



Forgery and Counterfeiting Act 1981

1981 CHAPTER 45

PART I

FORGERY AND KINDRED OFFENCES

Offences

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;

Changes to legislation: There are currently no known outstanding effects for the Forgery and Counterfeiting Act 1981, Section 5. (See end of Document for details)

- (d) Inland Revenue stamps;
- (e) share certificates;
- ^{F1}(f)
- ^{F2}(fa)
- (g) cheques [^{F3}and other bills of exchange];
- (h) travellers’ cheques;
- ^{F4}(ha) bankers' drafts;
- (hb) promissory notes;]
- (j) cheque cards;
- ^{F5}(ja) debit cards;]
- (k) credit cards;
- (l) certified copies relating to an entry in a register of births, adoptions, marriages [^{F6}, civil partnerships][^{F7}, conversions] or deaths and issued by the Registrar General, the Registrar General for Northern Ireland, a registration officer or a person lawfully authorised to [^{F8}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.

^{F9}(6A) In subsection (5)(l) above, “conversion” means the conversion of a civil partnership into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section.]

^{F10}(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.]

^{F11}(9)

^{F11}(10)

^{F11}(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)]

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- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** Word in s. 5(5)(l) inserted (E.W.) (10.12.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3168), art. 1(2)(3), **Sch. para. 10(2)** (which amendment was extended to N.I. (13.1.2020) by S.I. 2019/1514, reg. 149(d)(ii) (with regs. 6-9))
- 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(6A) inserted (E.W.) (10.12.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3168), art. 1(2)(3), **Sch. para. 10(3)** (which amendment was extended to N.I. (13.1.2020) by S.I. 2019/1514, reg. 149(d)(ii) (with regs. 6-9))
- F10** 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)
- F11** 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)]

Changes to legislation:

There are currently no known outstanding effects for the Forgery and Counterfeiting Act 1981, Section 5.