



S U P P L E M E N T No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1427 of 15th September 2006
L E G I S L A T I O N

ORDINANCE 13 OF 2006

AN ORDINANCE
TO PROVIDE FOR OFFENCES RELATING TO THE
COUNTERFEITING OF CURRENCY

R. H. LACEY
ADMINISTRATOR

11th August 2006.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. This Ordinance may be cited as the Currency (Counterfeiting) Ordinance 2006. Short title.

2.—(1) In this Ordinance unless the context otherwise requires — Interpretation.

“Central Bank” means the Central Bank of Cyprus;

“currency” means any note or coin which is legal tender and is customarily used as money and includes any currency which is not yet in circulation but which is intended for circulation as legal tender;

“legal tender” means any currency which—

(a) is legal tender as provided by section 5 of the Central Bank of Cyprus and Republican Currency (Recognition) Ordinance 1963; or

(b) is lawfully issued by the European Central Bank or in accordance with any power granted by the European Central Bank; or

(c) is lawfully issued in any other country by an issuing authority which is legally entitled to issue currency;

“offence” means any offence defined as such in this Ordinance.

(2) In this Ordinance, “counterfeit currency” means—

(a) any thing which is not an item of currency but which has been fraudulently made so that it resembles an item of

Ordinance 28 of
1963.

currency to such an extent that it is reasonably capable of passing for such an item; or

- (b) any item of currency which has been fraudulently altered so that it resembles an item of currency of a higher value than the original item to such an extent that it is reasonably capable of passing for such an item; or
- (c) any item of currency which is lawfully made and is intended for circulation as legal tender but which is placed in circulation fraudulently or without lawful authority.

(3) Any item consisting of one side only of a currency note, with or without the addition of other material, is a counterfeit of such a note.

(4) Any item consisting of—

- (a) parts of two or more currency notes; or
- (b) parts of a currency note, or of parts of two or more currency notes, with the addition of other material,

is a counterfeit of such a note.

Aiding and abetting etc. outside the Areas.

3. Any person who aids, abets, counsels or procures another person to carry out, outside the Areas, any act or omission made unlawful by this Ordinance is guilty of the relevant offence under this Ordinance.

Offence of counterfeit currency.

4.—(1) It is an offence for a person to make a counterfeit of an item of currency, with the intention of tendering it, offering it to another person, placing it in circulation or disposing of it as if it were a genuine item of currency.

(2) It is an offence for a person, in contravention of the exclusive right of a competent issuing authority to issue currency and without the lawful authority of such an authority to do so, to make an item of currency.

(3) Subject to section 13, a person who commits an offence contrary to the provisions of this section shall, on conviction, be liable to imprisonment for a term not exceeding 10 years.

Offence of circulation of counterfeit currency.

5.—(1) It is an offence for a person to place in circulation a counterfeit item of currency which he knows or believes to be a counterfeit and he shall, on conviction, and subject to section 13, be liable to imprisonment for a term not exceeding 8 years.

(2) It is an offence for a person to possess, control, receive or obtain an item of counterfeit currency, intending to use it for payment when he knows or believes it to be counterfeit and he shall, on conviction, and subject to section 13, be liable to imprisonment for a term not exceeding 6 years.

Offence of import and export of counterfeit currency.

6. It is an offence for a person to knowingly import or export an item of counterfeit currency and he shall, on conviction, and subject to section 13, be liable to imprisonment for a term not exceeding 8 years.

Offences involving items intended for use in making counterfeit currency.

7.—(1) It is an offence for a person without lawful authority or excuse to make or supply—

- (a) any tool, computer software, or other thing (including special paper used for the making of currency) specially designed for or capable of making a counterfeit of an item of currency;

(b) a holograph or other thing used as a safety measure for the protection of currency against counterfeiting,

and, on conviction, he shall, subject to section 13 be liable to imprisonment for a term not exceeding 8 years.

