

ARRANGEMENT OF SECTIONS

PART I—GENERAL

Section

1. Discounting of notes.
2. Purchase of silver coin beyond face value.
3. Prohibition of varying price.
4. Refusal to sell articles, notes tendered.

PART II—OFFENCES RELATING TO COINS

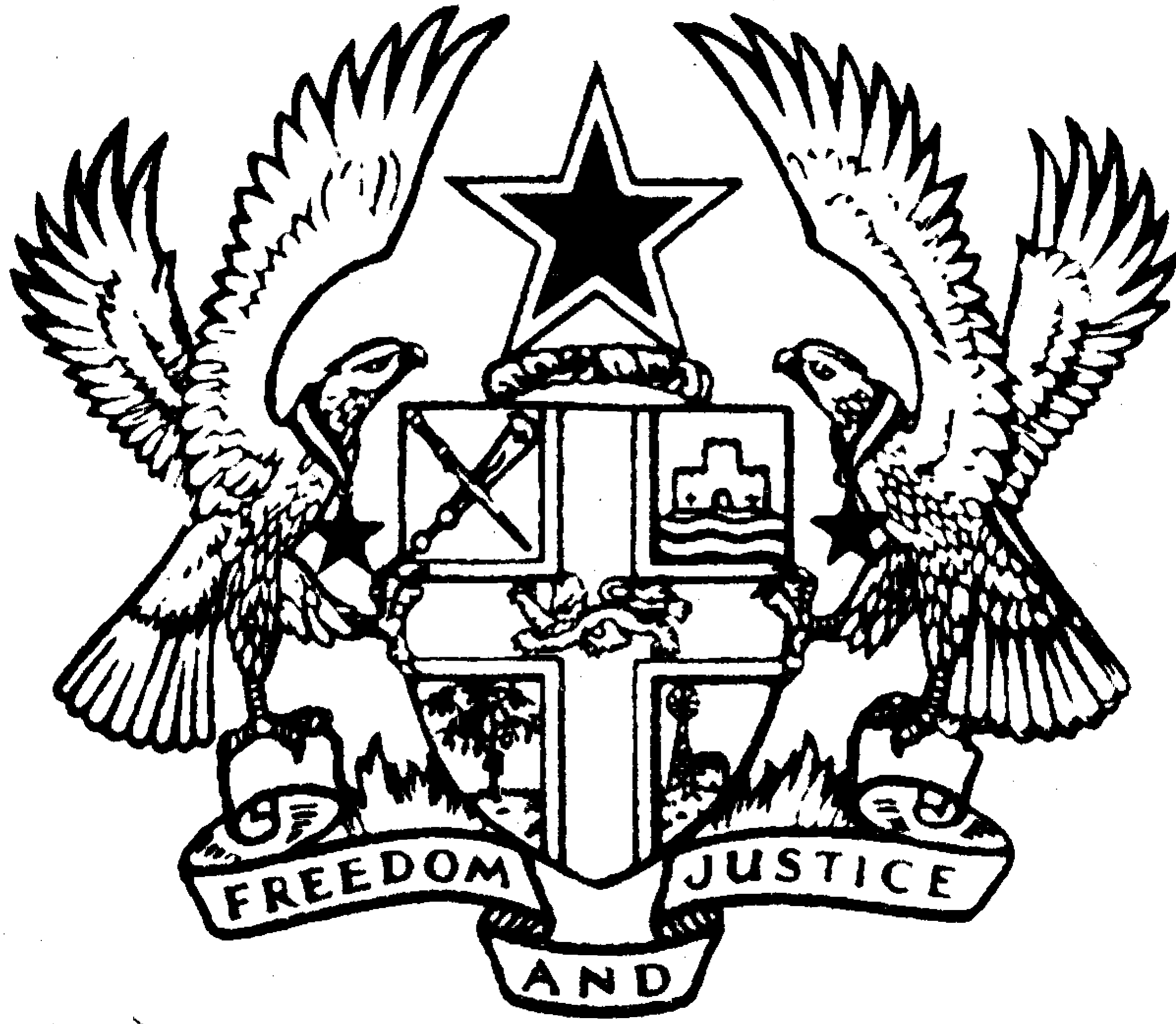
5. Counterfeiting.
6. Unlawful enquiries relating to coin.
7. Gilding, silvering, filing and altering.
8. Impairing coin and unlawful possession of filing, etc.
9. Uttering and possession with intent to utter.
10. Importing and exporting counterfeit coin.
11. Making, possessing and selling medals resembling coin.
12. Making, mending and having possession of coin implements.
13. Provisions as to arrest, discovery and seizure.
14. Evidence of coin being counterfeit.

