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THE LAWS OF BARBADOS

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CHAPTER 124

COINAGE OFFENCES

An Act to consolidate and amend the law of Barbados against offences relating to the Coin.

1868-4.
1950-31.
1962-1.
L.N. 168/
1967.
1992-17.

[17th February, 1868] Commence-
ment.

1. This Act may be cited as the *Coinage (Offences) Act*.¹

Short title.

PART I

Preliminary

2. (1) For the purposes of this Act, the expression
- "current gold or silver coin" includes any gold or silver coin lawfully coined in Barbados, in any part of the Commonwealth or in any foreign country or lawfully current in Barbados by virtue of any proclamation or the *Currency Act* or otherwise or lawfully current in any part of the Commonwealth or any foreign country;
- "copper coin" includes any coin of any metal or mixed metal (not being gold or silver coin) lawfully coined in Barbados, in any part of the Commonwealth or in any foreign country or lawfully current in Barbados by virtue of any proclamation or the *Currency Act* or otherwise or lawfully current in any part of the Commonwealth or any foreign country;
- "current coin" includes any coin lawfully coined in Barbados, in any part of the Commonwealth or in any foreign country or lawfully current in Barbados by virtue of any proclamation or the *Currency Act* or otherwise or lawfully current in any part of the Commonwealth or any foreign country;

Interpreta-
tion.

Cap. 65.

1950-31.
1962-1.

¹ See also the Counterfeit Currency (Convention) Act, Cap. 64.

"false or counterfeit coin resembling any current gold or silver coin" includes any current coin which has been gilt, silvered, washed, coloured or cased over or in any manner altered so as to resemble or be apparently intended to resemble or pass for any current coin of a higher denomination.

(2) Any reference in this Act to having any matter in the custody or possession of any person includes not only having it by himself in his personal custody or possession but also knowingly and wilfully having it in the actual custody or possession of any other person and also knowingly and wilfully having it in any dwelling-house or other building, lodging, apartment, field or other place open or enclosed, whether belonging to or occupied by himself or not, and whether such matter is so had for his own use or benefit or for that of any other person.

(3) Any reference in this Act to a false or counterfeit coin resembling any current gold or silver coin or, as the case may be, copper coin includes any false or counterfeit coin which is apparently intended to resemble or pass for any such coin.

PART II

Coinage Offences

Counterfeit-
ing gold or
silver-coin.
1992-17.

3. Any person who falsely makes or counterfeits any coin resembling any current gold or silver coin shall be guilty of an offence and, being convicted thereof shall be liable to imprisonment for life.

Colouring
counterfeit
coin or
pieces of
metal or
genuine
coin.

4. Any person who

- (a) gilds or silvers or, with any wash or materials capable of producing the colour or appearance of gold or silver or by any means whatsoever, washes, cases over or colours any coin whatsoever resembling any current gold or silver coin; or
- (b) gilds or silvers or, with any wash or materials capable of producing the colour or appearance of gold or silver or by any means whatsoever, washes, cases over or colours any piece of silver or copper or of coarse gold or coarse silver or of any metal or mixture of metals respectively, being of a fit size and figure

to be coined, and with intent that the same be coined into false and counterfeit coin, resembling any current gold or silver coin;

- (c) gilds or, with any wash or materials capable of producing the colour or appearance of gold or by any means whatsoever, washes, cases over or colours any current silver coin or files or in any manner alters such coin with intent to make the same resemble or pass for any current gold coin; or
- (d) gilds or silvers or, with any wash or materials capable of producing the colour or appearance of gold or silver or by any means whatsoever, washes, cases over or colours any current copper coin or files or in any manner alters such coin with intent to make the same resemble or pass for any current gold or silver coin,

shall be guilty of an offence and being convicted thereof shall be liable to imprisonment for life. 1992-17.

5. Any person who impairs, diminishes or lightens any current gold or silver coin, with intent that such coin may pass for current gold or silver coin, shall be guilty of an offence and being convicted thereof shall be liable to imprisonment for 14 years. Impairing or diminishing gold or silver coin. 1992-17.

