

FORGERY ACT

CHAPTER 11:13

Act
13 of 1925
Amended by
20 of 1936
*24 of 1981
19 of 2005

*See Note on Amendment at page 2

Current Authorised Pages

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LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

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Forgery

Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Amendment

Sections 5 and 8 of this Act have been amended by Act No. 24 of 1981. However, Act No. 24 of 1981 had not up to the date of the last revision of this Act been brought into operation.

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

CHAPTER 11:13

FORGERY ACT

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CHAPTER 11:13

FORGERY ACT

An Act relating to Forgery and Kindred Offences.

1950 Ed.
Ch. 4 No. 12.
13 of 1925.
Commencement.

[22ND APRIL 1925]

Short title.

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

Interpretation.

2. In this Act—

“bank note” includes any note or bill of exchange of the Central Bank of Trinidad and Tobago, or of any other person, body corporate, or company carrying on the business of banking in any part of the world, and includes “bank bill”, “bank post bill”, “blank bank note”, “blank bank bill of exchange” and “blank bank post bill”;

“currency note” includes any note issued as currency by or under the authority of the Government of Trinidad and Tobago, or of any Commonwealth country, or of any foreign State, or of any dependency of any foreign State;

“die” includes any plate, type, tool or implement whatsoever, and also any part of any die plate, type, tool or implement, and any stamp or impression thereof or any part of such stamp or impression;

“document of title to goods” includes any bill of lading, India warrant, dock warrant, warehouse keeper’s certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought or sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by endorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or mentioned therein or referred to;

“document of title to lands” includes any State grant, certificate of title, Deed, map, roll, register or instrument in writing being or containing evidence of the title or any part of the title to any land or to any interest in or arising out of any land, or any authenticated copy thereof;

“revenue paper” means any paper provided by the proper authority for the purpose of being used for stamps, licences, permits, post office money orders or postal orders, or for any purpose whatever connected with the public revenue;

“seal” includes any stamp or impression of a seal, or any stamp or impression made or apparently intended to resemble the stamp or impression of a seal, as well as the seal itself;

“stamp” includes a stamp impressed by means of a die as well as an adhesive stamp;

“Treasury bill” includes Exchequer bill, Exchequer bond, Exchequer debenture and War bond;

“valuable security” includes any writing entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund or debt of any Commonwealth country or of any foreign State, or in any stock, annuity, fund or debt of any body corporate, company or society, whether within or without any Commonwealth country, or to any deposit in any bank; and also includes any scrip, debenture, bill, note, warrant, order or other security for the payment of money, or any authority or request for the payment of money or the delivery or transfer of goods or chattels, or any accountable receipt, release or discharge, or any receipt or other instrument evidencing the payment of money or the delivery of any chattel personal.

3. (1) For the purposes of this Act, “forgery” is the making of a false document in order that it may be used as genuine, and, in the case of the seals and dies mentioned in this Act, the counterfeiting of a seal or die; and forgery with intent to defraud or deceive, as the case may be, is punishable as in this Act provided.

Definition of “forgery”.

(2) A document is false within the meaning of this Act if the whole or any material part thereof purports to be made by or on behalf or on account of a person who did not make it nor authorise its making; or if, though made by or on behalf or on account of the person by whom or by whose authority it purports to have been

“False document”.

made, the time or place of making, where either is material, or, in the case of a document identified by number or mark, the number or any distinguishing mark identifying the document, is falsely stated therein, and in particular a document is false—

- (a) if any material alteration, whether by addition, insertion, obliteration, erasure, removal or otherwise, has been made therein;
- (b) if the whole or some material part of it purports to be made by or on behalf of a fictitious or deceased person; or
- (c) if, though made in the name of an existing person, it is made by him or by his authority with the intention that it should pass as having been made by some person, real or fictitious, other than the person who made or authorised it.

(3) For the purposes of this Act—

- (a) it is immaterial in what language a document is expressed or in what place within or without any Commonwealth country it is expressed to take effect;
- (b) forgery of a document may be complete even if the document when forged is incomplete, or is not or does not purport to be such a document as would be binding or sufficient in law;
- (c) the crossing on any cheque, draft on a banker, post office money order, postal order, coupon or other document the crossing of which is authorised or recognised by law, shall be a material part of the cheque, draft, order, coupon or document.

