

PASSING COUNTERFEIT CURRENCY

Forgery and Counterfeiting Act 1981

15.- (1) It is an offence for a person-

- (a) to pass or tender as genuine any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin; or
- (b) to deliver to another any thing which is, and which he knows or believes to be, such a counterfeit, intending that the person to whom it is delivered or another shall pass or tender it as genuine.

Maximum Sentence:

Forgery and Counterfeiting Act 1981 s.22

Indictment: 10 years imprisonment and/or Unlimited Fine

Summarily: 6 months imprisonment and/or statutory maximum fine (£5,000)

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> |
|---|-----------------------|--|
| Offence relates to a single counterfeit note or small number of coins | 2 months Custody | Community Order to 3 months Custody |
| Offence relates to a small number of counterfeit notes | 3 months Custody | 1 – 6 months Custody |

Examples of Possible Aggravating Factors of Offence

1. Offence committed for purpose of financial gain
2. High level of professionalism

Examples of Possible Mitigating Factor of Offence

1. Notes/coins acquired innocently

Relevant Cases:

NI Cases:

1. R v McClean (23/5/97)(Unreported)

English Cases:

1. R v Crick (1981) 3 Cr App R(S) 275
2. R v Everett (1983) 5 Cr App R(S) 207
3. R v Howard (1985) 7 Cr App R(S) 320

Notes: