

## POSSESSING COUNTERFEIT CURRENCY

### Forgery and Counterfeiting Act 1981

16. - (1) It is an offence for a person to have in his custody or under his control any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin, intending either to pass or tender it as genuine or to deliver it to another with the intention that he or another shall pass or tender it as genuine.
- (2) It is an offence for a person to have in his custody or under his control, without lawful authority or excuse, any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin.
- (3) It is immaterial for the purposes of subsections (1) and (2) above that a coin or note is not in a fit state to be passed or tendered or that the making or counterfeiting of a coin or note has not been finished or perfected.

#### Maximum Sentence:

*Forgery and Counterfeiting Act 1981 s.22*

Offence under section 16(1)

*Indictment: 10 years imprisonment and/or Unlimited Fine*

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

Offence under section 16(2)

*Indictment: 2 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 1<sup>st</sup> time offender convicted following contest)*

<u>Nature of Offence</u>		<u>Starting Point</u>	<u>Sentencing Range</u>
Offence under section 16(1)	Offence relates to a single counterfeit note or small number of coins	Community Order	Fine to 3 months Custody
	Offences relates to a small number of counterfeit notes	2 months Custody	Community Order to 6 months Custody
Offence under section 16(2)	Offence relates to a single counterfeit note or a small number of coins	Fine	Fine to Community Order
	Offences relates to a small number of counterfeit notes	Community Order	Community Order to 3 months Custody

#### Examples of Possible Aggravating Factors of Offence

1. Offence committed for purpose of financial gain

#### 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: