



Forgery and Counterfeiting Act, Mount Vema 2017

2017 No. 5

Order No.5 SI/MV2017/5

Made: 6th of June 2017, in accordance with the 2006 Declaration of Sovereignty

Royal Mount Vema Seal of Approval: Granted 7th of June 2017

Comes into Operation: 8th of June 2017

The Forgery and Counterfeiting Legislation of Mount Vema, is an Act to make provision for the Kingdom of Mount Vema with respect to forgery and kindred offences, to make provision with respect to the counterfeiting of notes and coins, and for connected purposes.

In exercise of the powers conferred upon The Sovereign of Vema Seamount under GOD, and of all other powers enabling Him, His Mount Vema Majesty King Peter Jon Goldishman, Ruler of the Kingdom of Mount Vema, and the territorial waters at 31 38' S 8° 20' E, under GOD hereby Grants His Royal Seal of Approval, for the following Legislation:—

Part I

Forgery and Kindred Offences

1- Offences

1.1- 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.

1.2- 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 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.

1.3- 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.

1.4- 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.

1.5- Offences relating to money orders, share certificates, passports, etc.

1.5.1- 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.

1.5.2- 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.

1.5.3- It is an offence for a person to make or to have in his custody or under his control an electronic system, 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.

1.5.4- It is an offence for a person to make or to have in his custody or under his control any such electronic system, machine, implement, paper or material, without lawful authority or excuse.

1.5.5- The instruments to which this section applies are—

- (a) money orders;
- (b) postal orders;
- (c) postage stamps of the Kingdom of Mount Vema;
- (d) Internal Revenue stamps;
- (e) share certificates, MVG Bills, MVG Notes, MVG Bonds;
- (f) cheques and other bills of exchange;
- (g) travellers' cheques;
- (h) bankers' drafts;
- (i) promissory notes;
- (j) cheque cards;
- (k) debit cards;
- (l) credit cards;

- (m) certified copies relating to an entry in a register of births, adoptions, marriages, civil partnerships, conversions or deaths and issued by the Registrar General, a registration officer or a person lawfully authorized to issue certified copies relating to such entries; and

- (n) certificates relating to entries in such registers.

1.5.6- In subsection (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 Kingdom of Mount Vema or elsewhere.

1.5.7- 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 or the Secretary for the Territory.

1.5.8- The power under subsection (1.5.7) above is exercisable by statutory instrument subject to annulment in pursuance of a resolution.

2- Penalties etc

2.1- Penalties for offences under Part I.

2.1- 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 eighteen months; or
- (c) to both.

2.2- 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 twenty years.

2.3- The offences to which subsection (2.2) above applies are offences under the following provisions of this Part of this Act—

- (a) section 1.1;
- (b) section 1.2;
- (c) section 1.3;
- (d) section 1.4;
- (e) section 1.5.1; and
- (f) section 1.5.3

2.4- A person guilty of an offence under section 1.5.2 or 1.5.4 above shall be liable on conviction on indictment to imprisonment for a term not exceeding eight years.

3- Powers of search, forfeiture, etc.

3.1- 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 1.1 or 1.2 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 1.3 or 1.4 above; or

(c) any thing custody or control of which without lawful authority or excuse is an offence under section 1.5 above,

the justice may issue a warrant authorizing a law enforcement agent to search for and seize the object in question, and for that purpose to enter any premises specified in the warrant.

3.2- A law enforcement agent may at any time after the seizure of any object suspected of falling within paragraph (a), (b) or (c) of subsection (3.1) 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 or to the interest of the Crown or Mount Vema to do so, may make such order as it thinks fit for the forfeiture of the object and its subsequent destruction or disposal.

3.3- Subject to subsection (3.4) 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.

3.4- The court shall not order any object to be forfeited under subsection (3.2) or (3.3) 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.

Interpretation of Part I

4- Meaning of “instrument”

4.1- Subject to subsection (4.2) 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 a postal operator;
- (c) any Internal 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.

4.2- 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.

4.3- A mark denoting payment of postage which a postal operator authorizes 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 the postal operator concerned.

4.3.1- In this section “postal operator” has the meaning given by the legislation related to the Postal Services of the Kingdom of Mount Vema.

4.4- In this Part of this Act “Internal Revenue stamp” means a stamp as defined in the legislation related to Stamp Duties.

