

## PREVENTION OF COUNTERFEITING OF CURRENCY ACT 16 OF 1965

[ASSENTED TO 10 MARCH 1965]

[DATE OF COMMENCEMENT: 17 NOVEMBER 1967]

*(English text signed by the State President)*

### as amended by

Criminal Procedure Act 51 of 1977  
South African Reserve Bank Act 90 of 1989  
Justice Laws Rationalisation Act 18 of 1996  
General Law Amendment Act 49 of 1996  
Judicial Matters Amendment Act 34 of 1998  
Judicial Matters Second Amendment Act 55 of 2003

### ACT

To provide for the prevention of the counterfeiting of coin and the forging or altering of certain bank notes and for matters incidental thereto, to provide for certain persons being dealt with under the law relating to extradition, and to amend the Black Territories Penal Code (Act 24 of 1886 of the Cape of Good Hope), the Crimes Ordinance, 1904, of the Transvaal, the South African Reserve Bank Act, 1944, and the Criminal Procedure Act, 1955.

## 1 Definitions

In this Act, unless the context otherwise indicates-

**'bank note'** includes any paper money which is legal tender in the State or territory in which it is issued, irrespective of the name by which it is known, but does not include a bank note issued under section *fourteen* of the South African Reserve Bank Act, 1989 (Act 90 of 1989);

[Definition of 'bank note' amended by s. 4 of Act 18 of 1996 .]

**'counterfeit coin'** means any coin, other than current coin, resembling or apparently intended to resemble or pass for current coin, and includes current coin prepared or altered so as to resemble or pass for coin of a higher denomination;

**'current coin'** means any coin the issue and circulation of which, in any State or territory, as money have been authorized by law;

**'Republic'** .....

[Definition of 'Republic' deleted by s. 1 of Act 49 of 1996 .]

## 2 Offences relating to current coin and bank notes

Any person who-

- (a) counterfeits or performs any part of the process of counterfeiting any current coin;
- (b) forges or alters a bank note;
- (c) utters, tenders or accepts any counterfeit coin, knowing it to be counterfeit, or a forged or altered bank note, knowing it to be forged or altered;
- (d) without lawful authority or excuse-
  - (i) has in his or her possession any counterfeit coin or any forged or altered bank note;
  - (ii) imports or receives into the Republic any counterfeit coin or any forged or altered bank note; or
  - (iii) exports from the Republic or puts or takes or causes to be put or taken on board any ship, vessel, boat, aircraft or vehicle for the purpose of being so exported, any counterfeit coin or any forged or altered bank

note;

[Para. (d) substituted by s. 2 of Act 34 of 1998 .]

- (e) with intent to counterfeit current coin or to forge a bank note, makes, mends, obtains, has in his possession or disposes of any tool, instrument or machine-
  - (i) intended for making any counterfeit coin or forged bank note;
  - (ii) intended for the marking of coin round the edges with letters, grainings or other marks or figures resembling letters, grainings, marks or figures round the edges of any current coin; or
  - (iii) capable of being used for preparing any material for receiving any impression resembling that on any current coin;
- (f) gilds, silvers or colours any piece of metal of a size or figure fit to be coined, for the purpose of coining it into counterfeit coin;
- (g) makes any piece of metal into a size or figure fit to be coined, with intent to facilitate the coining therefrom of counterfeit coin or for the purpose of coining therefrom counterfeit coin;
- (h) buys, sells or is in possession of a piece of metal referred to in paragraph (f) or (g) for a purpose referred to therein;
- (i) impairs, diminishes or lightens any current coin with intent that such coin when so impaired, diminished or lightened may pass as current coin;
- (j) without lawful authority or excuse has in his possession or disposes of or in any way deals with any filing or clipping, or any gold or silver bullion, or any gold or silver in dust, solution or otherwise, produced or obtained by impairing, diminishing or lightening current coin, knowing that it has been so produced or obtained;
- (k) with intent to defraud, utters, tenders, disposes of or otherwise uses as current coin any medal or piece of metal which is not current coin;
- (l) without lawful authority or excuse defaces any current coin by stamping thereon any word, letter, device or mark,

shall be guilty of an offence and liable on conviction-

- (i) in the case of an offence referred to in paragraph (a), (b), (c), (e), (f), (g) or (l), to imprisonment for a period not exceeding fifteen years;
- (ii) in the case of an offence referred to in paragraph (d) or (h), to imprisonment for a period not exceeding five years;
- (iii) in the case of an offence referred to in paragraph (j), to imprisonment for a period not exceeding three years; and
- (iv) in the case of an offence referred to in paragraph (k) or (l), to imprisonment for a period not exceeding twelve months.

