

No. 16, 1965.]

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.

ACT

To provide for the prevention of the counterfeiting of coin and the forging or altering of certain bank notes and for matters incidental thereto, to provide for certain persons being dealt with under the law relating to extradition, and to amend the Native Territories Penal Code (Act No. 24 of 1886 of the Cape of Good Hope), the Crimes Ordinance, 1904, of the Transvaal, the South African Reserve Bank Act, 1944, and the Criminal Procedure Act, 1955.

*(English text signed by the State President.)
(Assented to 10th March, 1965.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "bank note" includes any paper money which is legal tender in the State or territory in which it is issued, irrespective of the name by which it is known, but does not include a bank note issued under section *ten* of the South African Reserve Bank Act, 1944 (Act No. 29 of 1944); (i)
 - (ii) "counterfeit coin" means any coin, other than current coin, resembling or apparently intended to resemble or pass for current coin, and includes current coin prepared or altered so as to resemble or pass for coin of a higher denomination; (iv)
 - (iii) "current coin" means any coin the issue and circulation of which, in any State or territory, as money have been authorized by law; (ii)
 - (iv) "Republic" includes the territory of South-West Africa. (iii)

Offences relating to current coin and bank notes.

2. Any person who—
 - (a) counterfeits or performs any part of the process of counterfeiting any current coin;
 - (b) forges or alters a bank note;
 - (c) utters, tenders or accepts any counterfeit coin, knowing it to be counterfeit, or a forged or altered bank note, knowing it to be forged or altered;
 - (d) without lawful authority or excuse—
 - (i) imports or receives into the Republic; or
 - (ii) exports from the Republic or puts or takes or causes to be put or taken on board any ship, vessel, boat, aircraft or vehicle for the purpose of being so exported, any counterfeit coin or any forged or altered bank note;
 - (e) with intent to counterfeit current coin or to forge a bank note, makes, mends, obtains, has in his possession or disposes of any tool, instrument or machine—
 - (i) intended for making any counterfeit coin or forged bank note;
 - (ii) intended for the marking of coin round the edges with letters, grainings or other marks or figures resembling letters, grainings, marks or figures round the edges of any current coin; or

- (iii) capable of being used for preparing any material for receiving any impression resembling that on any current coin;
- (f) gilds, silvers or colours any piece of metal of a size or figure fit to be coined, for the purpose of coining it into counterfeit coin;
- (g) makes any piece of metal into a size or figure fit to be coined, with intent to facilitate the coining therefrom of counterfeit coin or for the purpose of coining therefrom counterfeit coin;
- (h) buys, sells or is in possession of a piece of metal referred to in paragraph (f) or (g) for a purpose referred to therein;
- (i) impairs, diminishes or lightens any current coin with intent that such coin when so impaired, diminished or lightened may pass as current coin;
- (j) without lawful authority or excuse has in his possession or disposes of or in any way deals with any filing or clipping, or any gold or silver bullion, or any gold or silver in dust, solution or otherwise, produced or obtained by impairing, diminishing or lightening current coin, knowing that it has been so produced or obtained;
- (k) with intent to defraud, utters, tenders, disposes of or otherwise uses as current coin any medal or piece of metal which is not current coin;
- (l) without lawful authority or excuse defaces any current coin by stamping thereon any word, letter, device or mark,

shall be guilty of an offence and liable on conviction—

- (i) in the case of an offence referred to in paragraph (a), (b), (c), (e), (f), (g) or (i), to imprisonment for a period not exceeding fifteen years;
- (ii) in the case of an offence referred to in paragraph (d) or (h), to imprisonment for a period not exceeding five years;
- (iii) in the case of an offence referred to in paragraph (j), to imprisonment for a period not exceeding three years; and
- (iv) in the case of an offence referred to in paragraph (k) or (l), to imprisonment for a period not exceeding twelve months.

Certain offences in respect of currency extraditable offences in certain circumstances.

3. (1) If—

- (a) the Republic has acceded to the Convention for the Suppression of Counterfeiting Currency drawn up at Geneva on the twentieth day of April, 1929; and
- (b) a person is accused or has been convicted within the jurisdiction of a foreign State as defined in section one of the Extradition Act, 1962 (Act No. 67 of 1962), of one or more of such offences as are mentioned in sub-section (2) of this section; and
- (c) an extradition agreement which has been or is deemed to have been entered into under the said Act with such State or a State under whose sovereignty or protection such first-mentioned State is, is in force; and
- (d) the State referred to in paragraph (b) or a State under whose sovereignty or protection such first-mentioned State is, has signed and ratified or acceded to the said Convention,

such person may, notwithstanding anything to the contrary contained in the said Extradition Act, 1962, or in the said agreement, but subject to the provisions of sub-section (3) of this section, be surrendered, to the State in respect of which such agreement is so in force, in the manner prescribed by any law relating to extradition and in force in the Republic.

