

**FIRST SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 3510 of 29 December, 2005**

---



I ASSENT,  
FRANCIS RICHARDS,  
GOVERNOR.

22nd December, 2005.



**GIBRALTAR**

**No. 67 of 2005**

**AN ORDINANCE** to amend the Criminal Offences Ordinance to implement Council Framework Decision 2001/413/JHA of 28 May 2001 on combating fraud and counterfeiting of non-cash means of payment.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Ordinance may be cited as the Criminal Offences (Amendment) Ordinance 2005.

**Amendment of section 206 of the Criminal Offences Ordinance.**

2. In section 206 of the Criminal Offences Ordinance (“the principal Ordinance”) after the definition of “die”, insert—

“monetary instrument” means any of the instruments mentioned in section 209A(1);”

**Amendment of section 207 of the Criminal Offences Ordinance.**

3. In section 207 of the principal Ordinance after the word “document” in the twelve places it appears, insert “or monetary instrument”.

**Insertion of new section 209A into the Criminal Offences Ordinance.**

4. In the principal Ordinance after section 209 insert—

**“Forgery of monetary instruments with intent to defraud or deceive.**

209A.(1) A person who, with intent to defraud or deceive, forges any of the following monetary instruments—

- (a) money orders;
- (b) postal orders;
- (c) Gibraltar postage stamps;
- (d) share certificates;
- (e) cheques and other bills of exchange;
- (f) travellers’ cheques;
- (g) bankers’ drafts;
- (h) promissory notes;
- (i) cheque cards;
- (j) debit cards; and
- (k) credit cards,

is guilty of an offence and is liable on conviction to imprisonment for fourteen years.

(2) A person who, without lawful authority or excuse, has in his custody or under his control or sells or transfers to another person—

(a) anything which is, and which he knows or believes to be, a forged monetary instrument; or

(b) any computer, other machine, implement or computer programme, disc or tape or any paper or other material, which to his knowledge is specially designed or adapted for the making of a forged monetary instrument,

is guilty of an offence and is liable on conviction to imprisonment for ten years.

(3) For the purposes of subsections (1) and (2)(a), it is immaterial that the monetary instrument (or purported monetary instrument) is not in a fit state to be uttered or that the forging of it has not been perfected.

(4) In subsection (1)(d) “share certificate” means an instrument entitling or evidencing the title of a person to a share or interest—

(a) in any public stock, annuity, fund or debt of any government or state, including a state which forms part of another state; or

(b) in any stock, fund or debt of a body (whether corporate or unincorporated) established in Gibraltar or elsewhere.

(5) An instrument is also an instrument to which this section applies if it is a monetary instrument specified for the purpose of this section by an order made by the Government and published in the Gazette.

(6) An order made under subsection (5) is subject to annulment by a Resolution of the House of Assembly at its next meeting following the date of publication of the order.”

**Amendment of section 214 of the Criminal Offences Ordinance.**

5. In section 214 of the principal Ordinance after “document”, in the six places it appears insert “monetary instrument,”.

**Amendment of section 220 of the Criminal Offences Ordinance.**

6. In section 220 of the principal Ordinance after “document”, in the three places it appears insert “monetary instrument,”.

**Insertion of new section 221A into the Criminal Offences Ordinance.**

7. After section 221 of the principal Ordinance insert—

**“Forgery by bodies corporate, etc.**

221A.(1) where an offence under this part has been committed—

(a) by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of that body; or

(b) by a partnership and it is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a member of that partnership,

or by any person who was purporting to act in any such capacity, he, as well as the body corporate, or as the case may be the partnership, is guilty of that offence and is liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the actions and defaults of a member in connection with his functions of management as if he were a director of the body corporate.”

Passed by the Gibraltar House of Assembly on the 13th day of December, 2005.

D .J. REYES,

Clerk to the Assembly.

---

**Printed by the Gibraltar Chronicle Limited  
Printing Office, 2, Library Gardens,  
Government Printers for Gibraltar,  
Copies may be purchased at 6, Convent Place, Price £0.40p**