)(b) above shall have effect as if for the words “2 years” there were substituted the words “10 years”.”.
- (3) In section 170 of that Act (penalty for fraudulent evasion of duty, etc.)—
- (a) in subsection (3) after the words “subsection (4)” there shall be inserted the words “or (4A)”; and
  - (b) the following subsection shall be inserted after subsection (4):—
 

“(4A) In the case of an offence under this section in connection with the prohibitions contained in sections 20 and 21 of the Forgery and Counterfeiting Act 1981, subsection (3)(b) above shall have effect as if for the words “2 years” there were substituted the words “10 years”.”.

### Modifications etc. (not altering text)

**C10** The text of ss. 12, 21(3), 23, 26, 29, 30 and Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

**M4** 1979 c. 2.

*Status: Point in time view as at 01/10/2011.*

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## 24 Powers of search, forfeiture, etc.

- (1) If it appears to a justice of the peace, from information given him on oath, that there is reasonable cause to believe that a person has in his custody or under his control—
  - (a) any thing which is a counterfeit of a currency note or of a protected coin, or which is a reproduction made in contravention of section 18 or 19 above; or
  - (b) any thing which he or another has used, whether before or after the coming into force of this Act, or intends to use, for the making of any such counterfeit, or the making of any reproduction in contravention of section 18 or 19 above,the justice may issue a warrant authorising a constable to search for and seize the object in question, and for that purpose to enter any premises specified in the warrant.
- (2) A constable may at any time after the seizure of any object suspected of falling within paragraph (a) or (b) of subsection (1) above (whether the seizure was effected by virtue of a warrant under that subsection or otherwise) apply to a magistrates' court for an order under this subsection with respect to the object; and the court, if it is satisfied both that the object in fact falls within one or other of those paragraphs and that it is conducive to the public interest to do so, may make such order as it thinks fit for the forfeiture of the object and its subsequent destruction or disposal.
- (3) Subject to subsection (4) below, the court by or before which a person is convicted of an offence under this Part of this Act may order any thing shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.
- (4) The court shall not order any thing to be forfeited under subsection (2) or (3) above where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.
- (5) Without prejudice to the generality of subsections (2) and (3) above, the powers conferred on the court by those subsections include power to direct that any object shall be passed to an authority with power to issue notes or coins or to any person authorised by such an authority to receive the object.
- (6) In the application of this section to Scotland—
  - (a) in subsection (1) for the words “justice of the peace” there shall be substituted the words “justice within the meaning of section 462 of the <sup>M5</sup>Criminal Procedure (Scotland) Act 1975”; and
  - (b) in subsection (2) :—
    - (i) for the words “A constable” there shall be substituted “The procurator fiscal”; and
    - (ii) for the words “a magistrates’ court” there shall be substituted “the sheriff court”.

### Modifications etc. (not altering text)

- C11** S. 24(1): powers of seizure extended (*prosp.*) by 2001 c. 16, ss. 50, 52-54, 68, 138(2), **Sch. 1 Pt. I para. 26**
- C12** S. 24(1) modified (1.4.2003) by **Criminal Justice and Police Act 2001** (c. 16), ss. 55, 138(2), **Sch. 1 paras. 101** (with ss. 57(3), 68); S.I. 2003/708, art. 2(a)
- C13** S. 24(1) powers of seizure extended (1.4.2003) by **Criminal Justice and Police Act 2001** (c. 16), ss. 50, 138(2), **Sch. 1 paras. 26** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)

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- C14** S. 24(2) applied (*prosp.*) by 2001 c. 16, ss. 70, 138(2), **Sch. 2 Pt. 1 para. 10(2)(d)**  
**C15** S. 24(2) applied (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), s. 138(2), **Sch. 2 para. 10(2)(d)**; S.I. 2003/708, art. 2(k)

**Marginal Citations**

- M5** 1975 c. 21.