PART III—OFFENCES RELATING TO NOTES

15. Definition of forgery.
16. Forgery of notes.
17. Uttering.
18. Possession of forged notes.
19. Making or having in possession paper or implements for forgery.
20. Accessories and abettors.
21. Criminal possession.
22. Search Warrants.

PART IV—MISCELLANEOUS

23. Power to fine and require sureties.
24. Form of indictment and proof of intent.
25. Interpretation.
26. Repeal.
27. Commencement.



THE SEVENTEENTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC
OF GHANA

ENTITLED
THE CURRENCY ACT, 1960

AN ACT to amend and consolidate the law relating to notes and coins issued by the Bank of Ghana and to prohibit certain acts tending to depreciate currency.

DATE OF ASSENT: *15th December, 1960*

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

PART I—GENERAL

Discounting
of notes.
No. 27 of
1915, s.4.

1. Any person who—
 - (a) buys or sells or offers or attempts to buy or sell;
 - (b) induces or attempts to induce any other person to buy or sell; or
 - (c) offers or accepts or offers to accept in payment of a debt, or otherwise,

any note or current coin at or for a lower rate or value than the same imports shall be guilty of a second degree felony.

Purchase of
silver coin
beyond face
value.
No. 27 of
1915, s.5.
No. 39 of
1918, s.4.
No. 30 of
1935, s.2.

2. Any person who—
 - (a) buys or sells or offers or attempts to buy or sell;
 - (b) induces or attempts to induce any other person to buy or sell; or
 - (c) offers or accepts or offers to accept in payment of any debt or otherwise,

any current silver coin which is legal tender in Ghana for an amount exceeding the face value of the coin shall be guilty of a second degree felony.

3. If at any sale or bargain for the sale of goods or property any person shall agree or stipulate or attempt to make it a condition of such sale that the price of such goods or property shall—

- (a) be increased if such price or part thereof is paid in notes or in current coin;
- (b) be decreased if such price or part thereof is paid in current silver coin; or
- (c) be variable in any manner according as payment or part thereof is made in notes, current coin or current silver coin,

Prohibition of varying price.
No. 27 of 1915, s.6.
No. 39 of 1918, s.5.
No. 26 of 1920, s.3.

that person shall be guilty of a second degree felony.

4. If it appears to the Court that any person has refused to sell any article exposed for sale in the ordinary way of business and that such refusal was due to the tender or proposed tender by the intending purchaser of a note or current coin or of notes and current coins in payment for such articles so exposed for sale such person shall be guilty of a misdemeanour.

Refusal to sell articles, notes tendered.
No. 27 of 1915, s.7.
No. 7 of 1920, s.2.
No. 26 of 1926, s.3.

PART II—OFFENCES RELATING TO COINS

5. (1) Any person who falsely makes or counterfeits any coin resembling any current coin shall be guilty of a second degree felony.

Counterfeiting.
No. 12 of 1892, s.320.
No. 40 of 1936, s.5.
No. 5 of 1941, s.7.

(2) The offence of falsely making or counterfeiting a coin shall be deemed to be complete although the coin made or counterfeited is not in a fit state to be uttered or the making or counterfeiting thereof has not been finished or perfected.

6. (1) Any person who, without lawful authority or excuse, the proof whereof shall lie on him, either orally or in writing makes any enquiry of any other person, whether such last-mentioned person be within or without Ghana—

Unlawful enquiries relating to coin.
No. 12 of 1892, s.321.
No. 40 of 1936, s.6.

- (a) as to the cost of obtaining or supplying any instrument or thing for the purpose of committing any crime relating to a current coin or for making material for the purpose of committing any crime relating to a current coin; or
- (b) as to the cost of making, minting, stamping or otherwise reproducing any counterfeited coin; or
- (c) as to whether such other person is prepared or would be prepared to make, mint, stamp or otherwise reproduce any counterfeited coin; or
- (d) as to whether such other person is prepared or would be prepared to obtain or supply any counterfeited coin; or

(e) as to whether such other person is prepared or would be prepared to obtain or supply any instrument or thing for the purpose of committing any crime relating to a current coin or for making any material for the purpose of committing any crime relating to a current coin, shall be guilty of a second degree felony.

(2) In the case of a written enquiry in connection with any of the matters or subjects to which subsection (1) of this section relates the fact that such enquiry was reduced into writing shall be sufficient proof of an attempt to commit the offence and the offender shall be subject to a like penalty as if he had committed the offence.

