



Forgery and Counterfeiting Act 1981

1981 CHAPTER 45

PART I

FORGERY AND KINDRED OFFENCES

Interpretation of Part I

8 Meaning of “instrument”.

- (1) Subject to subsection (2) below, in this Part of this Act “instrument” means—
- any document, whether of a formal or informal character;
 - any stamp issued or sold by [^{F1}a postal operator];
 - any Inland Revenue stamp; and
 - 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 [^{F2}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 [^{F3}the postal operator concerned].
- [^{F4}(3A) In this section “postal operator” has [^{F5}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 ^{M1}Stamp Duties Management Act 1891.

Textual Amendments

- F1** Words in s. 8(1)(b) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 50(2)
- F2** Words in s. 8(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 50(3)(a)
- F3** Words in s. 8(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 50(3)(b)

Changes to legislation: There are currently no known outstanding effects for the Forgery and Counterfeiting Act 1981, Cross Heading: Interpretation of Part I. (See end of Document for details)

- F4** S. 8(3A) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 50(4)**
F5 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
 - (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.

Changes to legislation: There are currently no known outstanding effects for the Forgery and Counterfeiting Act 1981, Cross Heading: Interpretation of Part 1. (See end of Document for details)

- (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.

Changes to legislation:

There are currently no known outstanding effects for the Forgery and Counterfeiting Act 1981,
Cross Heading: Interpretation of Part I.