5- Meaning of “false” and “making”

5.1- 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 authorize 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 authorize 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 authorize 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.

5.2- 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).

6- Meaning of “prejudice” and “induce”

6.1- Subject to subsections (6.2) and (6.4) 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.

6.2- 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.

6.3- 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.

6.4- Where subsection (6.3) 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.

6.5- In this section "loss" includes not getting what one might get as well as parting with what one has.

Part II
Counterfeiting and Kindred Offences

7- Offences of counterfeiting notes and coins

7.1- 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.

7.2- 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.

8- Offences of passing etc. counterfeit notes and coins

8.1- 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.

8.2- 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.

9- Offences involving the custody or control of counterfeit notes and coins

9.1- 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 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.

9.2- 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.

9.3- It is immaterial for the purposes of subsections (9.1) and (9.2) 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.

10- Offences involving the making or custody or control of counterfeiting materials and implements

10.1- 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.

10.2- 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.

10.3- Subject to subsection (10.4) 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.

10.4- It shall be a defence for a person charged with an offence under subsection (10.3) 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 His Mount Vema Majesty's 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.

11- The offence of reproducing Mount Vema currency notes

11.1- 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 Mount Vema currency note or any part of a Mount Vema currency note.

11.2- In this section—

“Mount Vema currency note” means any note which—

(a) has been lawfully issued by the Kingdom of Mount Vema; and

(b) is or has been customarily used as money in the country where it was issued; and

(c) is payable on demand; and

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

12- Offences of making etc. imitation Mount Vema coins

12.1- It is an offence for a person—

(a) to make an imitation Mount Vema 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 Mount Vema coins in connection with any such scheme, or to have imitation Mount Vema coins in his custody or under his control with a view to such sale or distribution,

unless His Mount Vema Majesty's Treasury have previously consented in writing to the sale or distribution of such imitation Mount Vema coins in connection with that scheme.

12.2- In this section—

“Mount Vema coin” means any coin which is legal tender in any part of the Kingdom of Mount Vema, including diplomatic and consular premises abroad; and

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

13- Prohibition of importation and exportation of counterfeits

13.1- 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 His Mount Vema Majesty's Treasury is hereby prohibited.

14- Prohibition of exportation of counterfeit notes and coins

14.1- The exportation of a counferfeit of a currency note or of a protected coin without the consent of His Mount Vema Majesty's Treasury is hereby prohibited.

Penalties for offences under Part II

15- Penalties etc.

15.1- 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 eighteen months; or

(iii) to both; and

(b) on conviction on indictment—

(i) to a fine; or

(ii) to imprisonment for a term not exceeding twenty years; or

(iii) to both.

16- Powers of search, forfeiture, etc

16.1- 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

(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,

the justice may issue a warrant authorizing a law enforcement agent to search for and seize the object in question, and for that purpose to enter any premises specified in the warrant.

16.2- A law enforcement agent may at any time after the seizure of any object suspected of falling within paragraph (a) or (b) of subsection (16.1) 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 or to the interest of the Crown of Mount Vema to do so, may make such order as it thinks fit for the forfeiture of the object and its subsequent destruction or disposal.

16.3- Subject to subsection (16.4) 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.

16.4- The court shall not order any thing to be forfeited under subsection (16.2) or (16.3) 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.

16.5- Without prejudice to the generality of subsections (16.2) and (16.3) 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 authorized by such an authority to receive the object.

17- Directors' etc. liability

17.1- Where an offence under 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.

17.2- Where the affairs of a body corporate are managed by its members, subsection (17.1) 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.

Interpretation of

Part II

18- Meaning of "currency note" and "protected coin"

18.1- In this Part of this Act—

"currency note" means—

(a) any note which—

(i) has been lawfully issued by the Kingdom of Mount Vema; 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 His Mount Vema Majesty’s Treasury for the purposes of this Part of this Act.

18.2- The power to make any order conferred on His Mount Vema Majesty’s Treasury by subsection (18.1) above shall be exercisable by statutory instrument.

19- Meaning of “counterfeit”

19.1- 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.

19.2- 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.

19.3- 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

20- Commencement and short title

20.1- Citation

This Act may be cited as the Forgery and Counterfeiting Act, Mount Vema 2017

20.2- Commencement

This Act shall come into operation on such date as His Mount Vema Majesty may by Order appoint, and different dates may be appointed in relation to different provisions of this Act.