



ST. CHRISTOPHER AND NEVIS

CHAPTER 4.04

COINAGE OFFENCES ACT

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COINAGE OFFENCES ACT

Act 8 of 1876 ... in force 1st January 1878

Amended by: Act 12 of 1967

Act 6 of 1976

Act 7 of 1976

Act 9 of 1986

Page

3

CHAPTER 4.04
COINAGE OFFENCES ACT

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Counterfeiting gold or silver coin
4. Colouring coin, or metal with intent
5. Impairing gold or silver coin with intent
6. Unlawful possession of filings or clippings of gold or silver coin
7. Buying or selling, etc., counterfeit gold or silver coin for lower value
8. Importing counterfeit coin
9. Exporting counterfeit coin
10. Uttering counterfeit gold or silver coin
11. Uttering, accompanied by possession of other counterfeit coin, or followed by second uttering
12. Uttering coin less than lawful weight
13. Having counterfeit gold or silver coin in possession, etc.
14. Uttering medals, etc., as current coin with intent to defraud
15. Counterfeiting, etc., copper coin
16. Uttering base copper coin
17. Defacing the coin by stamping words thereon
18. Tender of coin so defaced not legal tender
19. Punishment for selling medals resembling current coin
20. Making, mending, or having possession of any coining tools, to be felony
21. Conveying tools, etc., out of the mint without authority, felony
22. Coin suspected to be diminished or counterfeit may be cut by any person to whom it is tendered
23. Discovery and seizure of counterfeit coin and coining tools
24. Counterfeit coin to be cut in pieces
25. Venue
26. Proof of coin being counterfeit
27. Difference in the date, year, etc., on counterfeit coin no reason for acquitting any person
28. When offence, in certain cases, to be deemed complete
29. Fine, and sureties for keeping the peace

CHAPTER 4.04
COINAGE OFFENCES ACT

AN ACT TO MAKE PROVISION FOR OFFENCES RELATING TO THE FALSIFICATION OR COUNTERFEITING OF COINS RESEMBLING OR INTENDED TO RESEMBLE OR PASS FOR ANY CURRENT GOLD OR SILVER COIN; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Coinage Offences Act.

Interpretation.

2. (1) In this Act—

“current coin” includes any coin lawfully current, by virtue of any proclamation or otherwise, in the State or in any other part of the Commonwealth, or lawfully current in any foreign country;

(Amended by Act 6 of 1976)

“current gold or silver coin” includes any gold or silver coin lawfully current, by virtue of any proclamation or otherwise, in the State or in any other part of the Commonwealth, or lawfully current in any foreign country;

(Amended by Act 6 of 1976)

“copper coin” includes any coin of any metal or mixed metal (not being a gold or silver coin) lawfully current, by virtue of any proclamation or otherwise, in the State or in any other part of the Commonwealth, or lawfully current in any foreign country;

(Amended by Act 6 of 1976)

“false or counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin” includes any of the current coin which shall have 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.

(Amended by Act 6 of 1976)

(2) Where, having any matter in the custody or possession of any person is mentioned in this Act, it shall include, not only the having of it by himself or herself in his or her personal custody or possession, but also the knowingly and wilfully having it in the actual custody or possession of any other person, and also the 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 herself or not, and whether such matter shall be so had for his or her own use or benefit or for that of any other person.

Counterfeiting gold or silver coin.

3. A person who falsely makes or counterfeits any coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin commits a felony, and shall be liable, on conviction, to imprisonment for any term not exceeding fourteen years, with or without hard labour.

Colouring coin, or metal with intent.**4.** A person who—

- (a) gilds or silvers, or who, with any wash or materials capable of producing the colour or appearance of gold or of silver, or, by any other means washes, cases over, or colours, any coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin;
- (b) gilds or silvers, or who, with any wash or materials capable of producing the colour or appearance of gold or of silver, or, by any other means, 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 shall be coined into false and counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin;
- (c) gilds, or who, with any wash or materials capable of producing the colour or appearance of gold, or, by any other means, washes, cases over, or colours, any current silver coin, or file or in any manner alters such coin, with intent to make the same resemble or pass for any current gold coin;
- (d) gilds or silvers, or who, with any wash or materials capable of producing the colour or appearance of gold or silver, or, by any other means, 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,

commits a felony, and shall be liable, on conviction, to imprisonment for a term not exceeding fourteen years, with or without hard labour.

Impairing gold or silver coin with intent.

