

CHAPTER 133

FORGERY

1868-3

This Act came into operation on 17th February, 1868.

Amended by:

1975-44

1967/168

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1978

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 133

FORGERY 1868-3

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**BARBADOS****FORGERY**

1868-3

An Act to consolidate and amend the law of this Island relating to indictable offences by forgery.

[Commencement: 17th February, 1868]

Short title

1. This Act may be cited as the Forgery Act.

PART I**FORGERY OFFENCES****Forgery of the Public Seal**

2. Any person who—
 - (a) forges or counterfeits, or utters, knowing the same to be forged or counterfeited, the Public Seal; or
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 - (b) forges or counterfeits the stamp or impression of the Public Seal; or

- (c) utters any document or instrument whatsoever, having thereon or affixed thereto—
 - (i) the stamp or impression of any such forged or counterfeited seal, knowing the same to be the stamp or impression of such forged or counterfeited seal; or
 - (ii) any forged or counterfeited stamp or impression made or apparently intended to resemble the stamp or impression of the Public Seal, knowing the same to be forged or counterfeited; or
- (d) forges or alters or utters, knowing the same to be forged or altered, any document or instrument having the stamp or impression of the Public Seal thereon or affixed thereto,

shall be guilty of felony and being convicted thereof shall be liable to imprisonment for life.

Forging transfer of certain stock and power of attorney relating thereto

3. Any person who with intent to defraud—
- (a) forges or alters or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any transfer of any share or interest of or in the capital stock of any body corporate, company or society, which now is or hereafter may be established by charter or by, under or by virtue of any Act or any Act of the United Kingdom Parliament; or
 - (b) forges or alters or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in any such capital stock or to receive any dividend or money payable in respect of any such share or interest; or
 - (c) demands or endeavours to have any such share or interest transferred or to receive any dividend or money payable in respect thereof by virtue

of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered,

shall be guilty of felony and being convicted thereof shall be liable to imprisonment for life.

Personating the owner of certain stock and transferring or receiving, etc., the dividends

4. Any person who falsely and deceitfully personates—
- (a) any owner of any share or interest of or in any of the capital stock of any body corporate, company or society, which now is or hereafter may be established by charter, or by, under or by virtue of any Act or any Act of the United Kingdom Parliament; or
 - (b) any owner of any dividend or money payable in respect of any such share or interest and thereby—
 - (i) transfers or endeavours to transfer any share or interest belonging to any such owner; or
 - (ii) receives or endeavours to receive any money due to any such owner,

as if such offender were the true and lawful owner,

shall be guilty of felony and being convicted thereof shall be liable to imprisonment for life.

Forging attestation to power of attorney for transfer of stock, etc.

5. Any person who—
- (a) forges any name, handwriting or signature, purporting to be the name, handwriting or signature of a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such capital stock as is described in sections 3 or 4 or to receive

any dividend or money payable in respect of any such share or interest;
or

- (b) offers, utters, disposes of or puts off any such power of attorney or other authority, with any such forged name, handwriting or signature thereon, knowing the same to be forged,

shall be guilty of felony and being convicted thereof shall be liable to imprisonment for life.

Forging bank-notes

6. Any person who forges or alters or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any note or bill of exchange of the governor and company of the Bank of England, or of the governor and company of the Bank of Ireland, or of any other body corporate, company or person carrying on the business of bankers in this Island or elsewhere, commonly called a bank-note, a bank bill of exchange or a bank post-bill or any endorsement on or assignment of any bank-note, bank bill of exchange or bank post-bill, with intent to defraud, shall be guilty of felony and being convicted thereof shall be liable to imprisonment for life.

Purchasing, receiving or having forged bank-notes

7. Any person who, without lawful authority or excuse (the proof whereof shall lie on the party accused), purchases or receives from any other person or has in his custody or possession any forged bank-note, bank bill of exchange or bank post-bill or blank bank-note, blank bank bill of exchange or blank post-bill, knowing the same to be forged, shall be guilty of felony and being convicted thereof shall be liable to imprisonment for fourteen years.

Forging deeds, bonds, etc.

8. Any person who with intent to defraud—
- (a) forges or alters or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any deed or any bond or writing obligatory

or any assignment at law or in equity of any such bond or writing obligatory; or

- (b) forges any name, handwriting or signature purporting to be the name, handwriting or signature of a witness attesting the execution of any deed, bond or writing obligatory; or
- (c) offers, utters, disposes of or puts off any deed, bond or writing obligatory, having thereon any such forged name, handwriting or signature, knowing the same to be forged,

shall be guilty of felony and being convicted thereof shall be liable to imprisonment for life.