Forgery of certain documents with intent to defraud.

4. (1) Any person who, with intent to defraud, commits forgery of any of the following documents is liable to imprisonment for life:

- (a) any Will, codicil or other testamentary document, either of a dead or of a living person, or any Probate or Letters of Administration, whether with or without the Will annexed;

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- (b) any Deed or bond, or any assignment at law or in equity of any Deed or bond, or any attestation of the execution of any Deed or bond;
- (c) any bank note, or any endorsement on or assignment of any bank note;
- (d) any currency note.
- (2) Any person who, with intent to defraud, commits forgery of any of the following documents is liable to imprisonment for fourteen years:
- (a) any valuable security or assignment thereof or endorsement thereon or, where the valuable security is a bill of exchange, any acceptance thereof;
- (b) any document of title to lands or any assignment thereof or endorsement thereon;
- (c) any document of title to goods or any assignment thereof or endorsement thereon;
- (d) any power of attorney or other authority to transfer any share or interest in any stock, annuity or public fund of Trinidad and Tobago or any other country, or to transfer any share or interest in the debt of any public body, company or society of Trinidad and Tobago or any other country, or in the capital stock of any such company or society, or to receive any dividend or money payable in respect of such share or interest, or any attestation of any such power of attorney or other authority;
- (e) any entry in any book or register which is evidence of the title of any person to any share or interest mentioned above or to any dividend or interest payable in respect thereof;
- (f) any policy of insurance or any assignment thereof or endorsement thereon;
- (g) any charter-party or any assignment thereof.

Forgery of certain documents with intent to defraud or deceive. [45 of 1979, 24 of 1981, 19 of 2005].

5. (1) Any person who, with intent to defraud or deceive, forges any document whatsoever having thereupon or affixed thereto the stamp or impression of the Public Seal of Trinidad and Tobago or the Seal of the President is liable to imprisonment for life.

(2) Any person who, with intent to defraud or deceive, commits forgery of any of the following documents is liable to imprisonment for fourteen years:

- (a) any register or record of births, baptisms, namings, dedications, marriages, deaths, burials or cremations which now is, or hereafter may be, by law authorised or required to be kept in Trinidad and Tobago relating to any birth, baptism, naming, dedication, marriage, death, burial or cremation, or any part of any such register, or any certified copy of any such register or of any part thereof;
- (b) any copy of any register of births, baptisms, marriages, burials or cremations directed or required by law to be transmitted to any register or other officer;
- (c) any wrapper or label provided by or under the authority of the President, a Minister or the head of any department of the public service.

(3) Any person who, with intent to defraud or deceive, commits forgery of any of the following documents is liable to imprisonment for seven years:

- (a) any official document whatsoever of or belonging to any Court of Justice, or made or issued by any Judge, Magistrate, Justice, Officer or Clerk of any such Court;
- (b) any register or book kept under the provisions of any law in or under the authority of any Court of Justice;
- (c) any certificate, office copy or certified copy of any such document, register or book or of any part thereof;

- (d) any document which any person authorised to administer an oath under the Commissioners of Affidavits Act, is authorised or required by law to make or issue; Ch. 6:52.
- (e) any document made or issued by any public officer or law officer of the State, or any document upon which, by the law or usage at the time in force, any Court of Justice or any officer might act;
- (f) any document or copy of a document used or intended to be used in evidence in any Court of Justice or any document which is made evidence by law;
- (g) any certificate required by any written law for the celebration of marriage;
- (h) any licence for the celebration of marriage which may be given by law;
- (i) any certificate, declaration or order under any written law relating to vaccination or to the registration of births or deaths;
- (j) any register book, builder's certificate, surveyor's certificate, certificate of registry, declaration, bill of sale, instrument of mortgage, or certificate of mortgage or sale under Part I of the Merchant Shipping Act, 1894 of the United Kingdom or any entry or endorsement required by the said Part of the said Act to be made in or on any of those documents; 57 & 58 Vic.
c. 60.
- (k) any permit, certificate or similar document made or granted by or under the authority of the Comptroller of Customs and Excise or the Board of Inland Revenue or the Comptroller of Accounts for the purpose of or in connection with Customs or Excise;
- (l) any certificate of the Board of Inland Revenue acting in execution of the Income Tax Act; Ch. 75:01.
- (m) any certificate or any copy of any register issued by or under the authority of the Registrar General and not otherwise provided for;

Ch. 48:50. (n) a driving permit, provisional permit or learner's permit issued under the Motor Vehicles and Road Traffic Act;

Ch. 2:01. (o) a national identification card issued under the Representation of the People Act.

