

COUNTERFEIT CURRENCY (SPECIAL PROVISIONS) ACT

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Penalties for aggravated currency offences

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COUNTERFEIT CURRENCY (SPECIAL PROVISIONS) ACT

An Act to repeal and re-enact the Counterfeit Currency (Special Provisions) Act 1974 and to provide for the penalties of counterfeiting in currency and other ancillary matters.

[1984 No. 22.]

[31st December, 1983]

[Commencement.]

Penalties for aggravated currency offences

1. Making or counterfeiting currency

(1) Any person who falsely makes or counterfeits any bank note resembling any bank note issued by the Central Bank of Nigeria and which is legal tender in Nigeria, shall be guilty of an offence under this Act and shall on conviction thereof be sentenced to life imprisonment.

(2) Any person who falsely makes or counterfeits any coin resembling any current coin which is legal tender in Nigeria, shall be guilty of an offence under this Act and on conviction thereof shall be sentenced to life imprisonment.

(3) Any person who falsely makes or counterfeits any bank note or coin resembling any bank note or current coin which is legal tender in any country other than Nigeria, shall be guilty of an offence under this Act and on conviction thereof shall be sentenced to life imprisonment.

2. Making, etc., or being in possession of implements for making or counterfeiting currency

Any person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), knowingly makes or mends or begins or proceeds to make or mend, or buys or sells, or has in his possession any puncheon, counter-puncheon, matrix, stamp, dye, pattern or mould in or upon which there is made or impressed, or which will make or impress, or which is adapted or intended to make or impress, the figure, stamp or pattern resembling both or either of the sides of any bank note or current coin, or any part of both or either of those sides, or any machinery, implement, utensil or material used or intended to be used for the forgery of a bank note or for falsely making a current coin, whether or not the bank note or current coin be legal tender in Nigeria, is guilty of an offence under this Act and on conviction thereof shall, whether the bank note or coin is legal tender in Nigeria or in any other country, be sentenced to life imprisonment.

3. Importing and exporting counterfeit currency and implements

(1) Any person who, without lawful authority or excuse (the proof whereof shall lie on the person accused)-

(a) imports or receives into Nigeria any false or counterfeit bank note or current coin resembling any bank note or current coin, knowing it to be false or counterfeit; or

(b) exports from Nigeria, or puts on board any ship, vessel, boat, aircraft or other vehicle, for the purpose of being so exported, any false or counterfeit bank note or current coin resembling any bank note or current coin, knowing it to be false or counterfeit,

is guilty of an offence under this Act and on conviction thereof shall, whether the bank note or coin is legal tender in Nigeria or any other country, be sentenced to life imprisonment.

(2) Any person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), imports into Nigeria any puncheon, counter-puncheon, matrix, stamp, dye, pattern or mould in or upon which there is made or impressed or which will make or impress, or which is adapted and intended to make or impress, the figure, stamp, or apparent resemblance of both or either of the sides of any bank note or current coin or any part of both or either of the sides of any bank note or current coin or any part of both or either of those sides or any machinery, implement, utensil or material used or intended to be used for the forgery of a bank note or for falsely making a current coin, whether or not the bank note or current coin be legal tender in Nigeria, is guilty of an offence under this Act and on conviction thereof shall be sentenced to life imprisonment.

(3) Any person who, without lawful authority or excuse (the proof whereof shall lie on the person accused) imports into Nigeria-

(a) any edges, edging or other tool, collar, instrument or engine adapted or intended for the marking of coins round the edges with letters, grainings or other marks or figures apparently resembling those on the edges of any current coin which is legal tender in Nigeria, knowing it to be adapted or intended as aforesaid; or

(b) any press for coinage, or any cutting engine or machine for cutting by force of a screw or any other contrivance round blanks out of any metal or mixture of metals, knowing the press to be a press for coinage or knowing the engine or machine to have been used or to be intended to be used for the false making or counterfeiting of any current coin, whether or not the current coin be legal tender in Nigeria,

is guilty of an offence under this Act and shall on conviction thereof be sentenced to life imprisonment.

