

CURRENCY ACT, 1964 (ACT 242)

As amended by

CURRENCY (AMENDMENT) DECREE, 1967 (NLCD 147).1

CURRENCY ACT, 1964 (AMENDMENT) DECREE, 1973 (NRCD 183).2

CURRENCY (AMENDMENT) DECREE, 1974 (NRCD 295).3

CURRENCY (AMENDMENT) DECREE, 1977 (SMCD 100).4

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SCHEDULE

Schedule



REPUBLIC OF GHANA

**THE TWO HUNDRED AND FORTY-SECOND
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
THE CURRENCY ACT, 1964**

AN ACT to amend and consolidate the law relating to coins and notes issued by the Bank of Ghana, to prohibit certain acts tending to depreciate the currency, to provide for the prohibition of the importation and exportation of specified coins and notes and for matters incidental to or connected with the matters aforesaid.

DATE OF ASSENT: 22nd May, 1964

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

PART I—ACTS TENDING TO DEPRECIATE THE CURRENCY

Section 1—Discounting of Coins or Notes.

Any person who—

- (a) buys or sells or offers or attempts to buy or sell; or
- (b) induces or attempts to induce any other person to buy or sell; or
- (c) offers or accepts or offers to accept in payment of a debt or otherwise,

any current coin or any note at or for a lower rate of value than its face value, shall be guilty of an offence.

Section 2—Purchase of Silver Coin for Amount Exceeding Face Value.

Any person who—

- (a) buys or sells or offers or attempts to buy or sell; or
- (b) induces or attempts to induce any other person to buy or sell; or

(c) offers or accepts or offers to accept in payment of a debt or otherwise,

any current silver coin which is legal tender in Ghana for an amount exceeding the face value of the coin shall be guilty of an offence.

Section 3—Prohibition of Varying Price.

If at any sale or bargain for the sale of goods or property any person shall agree or stipulate or attempt to make it a condition of such sale that the price of such goods or property shall—

(a) be increased if such price or part thereof is paid in current coin or notes; or

(b) be decreased if such price or part thereof is paid in current silver coin; or

(c) be variable in any manner according as payment or part thereof is made in current coin, or current silver coin, or notes that person shall be guilty of an offence.

Section 4—Refusal to Sell Articles on Tender of Notes, Current Coin.

If it appears to the court that any person has refused to sell any article exposed for sale in the ordinary way of business and that such refusal was due to the offer or proposed offer by the intending purchaser of a current coin or note or of current coins and notes in payment for the article so exposed for sale, such person shall be guilty of an offence.

Provided that no person shall be deemed to be guilty of an offence under this section by reason of his refusal to accept in payment for any article exposed for sale, any currency coin or note which has ceased to be legal tender.[Inserted by the Currency (Amendment) Decree, 1967 (NLCD 147), s. 2].

Section 5—Penalty.

(1) Any person who is guilty of an offence under sections 1, 2, or 3 of this Part of this Act shall, on conviction thereof, be liable to a term of imprisonment not exceeding ten years, or to a fine not exceeding five hundred Ghanaian pounds, or to both such imprisonment and such fine.

(2) Every person who is guilty of an offence under section 4 of this Part of this Act shall, on conviction thereof, be liable to a term of imprisonment not exceeding three years, or to a fine not exceeding two hundred and fifty Ghanaian pounds, or to both such imprisonment and such fine.

PART II —OFFENCES RELATING TO COINS

Section 6—Counterfeiting

(1) Any person who falsely makes or counterfeits any coin resembling or apparently intended to resemble or pass for any current coin shall be guilty of a second degree felony.

(2) The offence of falsely making or counterfeiting a current coin shall be deemed to be complete although the coin made or counterfeited is not in a fit state to be uttered or the making or counterfeiting thereof has not been finished or perfected.

Section 7—Unlawful Enquiries Relating to Current Coin.