(4) A person who has in his custody or possession a forged document mentioned in—

(a) subsection (2), commits forgery of that document and is liable to imprisonment for fourteen years;

(b) subsection (3), commits forgery of that document and is liable to imprisonment for seven years.

Passports:
forgery;
untrue
statements.

6. Any person who commits forgery of a passport, or who makes a statement which is to his knowledge untrue for the purpose of procuring a passport, whether for himself or any other person, is liable to imprisonment for two years.

Forgery of
documents
with intent to
defraud
or deceive.
[45 of 1979].

7. Any person who, with intent to defraud or deceive, commits forgery of any document is liable to imprisonment for two years.

Forgery
of seals
and dies.
[24 of 1981].

8. (1) Any person who, with intent to defraud or deceive, commits forgery of the Public Seal of Trinidad and Tobago, the Seal of the President or the Seal of any Court of Justice is liable to imprisonment for life.

(2) Any person who, with intent to defraud or deceive, commits forgery of any of the following seals is liable to imprisonment for fourteen years:

(a) the seal of the Registrar General;

(b) the seal of the Registrar of the Supreme Court;

(c) the seal of any city, town or borough;

(d) the seal of any mayor or Municipal Corporation;

(e) the seal of any Judge, minister of religion, consul, commissioner of affidavits or notary public.

(3) Any person who, with intent to defraud or deceive, commits forgery of any of the following dies is liable to imprisonment for fourteen years:

- (a) any stamp or die provided, made or used by the Comptroller of Customs and Excise or the Board of Inland Revenue or the Comptroller of Accounts for the purpose of or in connection with Customs or Excise;
- (b) any stamp or die provided, made or used in pursuance of the Stamp Duty Act.

Ch. 76:01.

9. (1) Any person who utters any forged document, seal or die is guilty of an offence and liable to the same punishment as if he himself had forged the document, seal or die.

Uttering.
[45 of 1979].

(2) A person utters a forged document, seal or die, who, knowing the same to be forged, and with either of the intents necessary to constitute the offence of forging the document, seal or die, 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 forged document, seal or die.

Definition of
"uttering."

(3) It is immaterial where the document, seal or die was forged.

10. Any person who, with intent to defraud, demands, receives or obtains, or causes or procures to be delivered, paid or transferred to any person, or endeavours to receive or obtain or to cause or procure to be delivered, paid or transferred to any person, any money, security for money or other property, real or personal—

Demanding
property
on forged
documents,
etc.

- (a) under, upon or by virtue of any forged instrument whatsoever, knowing the same to be forged; or
- (b) under, upon or by virtue of any Probate or Letters of Administration, knowing the Will, testament, codicil or testamentary writing on which the Probate or Letters of Administration shall have been obtained to have been forged, or knowing the Probate or Letters of Administration to have been obtained by any false oath, affirmation or affidavit, is liable to imprisonment for fourteen years.

Possession
of forged
documents,
seals and dies.

11. (1) Any person who, without lawful authority or excuse, the proof whereof shall lie on the accused, purchases or receives from any person, or has in his custody or possession, a forged bank note or a forged currency note, knowing the same to be forged is liable to imprisonment for fourteen years.

(2) Any person who, without lawful authority or excuse, the proof whereof shall lie on the accused, and knowing the same to be forged, has in his custody or possession—

- (a) any forged die required or authorised by law to be used for the marking of gold or silver plate, or of gold or silver wares, or any ware of gold, silver or base metal bearing the impression of any such forged die;
- (b) any forged stamp or die resembling or intended to resemble either wholly or in part any stamp or die which at any time whatever has been or may be provided, made or used in pursuance of the Stamp Duty Act;
- (c) any forged wrapper or label provided by or under the authority of the President, a Minister or the head of any department of the public service;
- (d) any forged seal or die the forgery of which with intent to defraud or deceive is made punishable by section 8 is liable to imprisonment for fourteen years.

