

BECHUANALAND PROTECTORATE.

No. 33 of 1937.

(Promulgated 2nd July, 1937.)

PROCLAMATION

By His Excellency the High Commissioner

The Bechuanaland Protectorate Counterfeit Currency
(Convention) Proclamation, 1937.

Whereas it is expedient to make provision for the suppression of counterfeiting or forging currency in the Bechuanaland Protectorate (hereinafter referred to as "the Territory");

Now therefore under and by virtue of the powers in me vested I do hereby proclaim, declare and make known as follows:—

1. "Bank Note" shall mean any bill, draft or note issued by any bank lawfully entitled in any country to issue the same for payment of money to bearer on demand or being intended to entitle the holder without endorsement or without any further endorsement than may exist thereon at the time of issue, to the payment of any sum of money on demand whether the same shall be so expressed or not.

"Currency" shall mean—

- (a) current coin;
- (b) bank notes;
- (c) currency notes issued by or on behalf of the Government of any country, whether within or without His Majesty's dominions, which are legal tender in the country in which they are issued.

"Current coin" shall mean any metallic coin used in any place as money and stamped by or under the authority of the Government of such place whether within or without His Majesty's dominions in order that it may be so used.

2. Any person who forges, counterfeits or performs part of the process of forging or counterfeiting any currency with intent to make any counterfeit currency pass for or resemble currency shall be guilty of an offence.

3. Any person who imports into the Territory or who passes, sells or receives or deals with or in any counterfeit currency which he knows to be or has good reason for believing to be counterfeit shall be guilty of an offence.

4. Any person who without lawful authority or excuse (the proof of which shall lie upon him) exports any counterfeit currency resembling or apparently intended to resemble or pass for any currency knowing the same to be counterfeit shall be guilty of an offence.

5. (a) Any person who without lawful authority or excuse (the proof of which shall lie upon him) makes currency or begins or proceeds to make or mint currency or buys, sells or disposes of or has in his possession—

- (i) any stamp or mould intended to make resemblances of both or either of the sides of any currency or any part thereof knowing the same to be intended as aforesaid; or
- (ii) any tool, instrument or machine intended for marking coin round the edges with marks or figures apparently resembling those on the edges of any current coin knowing the same to be intended as aforesaid; or
- (iii) any coinage press or any machine, tool or instrument capable of preparing any material for receiving an impression resembling that on currency knowing such press, machine, tool or instrument to be intended to be used to counterfeit any currency;

shall be guilty of an offence.

(b) Any person who—

- (i) gilds, silvers, or colours any piece of metal of a fit size or figure to be coined with intent that it shall be minted into counterfeit coin or used or passed as currency; or

(ii) makes any piece of metal into a fit size or figure to facilitate the coining therefrom of any counterfeit coin with intent that it shall be used or passed as currency;

shall be guilty of an offence.

(c) Any person who buys, sells or shall be in possession of any such piece of metal in this section mentioned with such intent aforesaid shall be guilty of an offence.

6. Any person who files, clips, sweats or in any way diminishes or lightens any current coin with intent that when so dealt with it may be used or passed as currency shall be guilty of an offence.

7. Any person who utters, pays, passes off, tenders, offers or otherwise uses as currency any counterfeit currency which he knows to be counterfeit shall be guilty of an offence.

8. Any person who has in his possession any counterfeit currency knowing it to be counterfeit and with intent to utter it or to pay it or to pass it off or to tender it or to offer it or otherwise use it as currency shall be guilty of an offence.

9. Any person who without lawful authority or excuse (the proof of which shall lie upon him) has in his possession or disposes of or in any way deals with any filings, clippings, gold or silver bullion or gold or silver in dust or in solution or in any other state obtained from any current coin shall be guilty of an offence.

10. Any person who with intent to defraud, utters, pays, passes off, tenders, offers or otherwise uses as currency any medal or piece of metal which is not currency knowing that it is not currency shall be guilty of an offence.

11. Any person who without lawful authority or excuse (the proof of which shall lie upon him) defaces any currency by stamping thereon a word, letter, device or mark shall be guilty of an offence.

12. Where any forged bank note or currency note or counterfeited coin or any machinery, implement, utensil or material used or intended or designed to be used for the forgery of a bank note or currency note or for counterfeiting any current coin is lawfully seized under a warrant the bank note machinery, implement, utensil or material as the case may be shall be delivered up to the Resident Commissioner or to any person authorized by him for the purpose, by Order of the Court before which the offender is tried or, if there be no trial, by Order of a Justice of the Peace.

13. Any person guilty of an offence against this Proclamation shall be liable on conviction:

(a) Under section *two, three or five* to a fine not exceeding five hundred pounds or in default of payment to imprisonment with hard labour for a period not exceeding five years or to both such fine and imprisonment.

(b) Under section *six, eight or nine* to a fine not exceeding two hundred pounds or in default of payment to imprisonment with hard labour for a period not exceeding two years or to both such fine and imprisonment.

(c) Under section *four, seven, ten or eleven* to a fine not exceeding one hundred pounds or in default of payment to imprisonment with hard labour for a period not exceeding one year or to both such fine and imprisonment.

14. Proclamation No. 2 of 1895 shall be and is hereby repealed.

15. This Proclamation may be cited as the Bechuanaland Protectorate Counterfeit Currency (Convention) Proclamation, 1937, and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twentieth day of June, One thousand Nine hundred and Thirty-seven.

W. H. CLARK,
High Commissioner

By Command of His Excellency the
High Commissioner.

H. LESTER SMITH,
Acting Administrative Secretary.