(1) Any person who, without lawful authority or excuse, makes any enquiry, either orally or in writing of any other person, whether such other person be in or outside Ghana, as to—

(a) the cost of obtaining or supplying any instrument or thing for the purpose of committing any crime relating to a current coin or for making any material for the purpose of committing any such crime;

(b) the cost of making, minting, stamping or otherwise reproducing any counterfeited coin; or

(c) whether such other person is or would be prepared to—

(i) make, mint, stamp or otherwise reproduce any counterfeited coin, or

(ii) obtain or supply any counterfeited coin, or

(iii) obtain or supply any instrument or thing for the purpose of committing any crime relating to a current coin or for making any material for the purpose of committing any such crime,

shall be guilty of a second degree felony.

(2) In the case of a written enquiry in relation to any of the matters mentioned in subsection (1) of this section the fact that the enquiry was made in writing shall be sufficient proof of an attempt on the part of the person by whom the enquiry was made to commit the offence and such person shall on conviction be liable to the same penalty as a person convicted of the offence.

Section 8—Gilding, Silvering, Filing and Altering.

Any person who—

(a) gilds or silvers, or, with any wash or materials capable of producing the colour or appearance of cupro-nickel or silver, or by any means whatsoever washes, cases over or colours—

(i) any coin whatsoever resembling any current coin;

(ii) any current copper coin with intent to make it pass for any other current coin; or

(iii) any piece of silver or copper or coarse silver or of any metal or mixture of metals, being of fit size and figure to be coined, with intent that it be coined into false and counterfeit coin resembling any current coin; or

(b) files or in any manner alters any current copper coin with intent to make it resemble or pass for any current cupro-nickel or silver coin,

shall be guilty of a second degree felony.

Section 9—Impairing Coin and Unlawful Possession of Filings, Etc.

(1) Any person who impairs, diminishes or lightens any current coin with intent that the coin so impaired, diminished or lightened may pass for a current coin shall be guilty of a second degree felony.

(2) Any person who, without lawful authority or excuse, has in his possession any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution or otherwise

which has been produced or obtained by impairing, diminishing or lightening any current coin, knowing that it has been so produced or obtained, shall be guilty of a second degree felony.

Section 10—Uttering, Possession of Counterfeit Coins.

(1) Any person who tenders, utters or puts off any coin resembling any current coin knowing it to be false or counterfeit shall be guilty of a second degree felony.

(2) Any person who commits an offence under subsection (1) and at the time of such offence has in his custody or possession, besides the coin so tendered, uttered or put off, any other such false or counterfeit coin shall be guilty of a second degree felony.

(3) Any person who commits an offence under subsection (1) and on the day of such offence, or within the period of ten days next following tenders, utters or puts off any other such coin as aforesaid knowing it to be false or counterfeit shall be guilty of a second degree felony.

(4) Any person who has in his possession three or more coins resembling any current coin knowing them to be false or counterfeit and with intent to tender, utter or put off the said coins or any of them shall be guilty of a misdemeanor.

(5) For the purposes of this section the offence of tendering, uttering, or putting off a coin shall be deemed to be complete although the coin is not in a fit state to be uttered or the counterfeiting thereof has not been finished or perfected.

Section 11—Making, Possessing, or Selling Metals Resembling Coin.

Any person who, without lawful authority or excuse makes, sells, offers for sale, or has in his possession for sale, any metal, cast, coin, or other like thing made wholly or partly of metal or any mixture of metals, and either—

(a) resembling in size, figure and colour any current coin; or

(b) having thereon a device on any current coin; or

(c) being so formed that it can by gilding, silvering, colouring, washing or other like process be so dealt with as to resemble any current coin,

shall be guilty of a second degree felony.

Section 12—Making, Mending or having Possession of Coin Instruments, Etc.

(1) Any person who, without lawful authority or excuse, knowingly—

(a) makes or mends, or begins or proceeds to make or mend, or

(b) buys or sells, or

(c) has in his possession

any of the instruments or things to which this section applies shall be guilty of a first degree felony.