5. A person who impairs, diminishes, or lightens any current gold or silver coin, with intent that the coin so impaired, diminished, or lightened may pass for current gold or silver coin, commits a felony, and shall be liable, on conviction, to imprisonment for a term not exceeding two years, with or without hard labour.

Unlawful possession of filings or clippings of gold or silver coin.

6. A person who unlawfully have in his or her custody or possession any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise, which shall have 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, commits a felony, and shall be liable, on conviction, to imprisonment for a term not exceeding two years, with or without hard labour.

Buying or selling, etc., counterfeit gold or silver coin for lower value.

7. (1) A person who, without lawful authority or excuse (the proof of which shall lie on the party accused), buys, sells, receives, pays, or puts off, or offers to buy, sells, receives, pays, or puts off, any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin, at or for a lower rate or value than the same imports, or was apparently intended to import,

commits a felony, and shall be liable, on conviction, to imprisonment for a term not exceeding two years with or without hard labour.

(2) In any indictment for any offence referred to in this section, 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.

8. A person who, without lawful authority or excuse (the proof of which shall lie on the party accused), imports or receives into the State any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin, knowing the same to be false or counterfeit, commits a felony, and shall be liable, on conviction, to imprisonment for a term not exceeding fourteen years, with or without hard labour.

Exporting counterfeit coin.

9. A person who, without lawful authority or excuse (the proof of which shall lie on the party accused), shall export, or put on board any ship, vessel, or boat, or any carriage or vehicle of any description whatsoever, for the purpose of being exported from the State, any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current coin, knowing the same to be false or counterfeit, commits a felony, and shall be liable, on conviction, to imprisonment for a term not exceeding fourteen years, with or without hard labour.

Uttering counterfeit gold or silver coin.

10. A person who tenders, utters, or puts off any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin, knowing the same to be false or counterfeit, commits a misdemeanour, and shall be liable, on conviction, to imprisonment for a term not exceeding two years, with or without hard labour.

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

11. A person who tenders, utters, or puts off any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin, knowing the same to be false or counterfeit, and who, at the time of tendering, uttering, or putting off, have in his or her custody or possession, besides the false or counterfeit coin so tendered, uttered, or put off, any other piece of false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin, or who, either on the day of tendering, uttering, or putting off, or within the space of ten days then next ensuing, tenders, utters, or puts off any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin, knowing the same to be false or counterfeit, commits a misdemeanour, and shall be liable, on conviction, to imprisonment for a term not exceeding two years, with or without hard labour.

Uttering coin less than lawful weight.

12. A person who tenders, utters, or puts off as being current, any gold or silver coin of less than its lawful weight, knowing such coin to have been impaired,

diminished, or lightened otherwise than by lawful wear, commits a misdemeanour, and shall be liable, on conviction, to imprisonment for a term not exceeding one year, with or without hard labour.

Having counterfeit gold or silver coin in possession, etc.

13. A person who has in his or her custody or possession three or more pieces of false or counterfeit coin, resembling, or apparently intended to resemble or pass for, 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, commits a misdemeanour, and shall be liable, on conviction, to imprisonment for a term not exceeding two years.

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

14. A 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 the current coin as or for which the same shall be so tendered, uttered, or put off, such coin, or medal, or piece of metal or mixed metals, so tendered, uttered, or put off, being of less value than the current coin as or for which the same is so tendered, uttered, or put off, commits a misdemeanour, and shall be liable, on conviction, to imprisonment for a term not exceeding one year, with or without hard labour.

(Section 14 was deleted by Act 7 of 1976)

Counterfeiting, etc., copper coin.

15. A person who falsely makes or counterfeits any coin resembling, or apparently intended to resemble or pass for, any current copper coin—

- (a) without lawful authority or excuse (the proof of which shall lie on the party accused), knowingly makes or mends, or begins or proceeds to make or mend, or buy or sell, or have in his or her custody or possession, any instrument, tool, or engine adapted and intended for the counterfeiting any current copper coin,
- (b) buys, sells, receives, pays, or puts off, or offers to buy, sell, receive, pay, or puts off, any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current copper coin,

at or for a lower rate or value than the same imports, or was apparently intended to import, commits a felony, and shall be liable, on conviction, to imprisonment for a term not exceeding two years, with or without hard labour.

Uttering base copper coin.

16. A person who tenders, utters, or puts off any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current copper coin, knowing the same to be false or counterfeit, or have in his or her custody or possession three or more pieces of false or counterfeit coin resembling, or apparently intended to resemble or pass for, 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, commits a misdemeanour, and shall be liable, on conviction, to imprisonment for a term not exceeding one year, with or without hard labour.

