

eSwatini

Counterfeit Currency Order, 1974

Act 31 of 1974

Legislation as at 1 December 1998

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Counterfeit Currency Order, 1974

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Counterfeit Currency Order, 1974

Act 31 of 1974

Assented to on 10 October 1974

Commenced on 18 October 1974

[This is the version of this document at 1 December 1998.]

A King's Order-in-Council to provide for the suppression of counterfeit or forged currency.

1. Short title

This King's Order-in-Council may be cited as The Counterfeit Currency Order, 1974.

2. Interpretation

In this Order, unless the Context otherwise requires—

“**bank notes**” means any bill, draft or other paper issued by any institution lawfully entitled in any country to issue it and which circulates and is lawfully accepted as money within such country;

“**Central Bank**” means the Central Bank of Swaziland established by the Central Bank of Swaziland Order No. 6 of 1974;

“**coin**” means any coin which is legal tender in Swaziland or any other country;

“**counterfeit coin**” includes a coin prepared or altered so as to resemble or pass for coin of a higher denomination or a coin which is legal tender in another country;

“**note**” means any paper money which is legal tender in Swaziland or any other country and includes a bank note.

3. Offences relating to coin and notes

(1) Any person shall be guilty of an offence who—

- (a) counterfeits or performs any part of the process of counterfeiting any coin;
- (b) forges or alters a note;
- (c) holds, utters, tenders or accepts any counterfeit coin, knowing it to be counterfeit, or a forged or altered note, knowing it to be forged or altered;
- (d) without lawful authority or excuse—
 - (i) imports or receives into Swaziland; or
 - (ii) exports from Swaziland or puts or takes or causes to be put or taken on board any ship, vessel, boat, aircraft or vehicle for the purpose of being so exported,any counterfeit coin or any forged or altered note;
- (e) with intent to counterfeit a coin or to forge or alter a note, makes, mends, obtains, has in his possession or disposes of any tool, instrument or machine—
 - (i) intended for making any counterfeit coin or forged note;

- (ii) intended for the marking of coin round the edges with letters, grainings or other marks or figures resembling letters, grainings, marks or figures round the edges of any coin; or
 - (iii) capable of being used for preparing any material for receiving any impression resembling that on any coin;
 - (f) gilds, silvers or colours any piece of metal of a size or figure fit to be coined, for the purpose of coining it into counterfeit coin;
 - (g) makes any piece of metal into a size or figure fit to be coined, with intent to facilitate the coining therefrom of counterfeit coin or for the purpose of coining therefrom counterfeit coin;
 - (h) buys, sells or is in possession of a piece of metal referred to in paragraph (f) or (g) for a purpose referred to therein;
 - (i) impairs, diminishes or lightens any coin with intent that such coin when so impaired, diminished or lightened may pass as coin;
 - (j) without lawful authority or excuse has in his possession or disposes of, or in any way deals with, any filing or clipping, or any gold or silver bullion, or any gold or silver in dust, solution or otherwise, produced or obtained by impairing, diminishing or lightening coin, knowing that it has been so produced or obtained;
 - (k) with intent to defraud, utters, tenders, disposes of or otherwise uses as coin any medal or piece of metal which is not coin;
 - (l) without lawful authority or excuse defaces any coin by stamping thereon any word, letter, device or mark.
- (2) A person convicted of an offence under subsection (1) shall be liable to the following penalties, namely, in the case of an offence referred to in—
- (a) paragraph (a), (b), (c), (e), (f), (g) or (i) thereof, to a fine of E15,000 or imprisonment for fifteen years, or both;
 - (b) paragraph (d) or (h) thereof, to a fine of E5,000 or imprisonment for five years, or both;
 - (c) paragraph (j) thereof, to a fine of E3,000 or imprisonment for three years, or both; and
 - (d) paragraphs (k) and (l) thereof, to a fine of E1,000 or imprisonment for twelve months, or both.

4. Onus of proof

In any prosecution for a contravention of [section 3\(1\)](#) (d), (j) or (l), the onus of proving that any person had lawful authority or excuse for being in possession of or doing anything referred to therein, shall be on the accused.

5. Confiscation

If any forged or altered note or counterfeit or defaced coin or any tool, instrument or machine intended or adapted for making any such forged or altered note or counterfeit coin, or any medal or piece of metal referred to in [section 3\(1\)\(f\)](#), (g) or (k) or [section 3\(1\)\(j\)](#) is lawfully seized under a warrant, it shall be delivered to the Central Bank 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, for disposal by the Central Bank in such manner as may be prescribed by regulation.

6. Repeal

The Counterfeit Currency Act [No. 34 of 1937](#) and section 269 of the Criminal Procedure and Evidence Act [No. 67 of 1938](#) are hereby repealed.