6. Any person who unlawfully has in his custody or possession any filings or clippings or any gold or silver bullion or any gold or silver in dust, solution or otherwise, which has been produced or obtained by impairing, diminishing or lightening any current gold or silver coin, knowing the same to have been so produced or obtained, shall be guilty of an offence and being convicted thereof shall be liable to imprisonment for 7 years. Unlawful possession of filings or clippings of gold or silver coin. 1992-17.

7. (1) Any person who, without lawful authority or excuse (the proof whereof shall lie on the party accused), buys, sells, receives, pays or puts off or offers to buy, sell, receive, pay or put off any false or counterfeit coin resembling any current gold or silver coin, at or for a lower rate of value than the same imports or was apparently intended to import shall be guilty of an offence and being convicted thereof shall be liable to imprisonment for life. Buying, selling, etc., counterfeit gold or silver coin, for lower value than its denomination. 1992-17.

(2) In any indictment for any offence under subsection (1) it shall be sufficient to allege that the party accused did buy, sell, receive, pay or put off or did offer to buy, sell, receive, pay, or put off the false or counterfeit coin at or for a lower rate or value than the same imports or was apparently intended to import, without alleging at or for what rate, price or value the same was bought, sold, received, paid or put off or offered to be bought, sold, received, paid or put off.

Importing counterfeit coin from beyond seas.

1992-17.

8. Any person who, without lawful authority or excuse (the proof whereof shall lie on the party accused), imports or receives into Barbados from beyond the seas any false or counterfeit coin resembling any current gold or silver coin, knowing the same to be false or counterfeit, shall be guilty of an offence and being convicted thereof shall be liable to imprisonment for life.

Uttering counterfeit gold or silver coin.

9. Any person who tenders, utters or puts off any false or counterfeit coin resembling any current gold or silver coin, knowing the same to be false or counterfeit, shall be guilty of a misdemeanour and being convicted thereof shall be liable to imprisonment for 1 year.

Uttering accompanied by possession of other counterfeit coin or followed by second uttering.

10. Any person who tenders, utters or puts off any false or counterfeit coin resembling any current gold or silver coin, knowing the same to be false or counterfeit and, at the time of such tendering, uttering or putting off, has in his custody or possession besides such false or counterfeit coin any other piece of false or counterfeit coin resembling any current gold or silver coin or, either on the same day or within the space of ten days next ensuing, tenders, utters or puts off any false or counterfeit coin resembling any current gold or silver coin, knowing the same to be false or counterfeit, shall be guilty of a misdemeanour and being convicted thereof shall be liable to imprisonment for 2 years.

Possession of three or more pieces of counterfeit gold or silver coin.

11. Any person who has in his custody or possession three or more pieces of false or counterfeit coin resembling any current gold or silver coin, knowing the same to be false or counterfeit and with intent to utter or put off the same or any of them, shall be guilty of a misdemeanour and being convicted thereof shall be liable to imprisonment for 3 years.

12. Any person who having been convicted of any offence under any of the preceding sections, or under section 14 or 18, commits an offence under section 9, 10 or 11 shall be liable to imprisonment for life.

Second offence of uttering or possession. 1992-17.

13. Any person who, with intent to defraud, tenders, utters or puts off, as or for any current gold or silver coin, any coin, not being such current gold or silver coin, or any medal or piece of metal or mixed metals, resembling in size, figure and colour that current coin, such coin, medal or piece of metal or mixed metals being of less value than that current coin, shall be guilty of a misdemeanour and being convicted thereof shall be liable to imprisonment for 1 year.

Uttering foreign coin, medals, etc., as current coin, with intent to defraud.

14. Any person who

(a) falsely makes or counterfeits any coin resembling any current copper coin; or

(b) without lawful authority or excuse (the proof whereof shall lie on the party accused) knowingly makes or mends or begins or proceeds to make or mend or buys or sells or has in his custody or possession any instrument, tool or engine adapted and intended for counterfeiting any current copper coin; or

(c) buys, sells, receives, pays or puts off or offers to buy, sell, receive, pay or put off any false or counterfeit coin resembling any current copper coin, at or for a lower rate or value than the same imports or was apparently intended to import,

Counterfeiting, etc., copper coin.

shall be guilty of an offence and being convicted thereof shall be liable to imprisonment for 7 years. 1992-17.