(4) Any person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), orally or in writing makes any enquiry of any other person, whether such last mentioned person be in Nigeria or outside Nigeria-

(a) as to obtaining or supplying or as to the cost of obtaining or supplying any of the materials mentioned in the last two preceding subsections of this section or anything whatsoever adapted or intended to be used or which is capable of being adapted or intended to be used for the making of any bank note or current coin resembling any bank note or current coin, whether or not such bank note or current coin be legal tender in Nigeria; or

(b) as to the making or obtaining or supplying or the importation or exportation of any counterfeit bank note or current coin, whether or not such bank note or current coin be legal tender in Nigeria,

is guilty of an offence under this Act and on conviction thereof shall be sentenced to life imprisonment.

4. Dealings, etc., in counterfeit currency

(1) Any person who deals in, buys or sells or exposes or offers for sale, or induces any other person to buy or sell any counterfeit bank note or current coin, knowing the same to be counterfeit bank note or current coin, is guilty of an offence under this Act and on conviction thereof shall be sentenced to life imprisonment.

(2) Any person who is found to be in possession of not more than fifty counterfeit notes or fifty counterfeit current coins shall be deemed, until he proves the contrary, to have known that such bank notes or current coins are counterfeit.

5. Uttering and being in possession of counterfeit currency

(1) Any person who-

(a) utters any counterfeit bank note or current coin knowing it to be counterfeit; or

(b) has in his possession any counterfeit bank note or current coin, knowing it to be counterfeit; or

(c) accepts from any other person in payment of a debt, in exchange for genuine bank notes or current coins or for any other purpose whatsoever any counterfeit bank note or current coin, knowing it to be counterfeit,

is guilty of an offence under this Act and upon conviction thereof shall be liable to imprisonment for a term not exceeding twenty-one years.

(2) Any person who is found to be in possession of not more than fifty counterfeit bank notes or fifty counterfeit current coins is guilty of an offence under this Act and on conviction thereof, shall be sentenced to imprisonment for a term not exceeding ten years without the option of a fine.

(3) Where a person has fifty or more counterfeit bank notes or current coins in his possession, the Federal High Court before whom such person is tried may, presume knowledge that they are counterfeit bank notes or current coins and also an intention to utter any of them, unless he proves the contrary.

(4) For the purposes of this section, a person shall be deemed to have uttered a counterfeit bank note or current coin, if he has tendered any such bank note or current coin to another person as if it were genuine legal tender.

6. Miscellaneous offences, etc.

(1) Any person who attempts to commit any of the offences prescribed under this Act is guilty of the offence and liable to be proceeded against and punished as provided in the relevant provision of this Act.

(2) Any person who-

(a) aids, counsels, abets or procures any other person to commit an offence under this Act; or

(b) conspires with any other person to commit such an offence under this Act,

whether or not he is present when the offence is committed or attempted to be committed shall, be deemed to be guilty of the offence and liable to be proceeded against and punished as provided in the relevant section of this Act.

(3) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the connivance of or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished as provided in the relevant section of this Act.

(4) Where a body corporate is convicted of an offence under this Act, such body corporate shall without any further assurance but for such conviction be wound up and all its assets forfeited to the Federal Government.

Provisions as to arrest, discovery and seizure

7. Powers of arrest, etc., and disposal of materials for counterfeiting currency

(1) Any person found committing an offence under this Act may be immediately apprehended without a warrant by any person and forthwith taken before a police officer thereafter to be dealt with according to law.

(2) If any person finds in any place whatsoever, or in the possession of any person without lawful authority or excuse-

(a) any false or counterfeit bank note or current coin resembling any lawful bank note or current coin; or

(b) any instrument, tool, engine, machinery, implement, utensil or material whatsoever adapted and intended for the counterfeiting of any such bank note or coin,

he shall seize the counterfeit bank note or coin or counterfeiting instrument or material and carry it forthwith before a police officer.

(3) Where it is made to appear by information on oath before a Judge of the Federal High Court or any Magistrate that there is reasonable cause to suspect that any person has been concerned in counterfeiting any bank note or current coin, or has in his possession any counterfeit bank note or current coin or any counterfeiting instrument or any other machine used or intended to be used for making or counterfeiting any bank note or current coin or any counterfeiting material, it shall be lawful for the judge of the Federal High Court or any magistrate by warrant under his hand-

[1999 No. 62.]

(a) to cause any place whatsoever belonging to or in the occupation or under the control of that person to be searched, either in the day or in the night; and

(b) to cause to be seized and carried forthwith before a superior police officer any counterfeit bank note or coin or counterfeiting instrument, machine or material found in any place so searched.

(4) Where any counterfeit bank note or coin or counterfeiting instrument, machine or material is seized and carried before a superior police officer, he shall cause it to be secured for the purpose of being produced in evidence in a prosecution for an offence under this Act.

