Rules made under section 281 of the Criminal Offences Act as read with section 23 of the Interpretation and General Clauses Act.

COUNTERFEITING OF THE EURO RULES 2003

(LN. 2003/080)

31.7.2003

Amending enactments	Relevant current provisions	Commencement date
None		

EU Legislation/International Agreements involved:
Council Regulation 1338 and 1339
Council Framework Decision 2000/383/JHA and 13436/2001

ARRANGEMENT OF RULES.

Rules.

1. Title.
2. Obligations of credit and other institutions.
3. Offences concerning the Euro: currency notes.
4. Offences concerning the Euro: coins.

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COUNTERFEITING OF THE EURO RULES 2003

Subsidiary
2003/080

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COUNTERFEITING OF THE EURO RULES 2003

Subsidiary 2003/080

In exercise of the powers conferred on him by section 281 of the Criminal Offences Act as read with section 23 of the Interpretation and General Clauses Act in order to implement Council Regulation 1338 and 1339 of 28 June 2001 and Council Framework Decision 2000/383/JHA and 13436/2001 the Governor has made the following Rules–

Title.

1. These Rules may be cited as the Counterfeiting of the Euro Rules 2003.

Obligations of credit and other institutions.

2.(1) This rule applies to–

(a) undertakings carrying out relevant financial business as defined by section 8 of the Criminal Justice Act;

(b) any other institution or person engaged in the sorting and distribution to the public of notes and coins as a professional activity, including establishments whose activity consists in exchanging notes and coins of different currencies, such as bureaux de change.

(2) Where a business, institution or person to which this rule applies receives any note or coin which it knows to be or has sufficient reason to believe it to be forged or counterfeit, it shall–

(a) withdraw any relevant note or coin from circulation;

(b) forthwith notify the Royal Gibraltar Police of all relevant facts; and

(c) hand-over the relevant note or coin to the Commissioner of Currency as appointed under section 3 of the Currency Notes Act, or some other person authorised by him to act on his behalf, which at all times will include an officer of the Royal Gibraltar Police.

(3) Any person, including any body corporate, that contravenes this rule shall be guilty of an offence and liable–

(a) on conviction on indictment, to imprisonment not exceeding a term of two years or to a fine or both;

(b) on summary conviction, to a fine not exceeding level 5 on the standard scale.

(4) Where an offence under this rule is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to

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be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any other person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where the affairs of a body corporate are managed by the members, this rule shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of a body corporate.

(6) Where an offence under this rule is committed by a partnership, or by an unincorporated association other than a partnership, and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner in the partnership or (as the case may be) a person concerned in the management or control of the association he, as well as the partnership or association, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(7) This rule is without prejudice to any other provisions of law, in particular offences under the Criminal Offences Act, or the application of any regulatory or licensing provisions or sanctions to any relevant business, institution or person.

Offences concerning the Euro: currency notes.

3. In respect of any offence concerning the forgery of any Euro currency note, where–

(a) had all relevant conduct taken place within Gibraltar, an offence would have been committed under these Rules or under Parts III, IV, V and XVII of the Criminal Offences Act; and

(b) part of the relevant conduct did take place in Gibraltar,

the offence may be treated as having wholly taken place in Gibraltar.

Offences concerning the Euro: coins.

4. In respect of any offence concerning the counterfeiting of any Euro coin, where–

(a) had all relevant conduct taken place within Gibraltar, an offence would have been under these Rules or under Parts III, IV, V and XVIII of the Criminal Offences Act; and

(b) part of the relevant conduct did take place in Gibraltar,

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the offence may be treated as having wholly taken place in Gibraltar.

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