SCOTTISH STATUTORY INSTRUMENTS

2005 No. 321

CRIMINAL LAW

The False Monetary Instruments (Scotland) Order 2005

Made - - - -	*7th June 2005*
Laid before the Scottish Parliament	*9th June 2005*
Coming into force - -	*1st July 2005*

The Scottish Ministers, in exercise of the powers conferred on them by section 46A(8) of the Criminal Law (Consolidation) (Scotland) Act 1995(**a**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the False Monetary Instruments (Scotland) Order 2005 and shall come into force on 1st July 2005.

(2) In this Order, "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 the United Kingdom or elsewhere.

Specified monetary instruments

2. The following monetary instruments are hereby specified for the purposes of section 46A of the Criminal Law (Consolidation) (Scotland) Act 1995–

(a) money orders;

(b) postal orders;

(c) United Kingdom postage stamps;

(d) share certificates;

(e) cheques and other bills of exchange;

(f) travellers' cheques;

(g) bankers' drafts;

(h) promissory notes;

(**a**) 1995 c.39; section 46A was inserted by section 89 of the Crime (International Co-operation) Act 2003 (c.32).

(i) cheque cards;

(j) debit cards; and

(k) credit cards.

CATHY JAMIESON
A member of the Scottish Executive

St Andrew's House,
Edinburgh
7th June 2005

EXPLANATORY NOTE

(This note is not part of the Order)

Section 46A of the Criminal Law (Consolidation) (Scotland) Act 1995 makes it an offence for a person to counterfeit or falsify a specified monetary instrument or to have in his or her custody or control equipment for making a specified monetary instrument.

This Order specifies the monetary instruments to which section 46A applies. The monetary instruments specified in the Order include (but are not limited to) those required to implement Article 2 of the EU Framework Decision of 28th May 2001 (2001/413/JHA) on combating fraud and counterfeiting of non-cash means of payment.

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