Forging wills

9. Any person who with intent to defraud forges or alters or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any will, testament, codicil or testamentary instrument, shall be guilty of felony and being convicted thereof shall be liable to imprisonment for life.

Forging bills of exchange or promissory notes

10. Any person who forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any bill of exchange or any acceptance, endorsement or assignment of any bill of exchange or any promissory note for the payment of money or any endorsement or assignment of any such promissory note, with intent to defraud, shall be guilty of felony and being convicted thereof shall be liable to imprisonment for life.

Forging orders, receipts, etc., for money, goods, etc.

11. Any person who, with intent to defraud forges or alters, offers, utters, disposes of or puts off, knowing the same to be forged or altered—

- (a) any undertaking, warrant, order, authority or request for the payment of money or for the delivery or transfer of any goods or chattels or of

any note, bill or other security for the payment of money or for procuring or giving credit; or

- (b) any endorsement on or assignment of any such undertaking, warrant, order, authority or request; or
- (c) any accountable receipt, acquittance or receipt for money or for goods or for any note, bill or other security for the payment of money; or
- (d) any endorsement on or assignment of any such accountable receipt,

shall be guilty of felony and being convicted thereof shall be liable to imprisonment for life.

Making or accepting any bill, note, etc., by procuration without lawful authority or uttering same with intent to defraud

12. Any person who with intent to defraud—

- (a) draws, makes, signs, accepts or endorses any bill of exchange or promissory note or any undertaking, warrant, order, authority or request for the payment of money or for the delivery or transfer of goods or chattels or of any bill, note or other security for money, by procuration or otherwise, for, in the name or on the account of any other person, without lawful authority or excuse; or
- (b) offers, utters, disposes of or puts off any such bill, note, undertaking, warrant, order, authority or request so drawn, made, signed, accepted, or endorsed, by procuration or otherwise, without lawful authority or excuse knowing the same to have been so drawn, made, signed, accepted or endorsed,

shall be guilty of felony and being convicted thereof shall be liable to imprisonment for fourteen years.

Forging debentures

13. Any person who fraudulently forges or alters or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any debenture issued under any lawful authority whatsoever, either within any part of the Commonwealth or elsewhere, shall be guilty of felony and being convicted thereof shall be liable to imprisonment for fourteen years.

Forging proceedings of courts of record

14. Any person who forges or fraudulently alters or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any record, writ, return, panel, process, rule, order, warrant, interrogatory, deposition, affidavit, affirmation, recognisance, *cognovit actionem* or warrant of attorney or any original document whatsoever of or belonging to any court of record, or any document or writing, or any copy of any document or writing, used or intended to be used as evidence in any such court, shall be guilty of felony and being convicted thereof shall be liable to imprisonment for seven years.

Forging copies or certificates of records, process of courts not of record and using forged process

- 15.** Any person—
- (a) being the clerk of any court or other officer having the custody of the records of any court or being the deputy of any such clerk or officer, who utters any false copy or certificate of any record, knowing the same to be false; or
 - (b) other than such clerk, officer, or deputy, who signs or certifies any copy or certificate of any record as such clerk, officer or deputy; or
 - (c) who forges or fraudulently alters or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any copy or certificate of any record; or

- (d) who offers, utters, disposes of or puts off any copy or certificate of any record having thereon any false or forged name, handwriting or signature, knowing the same to be false or forged; or
- (e) who forges the seal of any court of record; or
- (f) who forges or fraudulently alters any process of any court, other than such court as mentioned in section 14; or
- (g) who serves or enforces any forged process of any court whatsoever, knowing the same to be forged; or
- (h) who delivers or causes to be delivered to any person any paper falsely purporting to be any such process or a copy thereof or to be any judgment, decree or order of any court or a copy thereof, knowing the same to be false; or
- (i) who acts or professes to act under such false process knowing the same to be false,

shall be guilty of felony and being convicted thereof shall be liable to imprisonment for seven years.

Forging instruments made evidence by any Act

16. Any person who forges or fraudulently alters or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any instrument, whether written or printed or partly written and partly printed, which is made evidence by any statute for the time being in force in this Island and for which offence no punishment is herein provided shall be guilty of felony and being convicted thereof shall be liable to imprisonment for seven years.