**25 Directors' etc. liability.**

- (1) Where an offence under section 18 or 19 of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

**26** <sup>F22</sup> .....

**Textual Amendments**

- F22** S. 26 repealed (1.4.1996) by 1995 c. 40, ss. 6(1), 7(2), **Sch. 5**

*Interpretation of Part II*

**27 Meaning of “currency note” and “protected coin”.**

- (1) In this Part of this Act—
- “currency note” means—
- (a) any note which—
- (i) has been lawfully issued in England and Wales, Scotland, Northern Ireland, any of the Channel Islands, the Isle of Man or the Republic of Ireland; and
- (ii) is or has been customarily used as money in the country where it was issued; and
- (iii) is payable on demand; or
- (b) any note which—
- (i) has been lawfully issued in some country other than those mentioned in paragraph (a)(i) above; and
- (ii) is customarily used as money in that country; and
- “protected coin” means any coin which—
- (a) is customarily used as money in any country; or
- (b) is specified in an order made by the Treasury for the purposes of this Part of this Act.

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- (2) The power to make any order conferred on the Treasury by subsection (1) above shall be exercisable by statutory instrument.
- (3) A statutory instrument containing such an order shall be laid before Parliament after being made.

## 28 Meaning of “counterfeit”.

- (1) For the purposes of this Part of this Act a thing is a counterfeit of a currency note or of a protected coin—
  - (a) if it is not a currency note or a protected coin but resembles a currency note or protected coin (whether on one side only or on both) to such an extent that it is reasonably capable of passing for a currency note or protected coin of that description; or
  - (b) if it is a currency note or protected coin which has been so altered that it is reasonably capable of passing for a currency note or protected coin of some other description.
- (2) For the purpose of this Part of this Act—
  - (a) a thing consisting of one side only of a currency note, with or without the addition of other material is a counterfeit of such a note;
  - (b) a thing consisting—
    - (i) of parts of two or more currency notes; or
    - (ii) of parts of a currency note, or of parts of two or more currency notes, with the addition of other material,is capable of being a counterfeit of a currency note.
- (3) References in this Part of this Act to passing or tendering a counterfeit of a currency note or a protected coin are not to be construed as confined to passing or tendering it as legal tender.

## PART III

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous*

<sup>F23</sup>29 .....

#### Textual Amendments

**F23** S. 29 repealed (26.3.2001) by 2000 c. 26, s. 127(6), Sch. 9; S.I. 2001/878, art. 2, Sch. (with art. 17)

## 30 Repeals

The enactments specified in the Schedule to this Act are repealed to the extent mentioned in column 3 of that Schedule.

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**Changes to legislation:** *Forgery and Counterfeiting Act 1981 is up to date with all changes known to be in force on or before 25 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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**Modifications etc. (not altering text)**

**C16** The text of ss. 12, 21(3), 23, 26, 29, 30 and Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Extent*

**31 Scotland.**

The following provisions of this Act do not extend to Scotland, namely—

- (a) Part I; and
- (b) Part I of the Schedule.

**32 Northern Ireland.**

It is hereby declared that this Act extends to Northern Ireland.

*Commencement and short title*

**33 Commencement.**

This Act shall come into force on the expiration of the period of three months from the date on which it is passed.

**34 Citation.**

This Act may be cited as the Forgery and Counterfeiting Act 1981.



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## SCHEDULE

### REPEALS

#### Modifications etc. (not altering text)

**C17** The text of ss. 12, 21(3), 23, 26, 29, 30 and Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### PART I

#### GENERAL REPEALS CONSEQUENTIAL ON PART I

Chapter	Short title	Extent of repeal
32 Geo. 3. c. 56.	Servants' Characters Act 1792.	In section 1, the word "either", the words "or in writing" and the words "forged or counterfeited".  In section 4, the words "forged or counterfeit" and the words from "or shall" to "the same".
6 & 7 Vict. c. 86.	London Hackney Carriage Act 1843.	In section 14, the words from "or who" to "forged recommendations".  Section 20.
24 & 25 Vict. c. 98.	Forgery Act 1861.	The whole Act, so far as unrepealed, except sections 34, 36, 37 and 55.
34 & 35 Vict. c. 96.	Pedlars Act 1871.	In section 12, paragraphs (2), (4) and (5).
45 & 46 Vict. c. 50.	Municipal Corporations Act 1882.	Section 235.
48 & 49 Vict. c. 49.	Submarine Telegraph Act 1885.	Section 8(4).
57 & 58 Vict. c. 60.	Merchant Shipping Act 1894.	Section 66.  In section 104, paragraph (a) and, in paragraph (c), the words "forged, altered".  In section 282, paragraph (b) and the word "or" immediately preceding it.