Defacing the coin by stamping words thereon.

17. A person who defaces any current gold, silver, or copper coin by stamping thereon any names or words, whether such coin shall or shall not be thereby

diminished or lightened, and shall afterwards tender the same, commits a misdemeanour, and shall be liable, on conviction, to imprisonment for a term not exceeding two years, with or without hard labour.

Tender of coin so defaced not legal tender.

18. No tender of payment in money made in any gold, silver, or copper coin so defaced by stamping, as provided in section 17, shall be allowed to be a legal tender; and any person who tenders, utters, or puts off any coin so defaced shall, on summary conviction, be liable to a fine not exceeding fifty dollars:

(Amended by Acts 7 of 1976 and 9 of 1986)

Provided that it shall not be lawful for any person to proceed for any such last-mentioned penalty without the consent of the Director of Public Prosecutions.

(Amended by Act 12 of 1967)

Punishment for selling medals resembling current coin.

19. If any person, without due authority or excuse (the proof of which shall lie on the person accused) makes or has in his or her possession for sale, or offers for sale or sells any medal, cast, coin or any other like thing made wholly or partially of metal or any metallic combination and resembling in size, figure, and colour any current gold or silver coin, or having thereon a device resembling any device on any current gold or silver coin, or being so formed that it can by gilding, silvering, colouring, washing or other like process, be so dealt with as to resemble any current gold or silver coin, he or she commits a misdemeanour and conviction thereof, shall be liable, on conviction, to imprisonment for a term not exceeding one year, with or without hard labour.

Making, mending, or having possession of any coining tools, to be felony.

20. A person who—

- (a) without lawful authority or excuse (the proof of which shall lie on the party accused), knowingly makes or mends, or begins or proceeds to make or mend, or buy or sell, or have in his or her custody or possession, any puncheon, counter puncheon, matrix, stamp, die, pattern or mould, in or upon which there shall be made or impressed, or which will make or impress, or which shall be 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 any part or parts of both or either of such sides;
- (b) makes or mends, or begins or proceeds to make or mend,
- (c) buys or sells, or have in his or her custody or possession, any edger, edging, or other tool, collar, instrument, or engine, adapted and intended for the marking of coin round the edges with letters, graining, or other marks or figures, apparently resembling those on the edges of any such coin as specified in this section, knowing the same to be so adapted and intended, as specified, makes or mends, or begins or proceeds to make or mend,
- (d) buys or sells, or have in his or her custody or possession, any press for coinage, or any cutting engine for cutting by force of a screw, or of any 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 make false or counterfeiting of coins as specified in this section,

commits a felony, and shall be liable, on conviction, to imprisonment for a term not exceeding two years, with or without hard labour.

Conveying tools, etc., out of the mint without authority, felony.

21. A person who without lawful authority or excuse (the proof of which shall lie on the party accused), knowingly conveys out of any of the Crown's mints, into the State, any puncheon, counter puncheon, matrix, stamp, die, pattern, mould, edger, edging, or other tool, collar, instrument, press, or engine, used or employed in or about the coining of coin, or any useful part of any of the several matters specified, or any coin, bullion, metal, or mixture of metals, commits a felony, and shall be liable, on conviction, to imprisonment for a term not exceeding two years, with or without hard labour.

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

22. (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 that person to cut, break, bend, or deface the coin, and if 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 of the coin; but if the coin shall be of due weight and appear 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.

(2) If any dispute arises whether the coin so cut, broken, bent, or defaced is diminished in the manner referred to in subsection (1), or counterfeit, it shall be heard and finally determined in a summary manner by any Magistrate, who is hereby empowered to examine, upon oath as well as the parties as any other person, in order to arrive at the decision of such dispute.

(3) Public Officers who receive revenue in the State are hereby required to cut, break or deface, or cause to be cut, broken or defaced, every piece of counterfeit or unlawfully diminished gold or silver coin which shall be tendered to them in payment of any part of the revenue of the State.

(Amended by Act 6 of 1976)

Discovery and seizure of counterfeit coin and coining tools.

23. (1) If any person finds or discovers in any place, or in the custody or possession of any person having the same without lawful authority or excuse, any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold, silver, or copper coin, or any instrument, tool, or engine, adapted and intended for the counterfeiting of such coin, or any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise, which shall have been produced or obtained by diminishing or lightening any current gold or silver coin, it shall be lawful for the person who finds or discovers, and he or she is hereby required, to seize the same, and to carry the same forthwith before a Magistrate.