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Forgery as to the registry of deeds

17. Any person who—

- (a) forges or fraudulently alters or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any memorial, affidavit, affirmation, entry, certificate, endorsement, document or writing, made or issued under any Act relating to the registry of deeds; or
- (b) forges or counterfeits the seal of or belonging to any office for the registry of deeds or any stamp or impression of any such seal; or
- (c) forges any name, handwriting or signature purporting to be the name, handwriting or signature of any person to any such memorial or other writing specified in this section which is required or directed to be signed by or by virtue of any Act; or
- (d) offers, utters, disposes of or puts off any such memorial or other writing specified in this section, having thereon any such forged stamp or impression of any such seal, or any such forged name, handwriting or signature, knowing the same to be forged,

shall be guilty of felony and being convicted thereof shall be liable to imprisonment for fourteen years.

Forging orders of magistrates, recognisances, affidavits, etc.

18. Any person who with intent to defraud forges or alters or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any summons, conviction, order or warrant of any magistrate or Justice of the Peace or any recognisance purporting to have been entered into before any magistrate, Justice of the Peace or other officer authorised to take the same or any examination, deposition, affidavit, affirmation or solemn declaration, taken or made before any magistrate or Justice of the Peace, shall be guilty of felony and being convicted thereof shall be liable to imprisonment for three years.

Acknowledging recognisance, bail, etc., in the name of another

19. Any person who, without lawful authority or excuse (the proof whereof shall lie on the party accused), in the name of any other person, acknowledges any recognisance or bail or any *cognovit actionem* or judgment or any deed or other instrument before any court, judge or other person lawfully authorised in that behalf, shall be guilty of felony and being convicted thereof shall be liable to imprisonment for seven years.

Forging or uttering marriage licence or certificate

20. Any person who forges or fraudulently alters any licence of or certificate for marriage or offers, utters, disposes of or puts off any such licence or certificate, knowing the same to be forged or fraudulently altered, shall be guilty of felony and being convicted thereof shall be liable to imprisonment for seven years.

Forgery of passport

20A.(1) Any person who forges or fraudulently alters any passport or makes any statement which is to his knowledge untrue for the purpose of procuring a passport, whether for himself or any other person, is guilty of an offence and is liable on conviction upon indictment to a fine of five thousand dollars or to imprisonment for two years or both.

(2) For the purposes of this section, the expression “passport” means a passport referring to a person and issued to him by or on behalf of the Crown and includes a certificate or a permit or other document by whatever name called establishing the identity of the person to whom it refers and his right to protection and authenticating his right to enter or pass through a country or to be admitted into any state.

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Forging registers of births, baptisms, marriages, deaths or burials

21. Any person who—

- (a) unlawfully destroys, defaces or injures or causes or permits to be destroyed, defaced or injured any register of births, baptisms, marriages, deaths or burials, which is by law authorised or required to be kept in this Island, or any part of any such registered or any certified copy of any such register or any part thereof; or
- (b) forges or fraudulently alters in any such register any entry relating to any birth, baptism, marriage, death or burial, or any part of any such register or any certified copy of such register or of any part thereof; or
- (c) knowingly and unlawfully inserts or causes or permits to be inserted in any such register or in any certified copy thereof any false entry of any matter relating to any birth, baptism, marriage, death or burial; or
- (d) knowingly and unlawfully gives any false certificate relating to any birth, baptism, marriage, death or burial; or
- (e) certifies any writing to be a copy or extract from any such register, knowing such writing or the part of such register whereof such copy or extract shall be so given, to be false in any material particular; or
- (f) forges or counterfeits the signature of any person lawfully authorised to certify any copy of or extract from any such register; or
- (g) offers, utters, disposes of or puts off any such register, entry, certified copy, certificate or signature, knowing the same to be false, forged or altered; or
- (h) offers, utters, disposes of or puts off any copy of any entry in any such register, knowing such entry to be false, forged or altered,

shall be guilty of felony and being convicted thereof shall be liable to imprisonment for life.