(2) It is an offence for a person without lawful authority or excuse to accept, possess or control any item referred to in subsection (1) and, on conviction, he shall, subject to section 13, be liable to imprisonment for a term not exceeding 6 years.

(3) The Court before which a person is convicted of any offence contrary to the provisions of this section may, in addition to the penalty provided for in subsection (1) or (2) above, order the confiscation of the item, tool or other thing which was used or was intended to be used for the making of counterfeit currency.

8. It is an offence for a person without lawful authority or excuse to deface any item of currency in any manner such as by writing, printing, drawing or placing a stamp on it and he shall, on conviction and subject to section 13, be liable to a fine not exceeding £1000.

Offence of defacing currency.

9. Without prejudice to the provisions of section 4, it is an offence for a person, without being the holder of a licence issued for those purposes by the Central Bank to issue, import or trade in any item which is intended to pass as currency, on which a monetary unit from any country, the symbol of a monetary unit from any country or the symbol of the Euro appears, and he shall, on conviction, and subject to section 13, be liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding £2000 or to both such penalties.

Offence of issuing etc. currency without licence.

10. The provisions of section 20 of the Criminal Code (principal offenders) shall apply in relation to any offence provided for by this Ordinance.

Aiding and abetting.

11.—(1) A person who attempts to commit any offence contrary to the provisions of this Ordinance, shall be guilty of an offence and on conviction, and subject to section 13, be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding £4000.

Attempts.

(2) In determining whether a person has attempted to commit any offence contrary to the provisions of this Ordinance, the provisions of section 366 of the Criminal Code (attempt defined) shall apply.

12.—(1) Where an offence 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 officer of the body corporate or any other person purporting to act in any such capacity, then that person as well as the body corporate commits that offence and is liable to be proceeded against.

Liability of directors etc..

(2) In this section “director”, in relation to any body corporate established under public ownership being a body corporate whose affairs are managed by its members, means a member of that body corporate.

13. Where a body corporate commits an offence contrary to section 4, 5, 6, 7, 8, 9 or 11 it shall be liable on conviction to a fine not exceeding £100,000.

Penalties for body corporate.

14.—(1) Any bank, banking credit institution, currency exchange or other organisation engaged in the collection, classification and distribution of currency in the course of its business shall—

Withdrawal etc. of counterfeit currency.

- (a) withdraw from circulation any currency which it knows or has reason to believe is counterfeit; or
- (b) dispatch any currency of the kind referred to in subsection (a) above, without delay, for further analysis in accordance with any instructions issued for these purposes by the Central Bank.

(2) Without prejudice to section 13, where an institute of the kind referred to in subsection (1) fails or omits to comply with the requirements of this section or provides misleading information in relation to any currency which it knows or believes to be counterfeit, the Governor of the Central Bank may impose an administrative fine on that institution not exceeding £30,000.

(3) The provision of information in good faith by any institution of the kind referred to in subsection (1) in relation to suspected counterfeit currency and any action taken to comply with any instruction of the Central Bank aimed at combating counterfeit currency shall not constitute a breach of confidentiality on the part of that institution.

(4) The withdrawal and dispatch for analysis in good faith of any currency which is suspected to be counterfeit by any institute of the kind referred to in subsection (1) shall not confer any liability on that institution or any Director or employee of it to pay compensation to any person if the currency is later proved to be genuine.

Additional penalties.

15. If a person who has been convicted of any offence commits a further offence, the Court may impose a penalty which may be double the one provided for each one of the offences specified in this Ordinance.

Repeal of parts of Currency Ordinance Cap. 197, Laws of Cyprus.

16. Sections 7 and 16 to 19 of the Currency Ordinance (as renumbered by the Central Bank of Cyprus and Republican Currency Ordinance 1963) are repealed.

Commencement.

17. This Ordinance shall come into force on the day of its publication in the Gazette.

12th August 2006
(SBA/AG/2/CR/370)

P. D. Draycott
Chief Officer.