Gilding, silvering, filing and altering.

7. Any person who—

(a) gilds or silvers, or, with any wash or materials capable of producing the colour or appearance of cupro-nickel or silver or by any means whatsoever, washes, cases over or colours—

(i) any coin whatsoever resembling any current coin;

(ii) any current copper coin, with intent to make it resemble or pass for any current coin; or

(iii) any piece of silver or copper or coarse silver or of any metal or mixture or metals, being of fit size and figure to be coined, with intent that it shall be coined into false and counterfeit coin resembling any current coin; or

(b) files or in any manner alters any current copper coin with intent to make it resemble or pass for any current cupro-nickel or silver coin,

shall be guilty of a second degree felony.

Impairing coin and unlawful possession of filings, etc.
No. 12 of 1892, s.322.

8. (1) Any person who impairs, diminishes or lightens any current coin with intent that the coin so impaired, diminished or lightened may pass for a current coin shall be guilty of a second degree felony.

(2) Any person who without lawful authority or excuse, the proof whereof shall lie on him, has in his possession any filing or clipping, or any gold or silver bullion, or any gold or silver in dust, solution or otherwise, which has been produced or obtained by impairing, diminishing or lightening any current coin, knowing that it has been so produced or obtained, shall be guilty of a second degree felony.

9. (1) Any person who tenders, utters or puts off any coin resembling any current coin knowing it to be false or counterfeit, shall be guilty of a second degree felony.

Uttering and possession with intent to utter. No. 12 of 1892, s.324.

(2) Any person who tenders, utters or puts off any coin resembling any current coin, knowing it to be false or counterfeit, and—

(a) at the time of the tendering, uttering or putting off has in his possession, besides that coin, any other such false or counterfeit coin; or

(b) on the day of the tendering, uttering or putting off, or within the period of ten days next following, tenders, utters or puts off any other such coin, knowing it to be false or counterfeit,

shall be guilty of a second degree felony.

(3) Any person who has in his possession three or more coins resembling any current coin, knowing them to be false or counterfeit and with intent to utter or put off the said coins or any of them, shall be guilty of a second degree felony.

(4) Any person who has in his possession three or more coins resembling any current copper coin, knowing them to be false or counterfeit, and with intent to utter or put off the said coins or any of them, shall be guilty of a misdemeanour.

(5) Any person who commits an offence—

(a) under subsection (1) of this section in respect of a coin resembling a current coin; or

(b) under subsection (2) or subsection (3) of this section, having been previously convicted of any such offence or any offence under this Act shall be guilty of a first degree felony.

(6) The offence of tendering, uttering or putting off a coin shall be deemed to be complete although the coin is not in a fit state to be uttered or the counterfeiting thereof has not been finished or perfected.

10. Every person who, without lawful authority or excuse, the proof whereof shall lie on him—

Importing and exporting counterfeit coin. No. 12 of 1892 s.320.

(a) imports or receives into Ghana from elsewhere any coin resembling any current coin, knowing it to be false or counterfeit; or

(b) exports from Ghana, or puts on board any ship, vessel, boat, railway carriage, motor vehicle, airship or any other conveyance for the purpose of being so exported, any coin resembling any current coin, knowing it to be false or counterfeit,

shall be guilty of a second degree felony.

Making,
possessing
and selling
medals
resembling
coin.

11. Any person who, without lawful authority or excuse, the proof whereof shall lie on him, makes, sells, offers for sale or has in his possession for sale, any medal, cast, coin, or other like thing made wholly or partially of metal or any mixture of metals, and either—

- (a) resembling in size, figure and colour any current coin; or
- (b) having thereon a device on any current coin; or
- (c) being so formed that it can, by gilding, silvering, colouring, washing or other like process be so dealt with as to resemble any current coin,

shall be guilty of a second degree felony.

Making,
mending and
having
possession of
coin imple-
ments.
No. 12 of
1892, s.323.
No. 33 of
1928, s.2.
No. 5 of
1948, s.9.

12. (1) Every person who, without lawful authority or excuse, the proof whereof shall lie on him, 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, die, pattern or mould in or upon which there is made or impressed, or which will make or impress, the figure, stamp or apparent resemblance of both or either of the sides of any current coin, or any part of both or either of those sides, or has in his possession any instrument or thing specially contrived or adapted for purposes of committing any offence relating to coin, shall be guilty of a first degree felony.

