

CHAPTER 88

THE COINAGE OFFENCES ACT

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COINAGE OFFENCES

(1st January, 1878.)

8/1876.
29/1937.
9/1941.
S.R.O. 22/1956.
15/1961.
1/1966.
18/1989.

- 1.** This Act may be cited as the Coinage Offences Act. **Short title.**
- 2.** (1) In this Act— **Interpretation.**
- "current coin" includes any coin coined in any of Her Majesty's mints, or lawfully current, by virtue of any proclamation or otherwise, in Antigua and Barbuda or in any other part of the Commonwealth, or lawfully current in any foreign country; **F.A. 29/1937.**
- "current gold or silver coin" includes any gold or silver coin coined in any of Her Majesty's mints, or lawfully current, by virtue of any proclamation or otherwise, in Antigua and Barbuda or in any other part of the Commonwealth, or lawfully current in any foreign country;
- "copper coin" includes any coin of any metal or mixed metal (not being a gold or silver coin) coined in any of Her Majesty's mints, or lawfully current, by virtue of any proclamation or otherwise, in Antigua and Barbuda or in any other part of the Commonwealth, or lawfully current in any foreign country;
- "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.

(2) Where the 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 in his 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 not, and whether such matter shall be so had for his own use or benefit or for that of any other person.

Counterfeiting
gold or silver
coin.

3. Whosoever shall falsely make or counterfeit any coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding fourteen years, with or without hard labour.

Colouring coin,
or metal with
intent.

4. Whosoever shall gild or silver, or shall, with any wash or materials capable of producing the colour or appearance of gold or of silver, or, by any means whatsoever, wash, case over, or colour, any coin whatsoever resembling, or apparently intended to resemble or pass for, any current gold or silver coin; or shall gild or silver, or shall, with any wash or materials capable of producing the colour or appearance of gold or of silver, or, by any means whatsoever, wash, case over, or colour, 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; or shall gild, or shall, with any wash or materials capable of producing the colour or appearance of gold, or, by any means whatsoever, wash, case over, or colour, any current silver coin, or file or in any manner alter such coin, with intent to make the same resemble or pass for any current gold coin; or shall gild or silver, or shall, with any wash or materials capable of producing the colour or appearance of gold or silver, or by any means whatsoever, wash, case over, or colour, any current copper coin, or file or in any manner alter such coin, with intent to make the same resemble or pass for any current gold or silver coin, shall be guilty of felony,

and shall be liable to be imprisoned for any term not exceeding fourteen years, with or without hard labour.

5. Whosoever shall impair, diminish, or lighten any current gold or silver coin, with intent that the coin so impaired, diminished, or lightened may pass for current gold or silver coin, shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Impairing gold or silver coin with intent.

6. Whosoever shall unlawfully have in his 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, shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

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

7. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put 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, shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding two years with or without hard labour; and in any indictment for any such offence as in this section aforesaid, 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.

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

8. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall import or receive into Antigua and Barbuda any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin, knowing the same to

Importing coin.

be false or counterfeit, shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding fourteen years, with or without hard labour.

Exporting
counterfeit coin.

9. Whosoever, without lawful authority or excuse (the proof whereof 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 Antigua and Barbuda, 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, shall be guilty of a felony, and shall be liable to be imprisoned for any term not exceeding fourteen years, with or without hard labour.

Uttering
counterfeit gold
or silver coin.

10. Whosoever shall tender, utter, or put 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, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

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

11. Whosoever shall tender, utter, or put 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 shall, at the time of such tendering, uttering, or putting off, have in his 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 shall, either on the day of such tendering, uttering, or putting off, or within the space of ten days then next ensuing, tender, utter, or put 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, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Uttering coin less
than lawful
weight.

12. Whosoever shall tender, utter, or put 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, shall be guilty of

a misdemeanour, and shall be liable to be imprisoned for any term not exceeding one year, with or without hard labour.

13. Whosoever shall have in his 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, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years.

Having counterfeit gold or silver coin in possession, &c.

14. Whosoever, having been convicted of any such misdemeanour as in any of the last three preceding sections mentioned, or of any felony against this Act, shall afterwards commit any of the misdemeanours in any of the said sections mentioned shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Second offence of uttering, etc., after previous conviction.

15. Whosoever shall, with intent to defraud, tender, utter, or put 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, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding one year, with or without hard labour.

Uttering medals, &c., as current coin with intent to defraud.

