

# **CRIME (INTERNATIONAL CO-OPERATION) ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 4: Miscellaneous**

##### ***Section 88: False monetary instruments: England and Wales and Northern Ireland***

169. This section implements Article 2 of the 2001 Framework Decision. The purpose of the 2001 Framework Decision is to ensure that fraud and counterfeiting involving non-cash means of payment are recognised as criminal offences and are subject to effective sanctions in all EU Member States. Since these offences occur increasingly on an international scale, it was considered appropriate for action to be taken at EU level.
170. UK law already covers most of the provisions of the 2001 Framework Decision. However, Article 2 requires Member States to make it a criminal offence to misuse specified “payment instruments”, where misuse includes possession of a stolen instrument or of a counterfeit instrument for fraudulent purposes. The Forgery and Counterfeiting Act 1981 (the “1981 Act”) criminalises the forgery and fraudulent use of any instrument. However, simple possession is only an offence in relation to a specific list of forged instruments, as set out under section 5(5) of the 1981 Act. The list is not quite as extensive as that covered by the 2001 Framework Decision. This section therefore extends the list of instruments covered by section 5(5) of the 1981 Act to include bankers drafts, promissory notes and debit cards, all of which fall within the scope of the 2001 Framework Decision. The section also creates a power for further monetary instruments to be added by order, should future developments require this. This power will be exercised by the Secretary of State.