(2) Every person who, without lawful authority or excuse, the proof whereof shall lie on him, makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his possession—

- (a) any edger, edging or other tool, collar, instrument or engine adapted and intended for the marking of coin round the edges with letters, grainings or other marks or figures apparently resembling those on the edges of any current coin, knowing it to be so adapted and intended as aforesaid; or
- (b) 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 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,

shall be guilty of a first degree felony.

(3) Any person who, without lawful authority or excuse, the proof whereof shall lie on him, knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his possession, any instrument, tool or engine adapted and intended for the counterfeiting of any current copper coin, shall be guilty of a second degree felony.

13. (1) Any person found committing an offence against this Act, may be immediately apprehended without a warrant by any person and forthwith taken before a Magistrate to be dealt with according to law. Provisions as to arrest, discovery and seizure.

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

- (a) any coin resembling any current coin (in this section referred to as a “counterfeit coin”); or
- (b) any instrument, tool or engine whatsoever adapted and intended for the counterfeiting of any coin (in this section referred to as a “counterfeiting instrument”); or
- (c) any filings or clippings, or any silver bullion, or any silver in dust solution or otherwise, which have been produced or obtained by diminishing or lightening any current coin (in this section referred to as “counterfeiting material”),

he shall seize the counterfeit coin or counterfeiting instrument or material and carry it forthwith before a Magistrate.

(3) Where it is made to appear by information on oath, before any Magistrate that there is reasonable cause to suspect that any person has been concerned in counterfeiting any current coin, or has in his possession any counterfeit coin or any counterfeiting instrument or any other machine used or intended to be used for making or counterfeiting any current coin (in this section referred to as a “counterfeiting machine”) or any counterfeiting material, it shall be lawful for any Magistrate, by warrant under his hand—

- (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 Magistrate any counterfeit coin or counterfeiting instrument, machine or material found in any place so searched.

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

(5) Any counterfeit coin or counterfeiting instrument, machine or material seized under this section shall, if it is not required to be produced in evidence or, if it is so required, after it has been so produced, be delivered up forthwith to the Secretary of the Bank of Ghana, or to any person authorised by him to receive it.

Evidence of coin being counterfeit.

14. Where a person is charged with an offence against this Act, the fact that a 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 Bank of Ghana.

PART III—OFFENCES RELATING TO NOTES

Definition of forgery.

15. (1) For the purposes of this Part of this Act, forgery is the making of a false note in order that it may be used as genuine.

(2) A note is false within the meaning of this Part of this Act if the whole or any material part thereof purports to be made by or on behalf or on account of the Bank of Ghana or of the lawful authority in the country in which the note is legal tender; or if, though made by or on behalf or on account of the Bank of Ghana or of such lawful authority the time or place of making, where either is material, or, the number or any distinguishing mark identifying the note, is falsely printed, engraved, impressed or otherwise stated thereon; and in particular a note is false if any material alteration, whether by addition, insertion, obliteration, erasure, removal, or otherwise, has been made therein.

(3) For the purposes of this Part of this Act forgery of a note may be complete even if the note when forged is incomplete, or is not or does not purport to be such a note as would be binding or sufficient in law.

Forgery of notes.

16. Any person who with intent to defraud forges a note shall be guilty of a first degree felony.

Uttering.

17. (1) Any person who utters any forged note, shall be guilty of a second degree felony.

(2) A person utters a forged note, who, knowing the same to be forged, and with intent to defraud, uses, offers, publishes, delivers, disposes of, tenders in payment or in exchange, exposes for sale or exchange, exchanges, tenders in evidence, or puts off the said forged note.

(3) For the purposes of this section it is immaterial where the note was forged.

18. Any person, who, without lawful authority or excuse, the proof whereof shall lie on him, purchases or receives from any person, or has in his custody or possession, a forged note, knowing the same to be forged commits an offence and shall be guilty of a second degree felony.

Possession of forged note.

19. Any person, who, without lawful authority or excuse, the proof whereof shall lie on him—

Making or having in possession paper or implements.

- (a) makes, uses, or knowingly has in his custody or possession any paper intended to resemble and pass as special paper such as is provided and used for making any note,
- (b) makes, uses, or knowingly has in his custody or possession, any frame, mould, or instrument for making such paper, or for producing in or on such paper any words, figures, letters, marks, lines, or devices peculiar to and used in or on any note;
- (c) engraves or in anywise makes upon any plate, wood, stone, or other material, any words, figures, letters, marks, lines or devices, the print whereof resembles in whole or in part any words, figures, letters, marks, lines, or devices peculiar to and used in or on any note;
- (d) uses or knowingly has in his custody or possession any plate, wood, stone, or other material, upon which any such words, figures, letters, marks, lines, or devices have been engraved or in anywise made as aforesaid;
- (e) uses or knowingly has in his custody or possession any paper upon which any such words, figures, letters, marks, lines, or devices have been printed or in anywise made as aforesaid,

shall be guilty of a first degree felony.