(5) Any counterfeit bank note or coin or counterfeiting instrument, tool, engine or any machinery, implement, utensil or any material whatsoever seized under this section shall, if it is not required to be produced in evidence or, if it is not required after it has been so produced, be disposed of in accordance with section 10 of this Act.

Trial of offences

8. Trial of offences

The Federal High Court shall have exclusive jurisdiction to try offences created under this Act.

[1999 No. 62.]

9. Power to issue search warrants

Notwithstanding the provisions of any other enactment conferring power to search, if a judge of the Federal High Court is satisfied that there is reasonable ground to suspect that there may be found in any building or other place whatsoever, any money or other property or any books, records, accounts, statements or information in any other form whatsoever, which, in his opinion, are or may be material to the subject matter of any trial under this Act, he may issue a warrant under his hand authorising any police officer to enter, if necessary by force, the said building or other place and every part thereof, and to search for, seize and remove any such thing as aforesaid found therein.

Miscellaneous and Supplementary

10. Forfeiture

(1) Where any person is convicted of any offence under this Act, the Federal High Court may, either at the time of making the conviction or subsequently, make an order that any counterfeit bank note or current coin, or instrument, tool, engine or any machinery, implement, utensil or material whatsoever used or intended to be used for the false making or counterfeiting of a bank note or current coin shall be forfeited to the Federal Government.

[1999 No. 62.]

(2) Notwithstanding that no person has been convicted by it, if the Federal High Court is satisfied that any person brought before it or to its notice for the purposes of a trial, in the nature of a counterfeit bank note or current coin, instrument, tool, engine or any machinery, implement, utensil or material whatsoever is or has been used for, intended to be or capable of being used for the false making or counterfeiting of a bank note or current coin, then the Federal High Court may, at the completion of such trial, make an order that any such thing be forfeited to the Federal Republic of Nigeria.

(3) The passport of any person convicted under this Act shall be forfeited to the Federal Republic of Nigeria and shall not be released to him until ten years from the date of pronouncement of the sentence imposed on such person by the Federal High Court.

11. Evidence, accomplices, etc.

(1) Where a person is charged with an offence under this Act, the fact that a bank note or current coin produced in evidence against him is false or counterfeit may be proved by the evidence of any credible witness, and it shall not be necessary to prove that fact by the evidence of an officer of the Central Bank of Nigeria or the Nigerian Security Printing and Minting Company Limited.

(2) In any prosecution for an offence under this Act and in any proceedings for the forfeiture of any counterfeit bank note or current coin, any bank note or current coin in respect of which such prosecution or proceeding has been instituted shall be deemed to be a bank note or

current coin of the kind or of the denomination specified under any application, notice or any other document or application for forfeiture, unless the contrary is proved.

(3) Notwithstanding anything to the contrary in any law (including any rule of law), no witness shall, in any trial under this Act, be presumed to be unworthy of credit by reason only that he took part in the commission of the offence.

(4) Where a person is charged with an offence, but the evidence establishes an attempt to commit the offence, he may be convicted of having attempted to commit that offence, although the attempt is not separately charged, and punished as provided under this Act.

(5) Where a person is charged with an offence under this Act but the evidence establishes the commission of another offence under this Act, the offender shall not be entitled to acquittal but he may be convicted of that other offence and punished as provided under this Act.

12. Interpretation

In this Act, except where the context otherwise requires-

"bank note" in relation to a bank note which is legal tender in Nigeria, means a negotiable instrument payable to bearer on demand issued by the Central Bank of Nigeria and intended to circulate as money; and in relation to a bank note which is not legal tender in Nigeria means a negotiable instrument payable to bearer on demand issued by lawful authority in the country in which such bank note is legal tender and intended to circulate as money;

"counterfeit" in relation to a bank note or current coin of a kind which is legal tender in Nigeria, means a bank note or current coin made or issued other than by or by the authority of the Central Bank of Nigeria, and in relation to a bank note or current coin of a kind which is not legal tender in Nigeria means a bank note or current coin made or issued other than by or by the authority of the body which, under the laws of the country in which the bank note or current coin is legal tender, is authorised to make or issue such bank note or current coin.

13. Short title

This Act may be cited as the Counterfeit Currency (Special Provisions) Act.

COUNTERFEIT CURRENCY (SPECIAL PROVISIONS) ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