(2) This section applies to the following instruments and things, namely—

(a) any puncheon, counter-puncheon, matrix, stamp, die, pattern or mould in or upon which there is made or impressed, or which will make or impress, the figure, stamp or apparent

resemblance of both or either of the sides of any current coin, or any part of both or either of those sides;

(b) any edger, edging or other tool, collar, instrument or engine adapted and intended for the marking of coin around the edges with letters, grainings or other marks or figures apparently resembling those on the edges of any current coin;

(c) any press for coinage, or any cutting engine for cutting by force of a screw or of any other contrivance round blanks out of gold, silver or other metal or mixture of metals, or any other machine used or intended to be used for the false making or counterfeiting of any current coin;

(d) any instrument or thing specially contrived or adapted for the purpose of committing any offence relating to coin.

(3) It shall be a sufficient defence in proceedings under this section relating to the making, buying, selling or having possession of any tool, engine, instrument or thing mentioned in subsection (2) of this section that the person charged did not know that such tool, engine, instrument or thing was adapted or intended to be used for any purpose mentioned in the said subsection (2).

Section 13—Discovery and Seizure of Counterfeit Coins, Etc.

(1) If any person finds in any place whatsoever or in the possession of any person without lawful authority or excuse—

(a) any coin resembling any current coin (in this Act referred to as a "counterfeit coin"); or

(b) any tool, engine, instrument or thing adapted and intended for the counterfeiting of any coin (in this Act referred to as a "counterfeiting instrument"); or

(c) any filings or clippings, or any silver bullion, or any silver in dust solution or otherwise, which have been produced or obtained by diminishing or lightening any current coin (in this Act referred to as "counterfeiting material"),

he shall seize the counterfeit coin, or, counterfeiting instrument or counterfeiting material and carry it forthwith before a District Magistrate.

Section 14—Evidence of Coin being Counterfeited

The fact that a coin produced in evidence in any prosecution for an offence under any provision of this Act is false and counterfeit may be proved by the evidence of any competent and credible witness.

Section 15—Offence after previous Conviction

(1) Any person who commits an offence under any provision of this Part of this Act (other than the offence under subsection (4) of section 10 of being in unlawful possession of any current copper coin) and was previously convicted of such offence or of any other offence under this Act shall be guilty of a first degree felony.

PART III—OFFENCES RELATING TO NOTES

Section 16—Forgery of Notes

(1) For the purposes of this Act, forgery is the making of a false note in order that it may be used as genuine .

(2) A note is false within the meaning of this Act if—

(a) the whole or any material part thereof purports to be made by or on behalf or on account of the Bank of Ghana or of the lawful authority of the country in which the note is legal tender; or

(b) although made by or on behalf or on account of the Bank of Ghana or of such lawful authority the time or place of making, where either is material, or, the number or any distinguishing mark identifying the note is falsely printed, engraved, impressed or otherwise stated thereon.

In particular a note is false if any material alteration, whether by addition, insertion, obliteration, erasure, removal or otherwise has been made therein.

(3) For the purposes of this Part of this Act, forgery of a note may be complete even if the note when forged is incomplete, or is not or does not purport to be such a note as would be binding or sufficient in law.

Section 17—Uttering of Forged Notes

A person utters a forged note who knowing the note to be forged, and with intent to defraud uses, offers, publishes, delivers, disposes of, tenders in payment or exchange, exchanges, tenders in evidence, or puts off the forged note.

Section 18—Offences of Forgery, Uttering or Possession of Forged Notes

(1) A person who,

(a) with intent to defraud, forges any note, or

(b) utters any forged note wherever forged,

shall be guilty of a first degree felony.

(2) A person who without lawful authority or excuse, purchases or receives from any other person, or has in his custody or possession any forged note knowing the note to be forged, shall be guilty of a second degree felony.