Ch. 76:01.

Making or
having in
possession
paper or
implements for
forgery.
[45 of 1979].

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

- (a) makes, uses, or knowingly has in his custody or possession any paper intended to resemble and pass as—
 - (i) special paper such as is provided and used for making any bank note, currency note, treasury bill or Government debenture bond;
 - (ii) revenue paper;

- (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 such paper;
- (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 bank note, or currency note, or Government debenture bond, or in or on any document entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund, or debt of any country or in any stock, annuity, fund, or debt of any body corporate, company or society, whether within or without Trinidad and Tobago;
- (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 mentioned above;
- (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 mentioned above;
- (f) makes, uses, or knowingly has in his custody or possession any unfinished or incomplete note purporting to be a currency note, or any paper with any word, figure, device or distinction peculiar to and appearing in the substance of paper used for any currency note,

is liable to imprisonment for seven years.

13. Any person who, without lawful authority or excuse, the proof whereof shall lie on the accused, purchases, receives or knowingly has in his custody or possession—

- (a) any special paper provided and used for making bank notes, currency notes, treasury bills and

Purchasing or having in possession certain paper before it has been duly stamped and issued.

Government debenture bonds, or any revenue paper before the paper has been duly stamped, signed and issued for public use;

- (b) any die peculiarly used in the manufacture of any such paper,

is liable to imprisonment for two years.

Criminal possession.

14. Where the having any document, seal or die 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 document, seal or die 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.

It is immaterial whether the document, matter or thing is had in such custody, possession or place for the use of such person or for the use or benefit of another person.

Search warrants.

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

- (a) any bank note, currency note, treasury bill or Government debenture bond;
 (b) any implement for making paper or imitation of the paper used for bank notes, currency notes, treasury bills or Government debenture bonds;
 (c) any material having thereon any words, forms, devices or characters capable of producing or intended to produce the impression of a bank note, currency note, treasury bill or Government debenture bond;
 (d) any forged document, seal or die; or
 (e) any machinery, implement, utensil or material used or intended to be used for the forgery of any document,

the Magistrate or Justice 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 the Magistrate of the district to be by him disposed of according to law.

(2) Where any forged document (including any forged bank note, currency note, treasury bill or Government debenture bond), or any machinery, implement, utensil or material used or intended to be used for the forgery of any such document, is lawfully seized under a warrant granted in pursuance of subsection (1) or otherwise, the document, machinery, implement, utensil or material, as the case may be, shall be delivered up to the Commissioner of Police, or to any person authorised by him to receive the same, by order of the Court before which the offender is tried or, if there is no trial, by order of a Magistrate.

Disposal of documents, materials, etc., seized.

(3) Every other document, seal or die lawfully seized under such warrant, or otherwise, shall be defaced and destroyed or otherwise disposed of—

Documents, etc., to be destroyed or otherwise disposed of.

- (a) by order of the Court before which the offender is tried;
- (b) if there is no trial, by order of a Magistrate; or
- (c) if it affects the public revenue, by the Comptroller of Accounts.

16. (1) In an indictment for an offence against this Act with reference to any document, seal or die, it is sufficient to refer to the document, seal or die 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 document, seal or die.

Form of indictment and proof of intent. [45 of 1979].

(2) Where an intent to defraud or an intent to deceive is one of the constituent elements of an offence punishable under this Act, or under any other written law relating to forgery or any kindred offence for the time being in force, 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.

Partnerships.

(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 document, matter or thing 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 or one of the beneficial owners.

Savings.

17. (1) Where an offence against this Act and also by virtue of some other written law subjects the offender to any forfeiture or disqualification, or to any penalty other than imprisonment or fine, the liability of the offender to punishment under this Act shall be in addition to and not in substitution for his liability under such other written law.

Offences
punishable
under other
Acts.

(2) Where an offence against this Act is by any other Act, whether passed before or after the commencement of this Act, made punishable on summary conviction, proceedings may be taken either under such other Act or under this Act.
