

C.S.O. 646/22.

No. S. 117.

**FORGERY ORDINANCE, 1922.**

[ORDINANCE No.      OF 1922]

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ARRANGEMENT OF SECTIONS.

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Section

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LEGISLATIVE COUNCIL.

DRAFT BILL.

The following draft bill is published for general information.

A BILL

INTITULED

An Ordinance to consolidate, simplify, and amend the law relating to forgery and kindred offences.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Forgery Ordinance, 1922. Short title.

2.—(1) In this Ordinance :—

Interpretation.  
3 & 4 Geo. 5.  
c. 27. s. 18.

- (a.) "Bank note" includes any note or bill of exchange of the Bank of England or Bank of Ireland, 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":
- (b.) "Die" includes any plate, type, tool, chop, or implement whatsoever, and also any part of any die plate, type, tool, chop, or implement, and any stamp or impression thereof or any part of such stamp or impression :
- (c.) "Document of title to goods" includes any bill of lading, India warrant, dock warrant, godown warrant, warehouse keepers 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 indorsement or by delivery the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to :
- (d.) "Document of title to lands" includes any 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 :
- (e.) "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 :
- (f.) "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 :
- (g.) "Stamp" includes a stamp impressed by means of a die as well as an adhesive stamp :
- (h.) "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 part of His Majesty's dominions or of any foreign state, or in any stock, annuity, fund, or debt of any body corporate, company, or society,

whether within or without His Majesty's dominions, 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 accountable receipt, release, or discharge, or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal.

(2) References in this Ordinance to any Act in force in the United Kingdom at the commencement of this Ordinance shall be held to include a reference to that Act as amended, extended, or applied by any other Act.

Definition of forgery.  
3 & 4 Geo. 5,  
c. 27, s. 1.

3.—(1) For the purposes of this Ordinance 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 Ordinance 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 Ordinance provided.

(2) A document is false within the meaning of this Ordinance 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 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;
- (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 Ordinance:—

- (a.) It is immaterial in what language a document is expressed or in what place within or without His Majesty's dominions 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 such cheque, draft, order, coupon, or document.

Forgery of certain documents with intent to defraud.  
3 & 4 Geo. 5,  
c. 27, s. 2.

4.—(1) Forgery of the following documents, if committed with intent to defraud, shall be felony and punishable with 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;
- (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 indorsement on or assignment of any bank note.

(2) Forgery of the following documents, if committed with intent to defraud, shall be felony and punishable with imprisonment for any term not exceeding fourteen years :—

(a.) Any valuable security or assignment thereof or indorsement 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 indorsement thereon ;

(c.) Any document of title to goods or any assignment thereof or indorsement thereon ;

(d.) Any power of attorney or other authority to transfer any share or interest in any stock, annuity, or public fund of the United Kingdom or any part of His Majesty's dominions or of any foreign state or country or to transfer any share or interest in the debt of any public body, company, or society, British or foreign, 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 hereinbefore mentioned or to any dividend or interest payable in respect thereof ;

(f.) Any policy of insurance or any assignment thereof or indorsement thereon ;

(g.) Any charter-party or any assignment thereof ;

(h.) Any declaration, warrant, order, affidavit, affirmation, certificate, or other document required or authorised to be made by or for the purposes of the Government Annuities Act, 1829, or the Government Annuities Act, 1832, or by the National Debt Commissioners acting under the authority of the said Acts ;

10 Geo. 4.  
c. 24.  
2 & 3 Will. 4.  
c. 59.

(i.) Any certificate, certificate of valuation, sentence or decree of condemnation or restitution, or any copy of such sentence or decree, or any receipt required by the Slave Trade Acts.

5.—(1) Forgery of the following documents, if committed with intent to defraud or deceive, shall be felony, and punishable with imprisonment for life :—

Any document whatsoever having thereupon or affixed thereto the stamp or impression of the Great Seal of the United Kingdom, His Majesty's Privy Seal, any privy signet of His Majesty, His Majesty's Royal Sign Manual, any of His Majesty's seals appointed by the Twenty-fourth Article of the Union between England and Scotland to be kept, used, and continued in Scotland, the Great Seal of Ireland, the Privy Seal of Ireland or the Public Seal of the Colony.