Section 19—Offences of making or having in Possession Paper or Implements

Any person shall be guilty of a first degree felony who without lawful authority or excuse—

(a) makes, uses, or knowingly has in his custody or possession

(i) any paper intended to resemble and pass as special paper such as is provided and used for the making of any note, or

(ii) 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 note, or

(b) 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 note; or

(c) uses or knowingly has in his custody or possession

(i) 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, or

(ii) any paper on which any such words, figures, letters, marks, lines or devices have been printed or in anywise made as aforesaid.

Section 20—Forgery by Member of Partnership, Etc

If any person who is a member of any partnership, or is one of two or more beneficial owners of any property, forges any note to defraud the partnership or the other beneficial owner or owners, he is liable to be dealt with, indicted, tried and punished as if he had not been and was not a member of the partnership nor one of such beneficial owners.

Section 21—Designation of Note in Form of Indictment

In an indictment for an offence under this Part of this Act it is sufficient to refer to the note to which the indictment relates 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 note.

Section 22—Unlawful Enquiries Relating to Notes

(1) Any person who, without lawful authority or excuse, makes any enquiry, either orally or in writing of any other person, whether such other person be in or outside Ghana, as to—

(a) the cost of obtaining or supplying any instrument or thing for the purpose of committing any crime relating to any note or for making any material for the purpose of committing any such crime;

(b) the cost of making, stamping or otherwise reproducing any false note; or

(c) whether such other person is or would be prepared to—

(i) make, stamp or otherwise reproduce any false note, or

(ii) obtain or supply any false note, or

(iii) obtain or supply any instrument or thing for the purpose of committing any crime relating to a note or for making any material for the purpose of committing any such crime,

shall be guilty of a second degree felony.

(2) In the case of a written enquiry in relation to any of the matters mentioned in subsection (1) of this section the fact that the enquiry was made in writing shall be sufficient proof of the commission of the offence by the person by whom the enquiry was made and such person shall on conviction be liable to the same penalty as a person convicted of the offence.

Section 22A—Evidence of Forged Notes

(1) Notwithstanding any provision in any enactment to the contrary where in any proceedings in any court of competent jurisdiction it has to be determined whether a document purporting to be a note which is used for the time being as money in any country other than Ghana and which is legal tender in that other country is a false note, a certificate in the form set out in the Schedule to this Act under the hand of the lawful authority of the country in which the note is legal tender shall be received in evidence without further proof as conclusive evidence of the fact that such document is a false note.

(2) For the purpose of determining whether a person is the lawful authority of the country in which a note is legal tender, a certificate under the hand of the Governor or the Deputy Governor of the Bank of Ghana that such person is the lawful authority shall be received in evidence without further proof as conclusive evidence of the facts stated therein. [Inserted by the Currency Act, 1964 (Amendment) Decree, 1973 (NRCD 183), s. 1(a)]

PART IV—IMPORTATION AND EXPORTATION OF COINS OR NOTES

Section 23—Control of Importation or Exportation of Coins or Notes

(1) The Commissioner may by legislative instrument—

(a) prohibit or restrict the importation into Ghana of any coins or notes specified in the instrument whether such coins or notes are or are not legal tender in Ghana;

(b) prohibit or restrict the exportation from Ghana of any coins or notes specified in the instrument whether such coins or notes are or are not legal tender in Ghana;

(c) exempt any country from the operation of any such instrument. [As substituted by the Currency (Amendment) Decree, 1974 (NRCD 295), s.1]

(2) Any person who, in contravention of an instrument made under subsection (1), imports or exports or attempts to import or export any coins or notes shall be guilty of an offence and liable upon summary conviction, to a term of imprisonment not less than three years and not exceeding seven years without the option of a fine:

Provided that the court convicting a person under this subsection may impose a term of imprisonment less than three years or a fine not exceeding ₵20,000.00 or both if satisfied on grounds stated that the offence was trivial or that there are special circumstances relating to the offence or the offender which would render unjust the application of the minimum penalty prescribed by this subsection. [As substituted by the Currency (Amendment) Decree, 1977 (SMCD 100)]

Section 24—Permission to Import or Export Coins or Notes

(1) Section 23 shall not apply to any coin or note imported or exported with the written permission of the Bank of Ghana.