16. Whosoever shall falsely make or counterfeit any coin resembling, or apparently intended to resemble or pass for, any current copper coin, and whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in his custody or possession, any instrument, tool, or engine adapted and intended for the counterfeiting any current copper coin, or shall buy, sell, receive, pay, or put off, or offer to buy, sell,

Counterfeiting, &c., copper coin.

receive, pay, or put 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 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, shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Uttering base
copper coin.

17. Whosoever shall tender, utter, or put 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 shall have in his 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, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding one year, with or without hard labour.

Defacing the coin
by stamping
words thereon.

18. Whosoever shall deface 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, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Tender of coin
so defaced not
legal tender.

19. No tender of payment in money made in any gold, silver, or copper coin so defaced by stamping, as in the last preceding section mentioned, shall be allowed to be a legal tender; and whosoever shall tender, utter, or put off any coin so defaced shall, on summary conviction, be liable to a fine not exceeding one thousand dollars:

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

Punishment for
selling medals
resembling
current coin.

20. If any person without due authority or excuse (the proof whereof shall lie on the person accused) makes or has in his 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 shall be guilty of a misdemeanour and being convicted thereof, shall be liable to be imprisoned for any term not exceeding one year, with or without hard labour.

21. Whosoever, without lawful authority, or excuse (the proof whereof shall lie on the party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in his 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, or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his 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 in this section aforesaid, knowing the same to be so adapted and intended, as aforesaid, or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his 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 the false making or counterfeiting of any such coin as in this section aforesaid, shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

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

22. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall knowingly convey out of any of Her Majesty's mints, into Antigua

Conveying tools, &c., out of the mint without authority, felony.

and Barbuda, 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 aforesaid, or any coin, bullion, metal, or mixture of metals, shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

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

23. Where any coin shall be tendered as current gold or silver coin to any person who shall suspect the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such person to cut, break, bend, or deface such coin, and if any coin, so cut, broken, bent, or defaced, shall appear to be diminished otherwise than by reasonable wearing, or to be counterfeit, the person tendering the same shall bear the loss thereof; but if the same 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; and if any dispute shall arise whether the coin so cut, broken, bent, or defaced is diminished in manner aforesaid, 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 the decision of such dispute; and the receivers of every branch of Her Majesty's revenue in Antigua and Barbuda 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 Her Majesty's revenue in Antigua and Barbuda.

Discovery and seizure of counterfeit coin and coining tools.

24. If any person shall find or discover in any place whatever, 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 whatsoever, adapted and intended for the counterfeiting of any 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

so finding or discovering, and he is hereby required, to seize the same, and to carry the same forthwith before a Magistrate, and, where it shall be proved on the oath of a credible witness before any such 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 in this Act before mentioned, or has in his custody or possession any such false or counterfeit coin, or any instrument, tool, or engine whatsoever adapted and intended for the making or counterfeiting of any such coin, or any other machine used, or intended to be used, for making or counterfeiting any such coin, or any such filings, clippings or bullion, or any such gold or silver in dust, solution, or otherwise, as aforesaid, it shall be lawful for such Magistrate, by warrant under his hand, to cause any place whatsoever belonging to, or in the occupation or under the control of, such suspected person to be searched, either in the day or in the night, and, if any such false or counterfeit coin, or any such instrument, tool, or engine, or any such machine, or any such filings, clippings, or bullion, or any such gold or silver in dust, solution or otherwise, as aforesaid, shall be found in any place so searched, to cause the same to be seized and carried forthwith before him or some other Magistrate, and whensoever any such false or counterfeit coin, or any such instrument, tool or engine, or any such machine, or any such filings, clippings, or bullion, or any such gold or silver in dust, solution, or otherwise, as aforesaid, shall, in any case whatsoever, be seized and carried before a Magistrate, he 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, and 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 aforesaid, 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.

25. If any false or counterfeit coin be 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,

**Counterfeit coin
to be cut in
pieces.**

and then delivered to or for the lawful owner thereof, if such owner claims the same.

**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 moneyer or other officer of Her Majesty's mint, but it shall be sufficient to prove the same to be false or counterfeit by the evidence of any other credible witness.

**Difference in the
date, year, &c.,
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 any such lawful coin, shall be considered a just or lawful cause or reason for acquitting any such 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 thereof was not finished or perfected.

Power of arrest

29. It shall be lawful for any person whatsoever to apprehend any person who shall be found committing any indictable offence against this Act, and to convey or deliver him to some peace officer, constable or officer of police, in order to his being conveyed, as soon as reasonably may be, before a Magistrate, to be dealt with according to law.

30. 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 authorized, fine the offender, and require him to enter into his own recognizances, 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 own recognizances and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized:

**Fine, and
sureties for
keeping the
peace.**

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