(2) If it is proved upon the oath of a credible witness before the Magistrate. that there is a reasonable cause to suspect that any person has been concerned in counterfeiting current gold, silver, or copper coin, as is mentioned in this Act, or has

in his or her custody or possession false or counterfeit coin, or any instrument, tool, or engine adapted and intended for the making or counterfeiting of coin, or any other machine used, or intended to be used, for making or counterfeiting any coin, or any filings, clippings or bullion, or gold or silver in dust, solution, or otherwise, as aforesaid, the Magistrate may, by warrant under his or her hand, cause any place belonging to, or in the occupation or under the control of, the suspected person to be searched, either in the day or in the night, and, if the false or counterfeit coin, or instrument, tool, or engine, or machine, or filings, clippings, or bullion, or gold or silver in dust, solution or otherwise, as aforesaid, is found in any place so searched, cause the same to be seized and carried forthwith before him or her or some other Magistrate.

(3) When false or counterfeit coin, or instrument, tool or engine, or machine, or filings, clippings, or bullion, or any such gold or silver in dust, solution, or otherwise, referred to in this section, is seized and carried before a Magistrate, he or she 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 an offence against this Act, all such false and counterfeit coin, and all instruments, tools, and engines adapted and intended for the making or counterfeiting of coin, and all such machines, and all such filings, clippings, and bullion, and all such gold and silver in dust, solution, or otherwise, as mentioned in this section, after they shall have been produced in evidence, or when they shall have been seized and shall not be required to be produced in evidence, shall forthwith, by order of the Court, be defaced or otherwise disposed of as the court may direct.

Counterfeit coin to be cut in pieces.

24. If any false or counterfeit coin is produced in any court of law, the court shall order the same to be cut in pieces in open Court, or in the presence of a Magistrate, and then delivered to or for the lawful owner thereof, if such owner claims the same.

Venue.

25. Where any person tenders, utters, or puts off any false or counterfeit coin in any one Circuit of the State and also tenders, utters, or puts off any other false or counterfeit coin in any other Circuit, either on the day of such first mentioned tendering, uttering, or putting off, or within the space of ten days next ensuing, or where two or more persons acting in concert in different Circuits commit any offence against this Act, every such offender may be dealt with, indicted, tried, and punished, and the offence laid and charged to have been committed, in any one of those Circuits, in the same manner in all respects as if the offence had been actually and wholly committed within such one Circuit.

Proof of coin being counterfeit.

26. Where, upon trial of any person charged with any offence against this Act, it shall be necessary to prove that any coin produced in evidence against such person is false or counterfeit, it shall not be necessary to prove the same to be false and counterfeit by the evidence of any officer of the Crown's mint, but it shall be sufficient to prove the same to be false or counterfeit by the evidence of any other credible witness.

(Amended by Act 7 of 1976)

Difference in the date, year, etc., on counterfeit coin no reason for acquitting any person.

27. Upon the trial of any person accused of any offence alleged to have been committed against the provisions of this Act, no difference in the date or year, or in any legend, marked upon the lawful coin described in the indictment, and the date or year, or legend, marked upon the false coin counterfeited to resemble or pass for such lawful coin, or upon any die, plate, press, tool, or instrument used, devised, constructed, adapted, or designed for the purpose of counterfeiting or imitating the lawful coin, shall be considered a just or lawful cause or reason for acquitting the person of such offence, and it shall, in any case, be sufficient to prove such general resemblance to the lawful coin as will show an intention that the counterfeit should pass for it.

When offence, in certain cases, to be deemed complete.

28. 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 the provisions of this Act, shall be deemed to be complete although the coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered, or put off, or offered to be bought, sold, received, paid, tendered, uttered, or put off, shall not be in a fit state to be uttered, or the counterfeiting of such coin was not finished or perfected.

Fine, and sureties for keeping the peace.

29. Whenever any person shall be convicted of any indictable misdemeanour punishable under this Act, the court may, if it shall think fit, in addition to, or in lieu, of any of the punishments by this Act authorised, fine the offender, and require him or her to enter into his or her own recognisance's, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act, the court may, if it shall think fit, require the offender to enter into his or her own recognisance's and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized:

Provided that no person shall be imprisoned under this section for not finding sureties for any period exceeding one year.

(Section 30 was deleted by Act 7 of 1976)