20. Any person who knowingly and wilfully aids, abets, counsels, causes, procures, or commands the commission of an offence punishable under this Part of this Act shall be liable to be dealt with, indicted, tried, and punished as a principal offender.

Accessories and abettors.

Criminal
possession.

21. (1) Where the having any note, in the custody or possession of any person is in this Act expressed to be an offence, a person shall be deemed to have a note, in his custody or possession if he—

- (a) has it in his personal custody or possession; or
- (b) knowingly and wilfully has it in the actual custody or possession of any other person, or in any building, lodging, apartment, field, or other place, whether open or enclosed, and whether occupied by himself or not.

(2) It is immaterial whether the note he had in such custody, possession, or place is for the use of such person or for the use or benefit of another person.

Search
warrants.

22. (1) If it shall be made to appear by information on oath before a Magistrate that there is reasonable cause to believe that any person has in his custody or possession without lawful authority or excuse—

- (a) any note; or
- (b) any implement for making paper or imitation of the paper used for notes; or
- (c) any material having thereon any words, forms, devices, or characters capable of producing or intended to produce the impression of a note; or
- (d) any forged note; or
- (e) any machinery, implement, utensil, or material used or intended to be used for the forgery of any note,

the Magistrate may grant a warrant to search for the same; and if the same shall be found on search, it shall be lawful to seize it and carry it before a Magistrate having jurisdiction in the area where the same was found, to be by him disposed of according to law.

(2) Every note lawfully seized under such warrant shall be defaced and destroyed or otherwise disposed of—

- (a) by order of the Court before which the offender is tried; or
- (b) if there be no trial, by order of a Magistrate.

PART IV—MISCELLANEOUS

Power to
fine and
require
sureties.

23. (1) On conviction of an offence punishable under this Act the Court, in addition to imposing a sentence of fine or imprisonment, may require the offender to enter into his own recognizances, with or without sureties, for keeping the peace and being of good behaviour.

(2) No person shall be imprisoned for more than one year for not finding sureties under this section:

Provided that the provisions of this subsection shall not apply in the case of a conviction of an offence punishable under section eleven of this Act.

(3) On conviction of any person of an offence punishable under this Act the court in addition to any sentence and any request relating to recognizances referred to in subsection (1) of this section may order the seizure of any property of such person and such order of seizure shall be deemed to be an order of the Court in the exercise of its civil jurisdiction and shall be enforced accordingly.

24. (1) In an indictment for an offence against this Act, it is sufficient to refer to the note by any name or designation by which it is usually known, or by its purport, without setting out any copy or facsimile of the whole or any part of the note.

Form of indictment and proof of intent.

(2) Where an intent to defraud or an intent to deceive is one of the constituent elements of an offence punishable under this Act, it shall not be necessary to allege in the indictment or to prove an intent to defraud or deceive any particular person; and it shall be sufficient to prove that the defendant did the act charged with intent to defraud or to deceive, as the case may require.

(3) If any person who is a member of any co-partnership, or is one of two or more beneficial owners of any property, forges any note with intent to defraud the co-partnership or the other beneficial owners, he is liable to be dealt with, indicted, tried, and punished as if he had not been or was not a member of the co-partnership, nor one of such beneficial owners.

25. In this Act unless the context otherwise requires:—

Interpretation.

“note” means a note issued by the Bank of Ghana by virtue of the Bank of Ghana Ordinance (No. 34 of 1957) or any paper used for the time being as money in any other place or country and which is legal tender in the country in which it is used;

“Minister” means the Minister responsible for Finance;

“coin” means any coin of any metal or mixed metal apparently intended to resemble or pass for any current coin;

“current coin” means any coin composed of mixed metal issued by the Bank of Ghana which is for the time being legal tender in Ghana or any metal used for the time being as money in any other place or country and which is legal tender in the country in which it is issued.

26. The Currency Ordinance (Cap. 205) is hereby repealed.

Repeal.

27. This Act shall come into operation on such date as the Minister may, by legislative instrument, appoint.

Commencement.

Printed and Published by the Government Printer, Accra, Ghana.
GP/A969/3,286/12/60-61

Price 6d.