(2) The offences referred to in paragraph (b) of sub-section (1) shall be the following, namely—

- (a) counterfeiting any current coin;
- (b) an offence referred to in paragraph (b) of section two;
- (c) an offence referred to in paragraph (c) of section two;
- (d) without lawful authority or excuse importing or receiving into the State or territory in question a counterfeit coin or a forged or altered bank note;

- (e) an offence referred to in paragraph (e) of section *two*; and
- (f) attempting to commit any offence referred to in paragraph (a), (b), (c) or (d) of this section.

(3) The provisions of sub-section (1) shall cease to apply—

- (a) if the Convention referred to in the said sub-section (1) is denounced on behalf of the Republic; or
- (b) in respect of a State or territory, if the said Convention is denounced on behalf of that State or the State under whose sovereignty or protection that territory is, as the case may be,

and a period of at least one year has lapsed after such denunciation.

Evidence and onus of proof.

4. (1) A certificate purporting to have been signed by the Secretary for Foreign Affairs, or a person designated thereto by him, to the effect that a State mentioned therein has signed and ratified or acceded to the Convention referred to in sub-section (1) of section *three* shall, upon its production by any person in any proceedings under any law relating to extradition, be admissible in evidence in such proceedings and be *prima facie* proof of the facts set forth therein.

(2) If in any prosecution for a contravention of paragraph (d), (j) or (l) of section *two* the question arises whether any person had lawful authority or excuse for possessing or doing any thing referred to in the said paragraphs, the onus of proving that such was the case shall be on the accused.

Repeal of sections 228, 229, and 230 of Act 24 of 1886 of the Cape of Good Hope.

5. Sections *two hundred and twenty-eight to two hundred and thirty*, inclusive, of the Native Territories Penal Code (Act No. 24 of 1886 of the Cape of Good Hope) are hereby repealed.

Amendment of section 3 of Ordinance 26 of 1904 of the Transvaal.

6. Section *three* of the Crimes Ordinance, 1904 (Ordinance No. 26 of 1904 of the Transvaal), is hereby amended by the deletion of the definitions of "counterfeit coin" and "current coin".

Repeal of sections 18 to 28, inclusive, of Ordinance 26 of 1904 of the Transvaal.

7. Sections *eighteen to twenty-eight*, inclusive, of the Crimes Ordinance, 1904 (Ordinance No. 26 of 1904 of the Transvaal), are hereby repealed.

Amendment of section 21 of Act 29 of 1944.

8. Section *twenty-one* of the South African Reserve Bank Act, 1944, is hereby amended by the substitution for paragraph (i) of the following paragraph:

"(i) in the case of an offence referred to in paragraph (a) or (b), to imprisonment for a period not exceeding fifteen years;"

Substitution of section 25*bis* of Act 29 of 1944, as inserted by section 8 of Act 5 of 1961.

9. The following section is hereby substituted for section *twenty-five bis* of the South African Reserve Bank Act, 1944:

"Application of Act in South-West Africa. 25*bis*. This Act and any amendment thereof shall apply also in the territory including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)."

Amendment of section 50 of Act 56 of 1955.

10. Section *fifty* of the Criminal Procedure Act, 1955, is hereby amended by the insertion after sub-section (5) of the following sub-section:

"(5)*bis* If the thing so seized or taken is a counterfeit coin or a forged or altered bank note purporting to be a coin or bank note which is legal tender in any State or territory other than the Republic, or a tool, instrument or machine adapted and intended for making any such counterfeit coin or forged or altered bank note, and it is forfeited to the State, it may at the request of the Government of such State or territory or, if it is such a coin or note purporting to have been issued by a bank, or if it is such a tool, instrument or machine which could be used for making such a coin or note which would purport to have been issued by a bank, at the request of such bank, be delivered to such Government or bank, as the case may be."

Application of certain sections in South-West Africa.

11. Sections *one to four*, inclusive, and section *twelve*, and any amendment thereof, shall apply also in the territory of South-West Africa, including that portion thereof known as the Eastern Caprivi Zipfel and referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in relation to all persons in that portion of the said territory known as the "Rehoboth Gebiet" which is defined in the First Schedule to Proclamation No. 28 of 1923 of the Administrator of that territory.

Short title and commencement.

12. This Act shall be called the Prevention of Counterfeiting of Currency Act, 1965, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.