Forgery of  
certain docu-  
ments with  
intent to  
defraud or  
deceive.  
3 & 4 Geo. 5,  
c. 27, s. 3.

(2) Forgery of the following documents, if committed with intent to defraud or deceive, shall be felony, and punishable with imprisonment for any term not exceeding 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 the Colony, 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 baptisms, marriages, burials, or cremations, directed or required by law to be transmitted to any registrar or other officer ;
- (c.) Any register of the birth, baptism, death, burial, or cremation of any person to be appointed a nominee under the provisions of the Government Annuities Act, 1829, or any copy or certificate of any such register, or the name of any witness to any such certificate ;
- (d.) Any wrapper or label provided by or under the authority of the Governor or the head of any department of the Government of the Colony.

(3) Forgery of the following documents, if committed with intent to defraud or deceive, shall be felony, and punishable with imprisonment for any term not exceeding seven years :—

- (a.) Any official document whatsoever of or belonging to any court of justice, or made or issued by any judge, magistrate, 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 magistrate is authorised or required by law to make or issue ;
- (e.) Any document which any person authorised to administer an oath under the Commissioners for Oaths Act, 1889, is authorised or required by law to make or issue ;
- (f.) Any document made or issued by an officer of state or law officer of the Crown, or any document upon which, by the law or usage at the time in force, any court of justice or any officer might act ;
- (g.) Any document or copy of a document used or intended to be used in evidence in any court of record, or any document which is made evidence by law ;
- (h.) Any certificate required by any enactment for the celebration of marriage ;
- (i.) Any licence for the celebration of marriage which may be given by law ;
- (j.) Any certificate, declaration, or order under any enactment relating to the registration of births or deaths ;
- (k.) 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, or any entry or indorsement required by the said Part of the said Act to be made in or on any of those documents ;
- (l.) Any permit, certificate, or similar document made or granted by or under the authority of the Governor or the head of any department of the Government of the Colony.

52 Vict. c. 10.

57 & 58 Vict.  
c. 60.

Forgery of  
other docu-  
ments with  
intent to de-  
fraud or to  
deceive a  
misdemean-  
our.  
3 & 4 Geo. 5,  
c. 27, s. 4.

6.—(1) Forgery of any document, which is not made felony under this or any other enactment for the time being in force, if committed with intent to defraud, shall be a misdemeanour and punishable with imprisonment for any term not exceeding two years.

(2) Forgery of any public document which is not made felony under this or any other enactment for the time being in force, if committed with intent to defraud or deceive, shall be a misdemeanour and punishable with imprisonment for any term not exceeding two years.

7.—(1) Forgery of the following seals, if committed with intent to defraud or deceive, shall be felony and punishable with penal servitude for life :—

Forgery of seals and dies.  
3 & 4 Geo. 5, c. 27, s. 5.

(a.) The Great Seal of the United Kingdom, His Majesty's Privy Seal, any privy signet of His Majesty, His Majesty's Royal Sign Manual, any of His Majesty's seals appointed by the Twenty-fourth Article of the Union between England and Scotland to be kept, used, and continued in Scotland, the Great Seal of Ireland, the Privy Seal of Ireland, or the Public Seal of the Colony.

(b.) The seal of any court of record.

(2) Forgery of the following seals, if committed with intent to defraud or deceive, shall be felony, and punishable with imprisonment for any term not exceeding fourteen years :—

(a.) The seal of any register office relating to births, baptisms, marriages, or deaths ;

(b.) The seal of or belonging to any office for the registry of deeds or titles to lands.

(3) Forgery of the following seal, if committed with intent to defraud or deceive, shall be felony and punishable with imprisonment for any term not exceeding seven years :—

The seal of any court of justice other than a court of record.

(4) Forgery of the following seals or dies, if committed with intent to defraud or deceive, shall be felony and punishable with imprisonment for any term not exceeding seven years :—

(a.) Any seal or die provided, made, or used by or under the authority of the Governor or the head of any department of the Government of the Colony.