Making false entries in copies of register sent to registrar

- 22.** Any person who—
- (a) knowingly and wilfully inserts or causes or permits to be inserted in any copy of any register, directed or required by law to be transmitted to any registrar or other officer, any false entry of any matter relating to any baptism, marriage or burial; or
 - (b) forges or alters or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any copy of any register so directed or required to be transmitted; or
 - (c) knowingly and wilfully signs or verifies any copy of any register so directed or required to be transmitted, which copy is false in any part thereof, knowing the same to be false; or
 - (d) unlawfully destroys, defaces or injures or for any fraudulent purpose takes from its place of deposit or conceals any such copy of any register,

shall be guilty of felony and being convicted thereof shall be liable to imprisonment for life.

Demanding property upon forged instrument

- 23.** Any person who with intent to defraud demands, receives or obtains or causes or procures to be delivered or paid to any person or endeavours to receive or obtain or to cause or procure to be delivered or paid to any person, any chattel, money, security for money or other property whatsoever, under, upon or by virtue of any forged or altered instrument whatsoever, knowing the same to be forged or altered, or under, upon or by virtue of any probate or letters of administration, knowing the will, testament, codicil, or testamentary writing on which such probate or letters of administration have been obtained to have been forged or altered or knowing such probate or letters of administration to have been obtained by any false oath, affirmation or affidavit, shall be guilty of felony and being convicted thereof shall be liable to imprisonment for fourteen years.

PART II
GENERAL

Forging any instrument, however designated, which is in law a will, bill of exchange, etc.

24. Where by this or by any other Act any person is made liable to punishment for forging or altering or for offering, uttering, disposing of or putting off, knowing the same to be forged or altered, any instrument or writing designated in any such Act by any special name or description, and such instrument or writing, however designated, shall be in law—

- (a) a will, testament, codicil or testamentary writing; or
- (b) a deed, bond or writing obligatory; or
- (c) a bill of exchange or a promissory note for the payment of money or an endorsement on or assignment of a bill of exchange or promissory note for the payment of money or an acceptance of a bill of exchange; or
- (d) an undertaking, warrant, order, authority or request for the payment of money or an endorsement on or assignment of an undertaking, warrant, order, authority or request for the payment of money, within the true intent and meaning of this Act,

the person forging or altering such instrument or writing or offering, uttering, disposing of or putting off such instrument or writing, knowing the same to be forged or altered, may be indicted as an offender against this Act and punished accordingly.

Intent to defraud particular person need not be proved

25. On the trial of any indictment for forging, altering, uttering, offering or disposing of or putting off any instrument whatsoever, it shall not be necessary

to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

Meaning of possession

26. Where the having any matter in the custody or possession of any person is in this Act expressed to be an offence, any person who—

- (a) has any such matter in his personal custody or possession; or
- (b) knowingly and wilfully has any such matter in the actual custody or possession of any other person; or
- (c) knowingly and wilfully has any such matter in any dwelling-house or other building, lodging, apartment, field or other place, open or enclosed, whether belonging to or occupied by himself or not, whether such matter is so had for his own use or for the use or benefit of another,

shall be deemed and taken to have such matter in his custody or possession within the meaning of this Act.

PART III

LEGAL PROCEEDINGS

Principals in the second degree, accessories and abettors

27.(1) In the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable.

(2) Every accessory after the fact to any felony punishable under this Act shall on conviction be liable to imprisonment for two years.

(3) Every person who aids, abets, counsels, or procures the commission of any misdemeanour punishable under this Act shall be liable to be proceeded against, indicted and punished as a principal offender.

Offences committed within the jurisdiction of the Admiralty

28.(1) All indictable offences mentioned in this Act which are committed on or after the 30th November, 1966 and which if committed before that date would have been within the jurisdiction of the Admiralty of England and cognizable by the courts of this Island shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed in this Island and may be dealt with, enquired of, tried and determined, in the same manner in all respects as if they had been actually committed in this Island.

(2) In any indictment for any such offence or for being accessory to such an offence the venue in the margin shall be the same as if the offence had been committed in this Island, and the offence shall be averred to have been committed on the high seas.

Fines and sureties for keeping the peace

29.(1) Where any person is convicted of a misdemeanour under this Act, the court may, if it thinks fit, in addition to or in lieu of any of the punishments by this Act authorised, fine the offender and require him to enter into his own recognisances and to find sureties, both or either, for keeping the peace and being of good behaviour.

(2) In the case of any felony mentioned in this Act the court may, if it thinks fit, require the offender to enter into his own recognisances and to find sureties, both or either, for keeping the peace, in addition to any of the punishments by this Act authorised.

(3) No person shall be imprisoned under this section for not finding sureties for any period exceeding one year.