15. Any person who

(a) tenders, utters or puts off any false or counterfeit coin resembling any current copper coin, knowing the same to be false or counterfeit; or

(b) has in his custody or possession three or more pieces of false or counterfeit coin resembling any current copper coin, knowing the same to be false or counterfeit and with intent to utter or put off the same or any of them,

Uttering counterfeit copper coin.

shall be guilty of a misdemeanour, and being convicted thereof shall be liable to imprisonment for 1 year.

Defacing
coin by
stamping
words
thereon.

16. Any person who defaces any current gold, silver or copper coin, by stamping thereon any names or words, whether such coin is or is not thereby diminished or lightened, shall be guilty of a misdemeanour and being convicted thereof shall be liable to imprisonment for 1 year.

Tender of
defaced
coin.
L.N. 8/1964.

17. (1) No tender of payment in money made in any gold, silver or copper coin defaced in the manner provided by section 16 shall be allowed to be a legal tender.

(2) Any person who tenders, utters or puts off any coin so defaced shall on conviction thereof before a magistrate be liable to forfeit and pay any sum not exceeding \$9.60.

(3) It shall not be lawful for any person to proceed for such penalty without the consent of the Director of Public Prosecutions.

Making,
mending, or
having
possession
of coining
tools.
1962-1.

18. Any person who, without lawful authority or excuse (the proof whereof shall lie on the party accused) makes or mends or begins or proceeds to make or mend or buys or sells or has in his custody or possession

- (a) knowingly, any puncheon, counter puncheon, matrix, stamp, die, pattern or mould, in or upon which there is made or impressed or which will make or impress or which is adapted and intended to make or impress the figure, stamp or apparent resemblance of both or either of the sides of any current gold or silver coin or of any part or parts of both or either of such sides; or
- (b) any edger, edging or other tool, collar or instrument or engine adapted or intended for the marking of coin round the edges with letters, grainings or other marks or figures, apparently resembling those on the edges of any current gold or silver coin, knowing the same to be so adapted and intended for such marking; or

- (c) any press for coinage or any cutting engine for cutting by force of a screw or other contrivance round blanks out of gold, silver or other metal or mixture of metals or any other machine, knowing such press to be a press for coinage or knowing such engine or machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any current gold or silver coin,

shall be guilty of an offence and being convicted thereof shall be liable to imprisonment for life. 1992-17.

PART III

Search and Arrest

19. (1) Where any coin is tendered as current gold or silver coin to any person who suspects the same to be diminished, otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such person to cut, break, bend or deface such coin.

Coin suspected to be diminished or counterfeit may be cut by person to whom it is tendered.

(2) Where any coin so cut, broken, bent or defaced appears to be diminished, otherwise than by reasonable wearing, or to be counterfeit, the person tendering the same shall bear the loss thereof but where the same is of due weight, and appears to be lawful coin, the person cutting, breaking, bending or defacing the same is hereby required to receive the same at the rate it was coined for.

(3) Any dispute which arises whether the coin so cut, broken, bent or defaced is so diminished or counterfeit shall be heard and finally determined in a summary manner by any magistrate, who is hereby empowered to examine upon oath the parties and any other person in order to decide such dispute.

20. (1) Any person who finds or discovers in any place whatsoever or in the custody or possession of any person having the same without lawful authority or excuse

Search for and seizure of counterfeit coin and coining tools. 1962-1.

- (a) any false or counterfeit coin, resembling any current gold, silver or copper coin; or

- (b) any instrument, tool or engine whatsoever, adapted and intended for the counterfeiting of any such coin; or
- (c) any filings or clippings or any gold or silver bullion or any gold or silver in dust, solution or otherwise, which have been produced or obtained by diminishing or lightening any current gold or silver coin,

may, and he is hereby required to, seize the same and to carry the same forthwith before some magistrate.