(b.) Any seal or die provided, made or used by any person, firm or company for the purpose of the affairs of such person, firm or company.

8.—(1) Every person who utters any forged document, seal, or die shall be guilty of an offence of the like degree (whether felony or misdemeanour) and on conviction thereof shall be liable to the same punishment as if he himself had forged the document, seal, or die.

Uttering.  
3 & 4 Geo. 5, c. 27, s. 6.

(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 said 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 said forged document, seal, or die.

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

9. Every person shall be guilty of felony and on conviction thereof shall be liable to imprisonment for any term not exceeding fourteen years, 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, &c.  
3 & 4 Geo. 5, c. 27, s. 7.

- (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 such probate or letters of administration shall have been obtained to have been forged, or knowing such probate or letters of administration to have been obtained by any false oath, affirmation, or affidavit.

Possession of forged documents, seals, and dies.  
3 & 4 Geo. 5, c. 27, s. 8.

10.—(1) Every person shall be guilty of felony and on conviction thereof shall be liable to imprisonment for any term not exceeding fourteen years, 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, knowing the same to be forged.

(2) Every person shall be guilty of felony and on conviction thereof shall be liable to imprisonment for any term not exceeding seven years, 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—

Any forged seal or die the forgery of which with intent to defraud or deceive is made punishable by section 7.

Making or having in possession paper or implements for forgery.  
3 & 4 Geo. 5, c. 27, s. 9.

11. Every person shall be guilty of felony and on conviction thereof shall be liable to imprisonment for any term not exceeding seven years, 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;
  - (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 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 part of His Majesty's Dominions or of any foreign state, or in any stock, annuity, fund, or debt of any body corporate, company, or society, whether within or without His Majesty's dominions;
- (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 aforesaid;
- (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 aforesaid.

12.—Any person who knowingly and wilfully aids, abets, counsels, causes, procures, or commands the commission of an offence punishable under this Ordinance shall be liable to be dealt with, indicted, tried, and punished as a principal offender.

Accessories  
and abettors.  
3 & 4 Geo. 5,  
c. 27, s. 11.

13.—(1) On conviction of a misdemeanour punishable under this Ordinance the court or magistrate, instead of or in addition to any other punishment which may be lawfully imposed, may fine the offender.

Punishments.  
3 & 4 Geo. 5,  
c. 27, s. 12.

(2) On conviction of a felony punishable under this Ordinance, the court or magistrate, in addition to imposing a sentence of imprisonment, may require the offender to enter into his own recognizances, with or without sureties, for keeping the peace and being of good behaviour.

(3) On conviction of a misdemeanour punishable under this Ordinance, the court or magistrate, instead of or in addition to any other punishment which may lawfully be imposed for the offence, may require the offender to enter into his own recognizances, with or without sureties, for keeping the peace and being of good behaviour.

(4) No person shall be imprisoned under this section for more than one year for not finding sureties.

14.—Where the having any document, seal, or die in the custody or possession of any person is in this Ordinance expressed to be an offence, a person shall be deemed to have a document, seal or die in his custody or possession if he—

Criminal  
possession.  
3 & 4 Geo. 5,  
c. 27, s. 15.

- (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.

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

Search  
warrants.  
3 & 4 Geo. 5,  
c. 27, s. 16.

- (a) any bank note ; or
- (b) any implement for making paper or imitation of the paper used for bank notes ; or
- (c) any material having thereon any words forms, devices, or characters capable of producing or intended to produce the impression of a bank note ; or
- (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 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 a magistrate to be by him disposed of according to law.

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

- (a) by order of the court or magistrate before which the offender is tried ; or
- (b) if there be no trial, by order of a magistrate.



Form of indictment and proof of intent. 3 & 4 Geo. 5, c. 27, s. 17.

16.—(1) In an indictment or information for an offence against this Ordinance 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.

(2) Where an intent to defraud or an intent to deceive is one of the constituent elements of an offence punishable under this Ordinance, or under any other enactment relating to forgery or any kindred offence for the time being in force, it shall not be necessary 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.

(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, nor one of such beneficial owners.