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		In section 564, paragraphs (a) and (b).
		Section 695(4).
		Section 722(1).
6 Edw. 7. c. 5.	Seamen's and Soldiers' False Characters Act 1906.	In section 1(1), the words from "forges" to "discharge, or".
		In section 2, the words from "any forged" to "employment, or".
3 & 4 Geo. 5. c. 27.	Forgery Act 1913.	The whole Act.
10 & 11 Geo. 5. c. 75.	Official Secrets Act 1920.	In section 1(1)(c), the words "forges, alters, or", the words "or uses" and the word "such".
15 & 16 Geo. 5. c. 86.	Criminal Justice Act 1925.	In section 11(3), the words from "against" to the second "or".
		Section 35.
		In section 36, in subsection (1), the words "The forgery of any passport or", and subsection (2).
		Section 38.
21 & 22 Geo. 5. c. 43.	Improvement of Live Stock (Licensing of Bulls) Act 1931.	In section 8, in subsection (1) (i), the words "forges or", and subsection (2).
24 & 25 Geo. 5. c. 49.	Whaling Industry (Regulation) Act 1934.	In section 9, in subsection (1) (a), the words "forges or" and the words from "or forges" to "Act", and subsection (2).
9 & 10 Geo. 6. c. 73.	Hill Farming Act 1946.	In section 19(2)(a), the words from the beginning to "or" in the first place where it occurs.
14 Geo. 6. c. 36.	Diseases of Animals Act 1950.	Section 78(2)(iv).
1 & 2 Eliz. 2. c. 20.	Births and Deaths Registration Act 1953.	In section 37, the words "forges or" and the words "or forged".
1 & 2 Eliz. 2. c. 36.	Post Office Act 1953.	In section 23(1), the words "of the Forgery Act, 1913 and", the word "other" and the words "forgery or", and subsection (2).

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2 & 3 Eliz. 2. c. 61.	Pharmacy Act 1954.	In section 20(2), the words “forges, or” in paragraph (a) and all the words from “In the application” onwards.
6 & 7 Eliz. 2. c. 43.	Horse Breeding Act 1958.	Section 11.
6 & 7 Eliz. 2. c. 51.	Public Records Act 1958.	In Schedule 3, the entry relating to the Forgery Act 1913.
7 & 8 Eliz. 2. c. 72.	Mental Health Act 1959.	Section 125(4).  In Part I of Schedule 7, the entry relating to the Forgery Act 1913.
10 & 11 Eliz. 2. c. 8.	Civil Aviation (Euro-control) Act 1962.	Section 6(5).
10 & 11 Eliz. 2. c. 15.	Criminal Justice Administration Act 1962.	In Schedule 3, paragraph 7.
1964 c. 26.	Licensing Act 1964.	Section 36(3).  Section 159.
1967 c. 58.	Criminal Law Act 1967.	In Schedule 2, paragraph 11.
1967 c. 76.	Road Traffic Regulation Act 1967.	In section 86(1), the words “forges or alters, or” in paragraph (a), and all the words from “In the application” onwards.
1967 c. xx.	Greater London Council (General Powers) Act 1967.	Section 5(4).
1971 c. 40.	Fire Precautions Act 1971.	In section 22, in subsection (1)(a), the words “forges a fire certificate or” and subsection (3).
1974 c. 37.	Health and Safety at Work etc. Act 1974.	In section 33, in subsection (1), the words “forge or” in paragraph (m), and subsection (6).
1974 c. 47.	Solicitors Act 1974.	In Schedule 3, paragraph 1.
1976 c. 58.	International Carriage of Perishable Foodstuffs Act 1976.	In section 9, in subsection (1) (a), the words “forges, or alters, or” and subsection (2).
1977 c. 45.	Criminal Law Act 1977.	In Schedule 2, paragraphs 13 and 21.  In Schedule 3, paragraphs 15, 21 and 31.

