

MAKING/USING FALSE CERTIFICATE OF INSURANCE

Forgery and Counterfeiting Act 1981

- s.1 - 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.
- ...
- s. 3 - 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.

Maximum Sentence:

Forgery and Counterfeiting Act 1981, s.6

Indictment: 10 years imprisonment or an unlimited fine or both

Summary: 6 months imprisonment or a fine not exceeding the statutory maximum (£5,000) or both

Assessment of Offence

(Starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
False certificate made for own use	Community Order	Community Order to 6 months Custody
False certificate made for other's use OR False certificate made for commercial gain OR False certificate used for commercial gain	3 months Custody	1 - 6 months Custody

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
1. Offence committed as part of organised or sophisticated enterprise 2. Use of 3 rd party's identity	N/A

Relevant Cases:

NI Cases:

1. R v Nurse [2010] NICC 3

English Cases:

N/A

Notes:

1. Any object shown to the satisfaction of the Court to relate to the offence may be forfeited and either destroyed or dealt with in such other manner as the court may order (subject to the owner or any interested party being permitted to make representations) – Section 7 of the 1981 Act
2. General power to disqualify from holding a driving licence under Article 91 of the Criminal Justice (NI) Order 2008.