Savings. 3 & 4 Geo. 5, c. 27, s. 19.

17.—(1) Where an offence against this Ordinance also by virtue of some other enactment 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 Ordinance shall be in addition to and not in substitution for his liability under such other enactment.

(2) Where an offence against this Ordinance is also an offence under the terms of any other Ordinance, whether passed before or after the commencement of this Ordinance, proceedings may be taken either under such other Ordinance or under this Ordinance.

Amendment of Ordinance No. 4 of 1865, s. 44. Ordinance No. 17 of 1919.

18. Section 44 of the Forgery Ordinance, 1865, as amended by section 8 of the Indictments Ordinance, 1919, is repealed and the following section is substituted therefor:—

Intent to defraud particular person need not be proved.

44. Where an intent to defraud is one of the constituent elements of an offence punishable under this Ordinance, it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the accused did the act charged with intent to defraud.

Amendment of Ordinance No. 2 of 1889, s. 51 (2).

19. Sub-section (2) of section 51 of the Evidence Ordinance, 1889, is hereby amended by the substitution of the word "forged" for the word "such" in the first line thereof.

Repeals.

20. The enactments specified in the Schedule are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULE.

ENACTMENTS REPEALED.

Number and year of Ordinance.	Short Title.	Extent of Repeal.
4 of 1865.	The Forgery Ordinance, 1865.	Sections two to four, both inclusive. Section six. Sections nine to twenty-nine, both inclusive. Section thirty, paragraphs (2) to (6), both inclusive. Sections thirty-one to thirty-four, both inclusive. Section thirty-six. Section thirty-seven, paragraphs (2) and (6); the words "or seal"; and the words "forged or altered" in both places where they occur. Section thirty-eight, paragraph (2). Sections thirty-nine to forty-one, both inclusive. Sections forty-five and forty-six.
2 of 1889.	The Evidence Ordinance, 1889.	Section fifty-one, sub-section (1).
10 of 1899.	The Merchant Shipping Ordinance, 1899.	Section forty-one, sub-section (10).
3 of 1890.	The Magistrates Ordinance, 1890.	Third schedule, paragraph 15.
7 of 1896.	The Births and Deaths Registration Ordinance, 1896.	Section twenty-five paragraphs (2) to (6), both inclusive.
8 of 1896.	The Sale of Food and Drugs Ordinance, 1896.	Section twenty-three, sub-section (1).
58 of 1911.	The Companies Ordinance, 1911.	Section thirty-nine, sub-section (1), paragraph (1) and sub-section (2).

*Objects and Reasons.*

1. As stated in the long title, the object of this bill is to consolidate, simplify and amend the law relating to forgery and kindred offences.

2. The bill proposes to repeal the greater part of the Forgery Ordinance, 1865. The portions of that Ordinance which are to be left unrepealed deal with matters which either would not properly come within the scope of this bill or could not conveniently be inserted in it. The sections which are to be left standing, wholly or in part, are sections 1, 5, 7, 8, 30, 35, 37, 38, 44 and 48 to 50.

3. As the bill follows closely the English Forgery Act, 1913, 3 and 4 Geo. 5, c. 27, and as the Forgery Ordinance, 1865, was based on the English Forgery Act, 1865, 24 and 25 Vict. c. 98, it has not been thought necessary to prepare a table of correspondence between the clauses of the bill and the sections of the existing Ordinance, such as is usual in the case of consolidating bills. The preparation of such a table in the present case would have been a matter of some difficulty, and the table would not have been of great use, owing to the considerable rearrangements of provisions which have been made.

4. The reasons for the proposed legislation are as follows:—

5. In the first place, as our criminal law is based mainly on the English criminal law it is obviously desirable to bring our law up to date so as to make it conform with English criminal law legislation. In this way, also, we get the benefit of the latest English decisions. A further small point is that adopting such an Act as the Forgery Act, 1913, may be a convenience in the adoption of other English statutes. For example, the Forgery Act, 1913, repeals part of section in the Companies Consolidation Act, 1908, which deals with a question of forgery. If we were adopting the Companies Consolidation Act, 1908, it might very well be that this particular forgery provision, which would be necessary in our Ordinance, would be overlooked. This is merely an example, as of course we have already adopted the Companies Consolidation Act, 1908.

