

Prevention of Counterfeiting of Currency Act

Including regulations and notices
passed in terms of the Act

Act No. 16
of 1965.

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:—

1. In this Act, unless the context otherwise indicates—

	Definitions.
--	--------------

 - (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)

2. Any person who—

	Offences relating to current coin and bank notes.
--	---

 - (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;

**Act No. 16
of 1965.**

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-

- Act No. 16
of 1965.
- porting 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*.