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## PART II

### GENERAL REPEALS CONSEQUENTIAL ON PART II

Chapter	Short title	Extent of repeal
41 Geo. 3. c. 57.	Bank Notes Forgery Act 1801.	The whole Act.
45 Geo. 3. c. 89.	Bank Notes (Forgery) Act 1805.	The whole Act.
1 Geo. 4. c. 92.	Bank Notes Forgery (Scotland) Act 1820.	The whole Act.
39 & 40 Vict. c. 36.	Customs Consolidation Act 1876.	In section 42, in the Table, the words from “Coin, viz., false money” to “or fineness.”.
52 & 53 Vict. c. 42.	Revenue Act 1889.	Section 2.
55 & 56 Vict. c. 55.	Burgh Police (Scotland) Act 1892.	Section 380(15).
25 & 26 Geo. 5. c. 25.	Counterfeit Currency (Convention) Act 1935.	In section 1(1), the words “the Forgery Act, 1913, and”. Section 2. Section 6(2).
26 Geo. 5 & 1 Edw. 8. c. 16.	Coinage Offences Act 1936.	The whole Act.
1971 c. 24.	Coinage Act 1971.	In section 12(1), the words “the Coinage Offences Act 1936 and in” and the words from “and accordingly” onwards.  In Schedule 2, the words “The Coinage Offences Act 1936”.

## PART III

### NORTHERN IRELAND LEGISLATION—REPEALS CONSEQUENTIAL ON PARTS I AND II

Chapter or Number	Short title	Extent of repeal
12 & 13 Geo. 5. c. 12 (N.I.).	Live Stock Breeding Act (Northern Ireland) 1922.	In section 8, the words “forges or” and “alters or”.
1945 c. 15 (N.I.).	Criminal Justice Act (Northern Ireland) 1945.	Section 27(1) and (2).

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1950 c. 3 (N.I.).	Exchequer and Financial Provisions Act (Northern Ireland) 1950.	In Schedule 3, the entry relating to the Forgery Act 1913.
1953 c. 14 (N.I.).	Criminal Justice Act (Northern Ireland) 1953.	Section 19.
1957 c. 27 (N.I.).	Marketing of Eggs Act (Northern Ireland) 1957.	In section 20(2)(b), the words “forges or” and “alters or”.
1958 c. 9 (N.I.).	Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1958.	In section 27, in subsection (1), the words “forges a passport or” and subsection (2).
1958 c. 13 (N.I.).	Diseases of Animals Act (Northern Ireland) 1958.	Section 45(2)(d).
1961 c. 15 (N.I.).	Mental Health Act (Northern Ireland) 1961.	Section 98(4).
1964 c. 21 (N.I.).	Magistrates’ Courts Act (Northern Ireland) 1964.	In Schedule 3, entries 10 and 12.
1967 c. 29 (N.I.).	Increase of Fines Act (Northern Ireland) 1967.	In section 1(8)(c), the words “forgery of a passport and”.  In Part I of the Schedule, the entry relating to section 19 of the Criminal Justice Act (Northern Ireland) 1953 and, in the entry relating to section 20(2) of the Marketing of Eggs Act (Northern Ireland) 1957, the words “or forgery, etc. of licence or other document”.
1967 c. 37 (N.I.).	Transport Act (Northern Ireland) 1967.	In section 34(a), the words “forges within the meaning of the Forgery Act 1913, or”.
S.I. 1976/1041 (N.I. 14).	Births and Deaths Registration (Northern Ireland) Order 1976.	In Article 45, in paragraph (1), in subparagraph (a), the words “forges or” and, in subparagraph (b), the words “or forged” and Article 45(2).
S.I. 1976/1213 (N.I. 22).	Pharmacy (Northern Ireland) Order 1976.	In Article 14, in paragraph (5), the words “forges, or” and paragraph (6).
S.I. 1978/1039 (N.I.9).	Health and Safety at Work (Northern Ireland) Order 1978.	In paragraph 31, in paragraph (1)(a), the words “forges or” and paragraph (7).

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**Status:**

Point in time view as at 01/10/2011.

**Changes to legislation:**

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