(2) Every such permission shall specify the terms on which the coins or notes to which it relates may be imported or exported, as the case may be.

(3) Any person who imports or exports any coins or notes in contravention of the terms of a permission under this section shall be deemed to be guilty of an offence under section 23(2). [As substituted by the Currency (Amendment) Decree, 1974 (NRCD 295), s.1]

Section 25—Further Penalty for Illegal Exportation

In the case of a conviction under section 23(2) for the offence of exporting any coins or notes the court may, in addition to the punishments authorised by that section, impose a further penalty not exceeding the amount or value of the coins or notes so exported. [As substituted by the Currency (Amendment) Decree, 1974 (NRCD 295), s.1].

Section 26—Prohibition of Circulation of Foreign Coins or Notes.

(1) The Commissioner may by legislative instrument prohibit the circulation in Ghana of any foreign coins or notes specified in the instrument whether such coins or notes are or are not legal tender in Ghana.

(2) Any person who in contravention of an instrument made under this section circulates or attempts to circulate any coin or note specified in the instrument shall be guilty of an offence and liable on summary conviction to a fine not exceeding ₵2,000.00

(3) For the purposes of subsection (2) a person shall not be deemed to circulate any coin or note who gives it to a banker or lawfully authorised money changer in exchange for any other coin or note. [As substituted by the Currency (Amendment) Decree, 1974 (NRCD 295), s.1].

Section 27—Importation or Exportation of Counterfeit Coin or Note.

Any person who, without lawful authority or excuse—

(a) imports into Ghana any coin or note knowing it to be counterfeit or false, or

(b) exports from Ghana, or puts on board any aircraft, ship, vehicle or any other conveyance for the purposes of being so exported, any coin or note knowing it to be counterfeit or false,

shall be guilty of an offence and liable on conviction to a fine not exceeding ₵5,000.00 or to imprisonment not exceeding ten years or to both. [As substituted by the Currency (Amendment) Decree, 1974 (NRCD 295), s.1].

Section 28—Forfeiture.

(1) Every coin or note or counterfeit coin or false note to which a conviction for any offence under this Part of this Act relates may be forfeited by a declaration of forfeiture made under this Act.

(2) Any coin or note the circulation of which in Ghana is for the time being prohibited by an instrument made under section 26 which is found in Ghana (otherwise than in the possession of a banker or a lawfully authorised money changer) after the expiration of thirty days from the date of publication of the instrument in the Gazette may be seized by any police officer and detained pending a declaration of forfeiture made under this Act. [As substituted by the Currency (Amendment) Decree, 1974 (NRCD 295), s.1].

Section 29—Definitions.

In this Part of this Act—

"banker" means any corporation carrying on the business of bankers or financial agents;

"coin" includes any coin of any metal or mixed metal;

"money changer" means any person who carried on the business of money changing.

PART V—MISCELLANEOUS

Section 30—Search Warrants

(1) Where it is made to appear by information on oath before any District Magistrate that there is reasonable ground for believing that

(a) any counterfeit coin or counterfeit instrument or counterfeiting material; or

(b) any forged note or any machinery, implement, utensil or material used or intended to be used for the forgery of notes or in connection therewith; or

(c) any coin or note or any counterfeit coin or forged note which has been imported or is in the act of being imported or exported in contravention of the provisions of this Act or of any order made thereunder

is to be found in any place the District Magistrate may by warrant under his hand direct any police officer named or specified therein to enter and search such place and search all persons therein.

(2) It shall be lawful for such police officer as aforesaid to seize all or any of the things mentioned in the relevant sub-paragraph of subsection (1) found in any such place and carry the things so seized before any Magistrate having jurisdiction in the area where they were found to be dealt with by him in accordance with the provisions of section 91 of the Criminal Procedure Code (Act 30).

Section 31—Arrest without Warrant

Any person found in the act of committing any offence against this Act may be immediately apprehended without a warrant by any person and forthwith taken before a Magistrate to be dealt with according to law.