### 3 Certain offences in respect of currency extraditable offences in certain circumstances

(1) If-

- (a) the Republic has acceded to the Convention for the Suppression of Counterfeiting Currency drawn up at Geneva on the twentieth day of April, 1929; and
- (b) a person is accused or has been convicted within the jurisdiction of a foreign State as defined in section *one* of the Extradition Act, 1962 (Act 67 of 1962 ), of one or more of such offences as are mentioned in subsection (2) of this section; and
- (c) an extradition agreement which has been or is deemed to have been entered into under the said Act with such State or a State under whose sovereignty or protection such first-mentioned State is, is in force; and
- (d) the State referred to in paragraph (b) or a State under whose sovereignty or protection such first-mentioned State is, has signed and ratified or

acceded to the said Convention,

such person may, notwithstanding anything to the contrary contained in the said Extradition Act, 1962, or in the said agreement, but subject to the provisions of subsection (3) of this section, be surrendered, to the State in respect of which such agreement is so in force, in the manner prescribed by any law relating to extradition and in force in the Republic.

(2) The offences referred to in paragraph (b) of subsection (1) shall be the following, namely-

- (a) counterfeiting any current coin;
- (b) an offence referred to in paragraph (b) of section two;
- (c) an offence referred to in paragraph (c) of section two;
- (d) without lawful authority or excuse importing or receiving into the State or territory in question a counterfeit coin or a forged or altered bank note;
- (e) an offence referred to in paragraph (e) of section two; and
- (f) attempting to commit any offence referred to in paragraph (a), (b), (c), or (d) of this section.

(3) The provisions of subsection (1) shall cease to apply-

- (a) if the Convention referred to in the said subsection (1) is denounced on behalf of the Republic; or
- (b) in respect of a State or territory, if the said Convention is denounced on behalf of that State or the State under whose sovereignty or protection that territory is, as the case may be,

and a period of at least one year has lapsed after such denunciation.

#### 4 Evidence and onus of proof

(1) A certificate purporting to have been signed by the Director General: Foreign Affairs, or a person designated thereto by him, to the effect that a State mentioned therein has signed and ratified or acceded to the Convention referred to in subsection (1) of section three shall, upon its production by any person in any proceedings under any law relating to extradition, be admissible in evidence in such proceedings and be *prima facie* proof of the facts set forth therein.

[Sub-s. (1) amended by s. 4 of Act 18 of 1996 .]

(2) If in any prosecution for a contravention of paragraph (d), (j) or (l) of section 2 the question arises whether any person had lawful authority or excuse for possessing or doing any thing referred to in the said paragraphs, in the absence of evidence to the contrary which raises reasonable doubt, proof of possession or conduct contemplated in the said paragraphs (d), (j) and (l) shall be sufficient evidence of the absence of lawful authority or excuse.

[Sub-s. (2) substituted by s. 3 of Act 55 of 2003 .]

#### 5

Repeals sections 228 to 230, inclusive, of the Black Territories Penal Code, Act 24 of 1886 of the Cape of Good Hope.

#### 6

Amends section 3 of the Crimes Ordinance, 1904 (Ordinance 26 of 1904 of the Transvaal).

#### 7

Repeals sections 18 to 28, inclusive, of the Crimes Ordinance, 1904 (Ordinance 26 of 1904 of the Transvaal).

#### 8 and 9 .....

[Ss. 8 and 9 repealed by s. 40 (1) of Act 90 of 1989 .]

**10 .....**

[S. 10 repealed by s. 344 (1) of Act 51 of 1977 .]

**11 .....**

[S. 11 repealed by s. 1 of Act 49 of 1996 .]

**12 Short title and commencement**

This Act shall be called the Prevention of Counterfeiting of Currency Act, 1965, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.