(2) Where it is proved, on the oath of a credible witness before any magistrate, that there is reasonable cause to suspect that any person has been concerned in counterfeiting current gold, silver or copper coin, or has in his custody or possession any coin or article specified in paragraphs (a), (b) or (c) of subsection (1), it shall be lawful for any magistrate, by a warrant under his hand, to cause any place whatsoever belonging to or in the occupation or under the control of such suspected person to be searched, either in the day or in the night, and if any such coin or article is found in any place so searched, to cause the same to be seized and carried forthwith before some magistrate who shall, if necessary, cause the same to be secured for the purpose of being produced in evidence against any person who may be prosecuted for any offence against this Act. All such coins or articles specified in paragraphs (a) (b) and (c) of subsection (1), after they have been produced in evidence or when they have been seized and are not required to be produced in evidence, shall forthwith be delivered up to the Accountant-General or to any person authorised by him to receive the same.

Arrest of
persons
found
committing
indictable
offences.

21. It shall be lawful for any person whatsoever to apprehend any person who is found committing any indictable offence against this Act and to convey or deliver him to some peace officer, constable or police officer in order that he may be conveyed as soon as is reasonable before a magistrate to be dealt with according to law.

PART IV

Legal Proceedings

22. Every offence of falsely making or counterfeiting any coin or of buying, selling, receiving, paying, tendering, uttering or putting off or of offering to buy, sell, receive, pay, utter or put off any false or counterfeit coin, against this Act, shall be deemed to be complete, although the coin is not in a fit state to be uttered or the counterfeiting thereof is not finished or perfected.

Incomplete state of coin not to affect commission of offences.

23. *Repealed by 1992-17.*

24. No summary conviction under this Act shall be quashed for want of form, or be removed by *certiorari* into the High Court, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same.

Summary convictions not to be quashed for want of form.

25. (1) All indictable offences mentioned in this Act committed on or after the 30th November, 1966 and which if committed before that date would have been within the jurisdiction of the Admiralty of England and cognizable by the courts of Barbados shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed in Barbados and may be dealt with, enquired of, tried and determined, in the same manner in all respects as if they had been actually committed in Barbados.

Offences committed within the jurisdiction of the Admiralty. L.N. 168/1967.

(2) In any indictment for any such offence or for being an accessory to any such offence the venue in the margin shall be the same as if such offence had been committed in Barbados, and the offence itself shall be averred to have been committed on the high seas.

26. (1) Where any person is convicted of any offence against this Act and is afterwards indicted for any offence against this Act committed subsequent to such conviction, a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous offence, purporting to be signed by the clerk of the court or other officer having or purporting to have the

Previous convictions under Act.

custody of the records of the court, where the offender was first convicted, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the previous conviction, without proof of the signature or official character or authority of the person appearing to have signed the same or of his custody or right to the custody of the record of the court.

(2) The proceedings upon any indictment for committing any offence after a previous conviction or convictions shall be as provided in the following subsections.

(3) The offender shall, in the first instance, be arraigned upon so much only of the indictment as charges the subsequent offence.

(4) If the offender pleads not guilty or if the court orders a plea of not guilty to be entered on his behalf, the jury shall be charged, in the first instance, to enquire concerning such subsequent offence only.

(5) If the jury find him guilty or if on arraignment he pleads guilty, he shall then, and not before, be asked whether he had previously been convicted as alleged in the indictment, and if he answers that he has been so previously convicted, the court may proceed to sentence him accordingly.

(6) If he denies that he has been so previously convicted or stands mute of malice or will not answer directly to such question, the jury shall then be charged to enquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the jury again, but the oath already taken by them shall for all purposes be deemed to extend to such enquiry.

(7) Notwithstanding subsections (3), (4) and (5), if upon the trial of any person for any subsequent offence, such person gives evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences before a verdict of guilty is returned and the jury shall enquire concerning such previous conviction or convictions at the same time that they enquire concerning such subsequent offence.

27. (1) Where any person is convicted of any indictable misdemeanour punishable under this Act, the court may, if it thinks fit, in addition to or in lieu of any of the punishments by this Act authorised, fine the offender and require him to enter into his own recognisances and to find sureties, both or either, for keeping the peace and being of good behaviour.

Fines and sureties for keeping the peace. 1992-17.

(2) No person shall be imprisoned under this section for not finding sureties for any period exceeding 1 year.