Section 32—Aiders and Abettors

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

Section 33—Criminal Possession

(1) Where the having of any coin or note, or any instrument or other thing in the custody or possession of any person is in this Act expressed to be an offence, a person shall be deemed to have such coin, note, instrument or other thing 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.

(2) It is immaterial whether the thing such person had in such custody or possession or place is for his own use or for the use and benefit of another person.

Section 34—Onus of Proof as to Authority or Excuse

In any prosecution charging any person with an offence against this Act by the doing of anything or having anything in his custody or possession without lawful authority or excuse the onus of proof shall be on the person charged that he had lawful authority or excuse.

Section 35—Presumption as to Character of Coins or Notes

In any prosecution for an offence, and in any proceeding for the forfeiture of any coins or notes, under this Act, any coins or notes in respect of which such prosecution or proceeding has been instituted, shall be deemed to be the coins or notes of the kind specified in the charge, information or complaint, or in the application for such forfeiture, unless and until the contrary is shown.

Section 36—Intent to Defraud or Deceive

Where an intent to defraud or an intent to deceive is one of the constituent elements of an offence against this Act, 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 an intent to defraud or deceive.

Section 37—Recognizances to Keep the Peace

(1) On the conviction of any person for an offence against this Act the court in addition to imposing a sentence of imprisonment or a fine or both, may require the offender to enter into his own recognizances, with or without sureties, for keeping the peace and being of good behaviour.

(2) No person shall be imprisoned for more than one year for not finding sureties ordered by the court under subsection (1) of this section.

(3) Subsection (2) of this section shall not apply in the case of the conviction of any person for an offence under section 11.

Section 38—Declaration of Forfeiture

(1) A declaration of forfeiture may be made under this section in respect of

(a) any prohibited coin or note which is seized by a police officer under section 28(2) of this Act, or [As amended by the Currency (Amendment) Decree, 1974 (NRCD 295), s. 2]

(b) any coin or note to which a conviction for any offence under Part IV of this Act relates.

(2) Every such declaration shall be made by

(a) the High Court upon information filed by the Attorney-General, or

(b) the court by which a person is convicted of an offence under Part IV of this Act in relation to such coin or note, or

(c) where no person is so convicted, and the number of coins or notes does not exceed one hundred, any District Magistrate.

Section 39—Interpretation

In this Act unless the context otherwise requires—

"current coin" means any coin composed of mixed metal issued by the Bank of Ghana under the Bank of Ghana Act, 1963 (Act 182) or any metal used for the time being as money in any country other than Ghana and is legal tender in that other country;

"Minister" means the Minister responsible for Finance;

"note" means any note issued by the Bank of Ghana under the said Act or any paper used for the time being as money in any country other than Ghana and is legal tender in that other country.

Section 40—Repeals and Saving

(1) The Coinage Ordinance (Cap. 213) and the Currency Act, 1960 (Act 17) are hereby repealed.

(2) Sections 8 and 9 of the Exchange Control Act, 1961 (Act 71) in so far as they relate to the import and export of currency notes are hereby repealed; and the regulations relating to those matters made under that Act shall be deemed to have been made by a legislative instrument under section 23 of this Act.

(3) Currency Act, 1964 (Amendment) Decree, 1966 (NLCD 8). [Repealed by the Currency (Amendment) Decree, 1974 (NRCD 295), s. 3].

(4) Currency Act, 1964 (Amendment) (No. 2) Decree, 1966 (NLCD 18). [Repealed by the Currency (Amendment) Decree, 1974 NRCD 295), s. 3].

SCHEDULE

I.....
.....

[insert name, title or designation of the lawful authority],

do hereby certify that I have examined the document marked.....which purports to be a note of the denomination bearing numberand dated and that the document is a false note and is not a note issued or deemed to be issued by the Bank of.....[insert name of the Issuing Bank].

Signature.....

Date..... [As substituted by the Currency Act, 1964 (Amendment) Decree, 1973 (NRCD 183), s. 1(b)].