6. One advantage of the bill is that it contains in clause 3 a wide and careful definition of forgery. The present Ordinance contains no definition of forgery.

7. The arrangement of the bill is much simpler than that of the existing Ordinance. For example section after section of the Ordinance repeats the phrase, "forges or alters, or offers, utters, disposes of, or puts off", or some similar phrase. In the bill uttering is dealt with once for all in clause 8.

8. The language is also simplified. For example the phrases, "forges or counterfeits" and "forges or alters", run right through the Ordinance. The definition in clause 3 enables the single word "forge" to be used throughout.

9. Under the Ordinance it is often difficult to discover the proper section for any given set of facts, and in spite of the particularity of the Ordinance it is often necessary to lay a charge under the common law. The bill will avoid much of this difficulty, and it contains in clause 6 a general clause providing for any forgery of any document which is not specifically dealt with in the bill.

10. The bill is also more comprehensive in other ways. For example, a case occurred recently in which a person had a false chop cut, intending to use it for the purpose of concealing from his employer a certain fraud which he intended to commit on his employer. This appears to be no offence under the existing law, but it would fall under clause 7 (4) (b) of the bill.

11. Clause 16 of the bill deals with matters which are also dealt with under rules 5 and 7 of the rules contained in the First Schedule to the Indictments Ordinance, 1919, but the clause is of wider extent than those rules, and it is therefore included. It may be remarked that the same position exists in England with regard to the indictment rules in force there and the corresponding section in the English Forgery Act of 1913.

12. In the following cases it has been decided not to repeal or amend sections in the existing Ordinance dealing with forgery and allied offences.

13. Ordinance No. 1 of 1844, s. 24. This section deals with matters other than forgery, and it would be difficult to disentangle the forgery provisions. Besides, it provides a higher maximum penalty than the sub-clause in the bill under which the forgery of Land Office records would otherwise fall.

14. Ordinance No. 3 of 1888, ss. 46 and 47. The provisions relating to passes have long been obsolete, and in any case the amendment of this Ordinance is under consideration.

15. Ordinance No. 4 of 1890, s. 3. It seems desirable not to make the Ordinance incomplete by extracting one particular provision. Besides, forgery of a trade mark is specially defined in section 4 of the Ordinance, and that section provides for burden of proof in a particular case. The corresponding section in the English Act has not been amended by the Forgery Act, 1913.

16. Ordinance No. 3 of 1894, s. 6. This section deals with other offences relating to telegrams as well as to forgery of telegrams. The corresponding section in the English Act has not been repealed.

17. Ordinance No. 10 of 1899, ss. 4 (18). Similar remarks apply to this section.

18. Ordinance No. 40 of 1909, s. 59. The corresponding section of the English Act has not been repealed.

19. Ordinance No. 35 of 1911, sections 10, 11 and 12. The corresponding sections in the English Act have been repealed wholly or in part, but it is more difficult to disentangle the forgery provisions from section 10 of the above Ordinance than from the corresponding section in the English Act. Besides, leaving the section standing makes the Ordinance more complete. On the whole it has been decided not to touch these three sections.

20. Ordinance No. 30 of 1915, ss. 39 and 52. Section 39 deals with offences relating to passage tickets other than the forging of tickets. Paragraph (b) of section 52 might be repealed, but it makes the Ordinance more complete to leave these two sections untouched.

21. Ordinance No. 2 of 1916, s. 2. It seems better not to deal with the question of false passports.

22. Ordinance No. 27 of 1917, s. 2. This section is allowed to stand because it appears that the possession of the wrappers and labels would not be an offence under the bill, though possession of the dies would be an offence.

23. With reference to the cases in which an offence under the bill would also be an offence under terms of some other enactment, attention is directed to clause 17 (2), which provides that in such a case proceedings may be taken either under the bill when passed or under the other enactment.

J. H. KEMP,  
*Attorney General.*

*2nd February, 1922.*