

THE METAL TOKENS ACT, 1889

ACT NO. I OF 1889

[1st February, 1889]

An Act for the Protection of Coinage and other purposes*

WHEREAS it is expedient to prohibit the making, or the possession for issue or the issue, by private persons, of pieces of metal for use as money;

¹[* * *]

It is hereby enacted as follows:—

1. (1) This Act may be called the Metal Tokens Act, 1889. Title and extent

(2) It extends to the whole of Bangladesh.

(3) [*Repealed by the Repealing and Amending Act, 1914 (Act X of 1914), section 3 and Schedule II.*]

2. In this Act “issue” means to put a piece of metal into circulation for the first time for use as money in Bangladesh such piece having been made in contravention of this Act or brought into Bangladesh by sea or by land in contravention of any notification for the time being in force under ²[section 16 of the Customs Act, 1969]. Definition.

3. No piece of copper or bronze or of any other metal or mixed metal, which, whether stamped or unstamped, is intended to be used as money, shall be made except by the authority of the Government. Prohibition of making by private persons of pieces of metal to be used as money

* Throughout this Act, except otherwise provided, the words “Bangladesh” and “Government” were substituted, for the words “Pakistan” and “Central Government” respectively by section 3 and 2nd Schedule the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ Second paragraph of the Preamble was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words, figures and comma “section 16 of the Customs Act, 1969” were substituted, for the words, figures and comma “section 19 of the Sea Customs Act, 1878” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

4. (1) In either of the following cases, namely:—

Penalty for unlawful making, issue or possession of such pieces

- (a) if any person makes in contravention of the last foregoing section, or issues or attempts to issue, any such piece as is mentioned in that section,
- (b) if, after the expiration of three months from the commencement of this Act, any person has in his possession, custody or control any such piece as is mentioned in the last foregoing section, with intent to issue the piece, the person shall be punished,
 - (i) if he has not been previously convicted under this section, with imprisonment which may extend to one year, or with fine, or with both; or
 - (ii) if he has been previously convicted under this section, with imprisonment which may extend to three years, or with fine, or with both.

(2) If any person is convicted of an offence under subsection (1), he shall, in addition to any other punishment to which he may be sentenced, forfeit all such pieces as aforesaid, and all instruments and materials for the making of such pieces, which may have been found in his possession, custody or control.

(3) If in the trial of any such offence the question arises whether any piece of metal or mixed metal was intended to be used or to be issued for use as money, the burden of proving that the piece was not intended to be so used or issued shall lie on the accused person.

Cognizance of offences under the last foregoing section

5. (1) The offence of making, in contravention of section 3, any such piece as is mentioned in that section shall be a cognizable offence.

(2) Notwithstanding anything in the Code of Criminal Procedure, ¹[1898] no other offence punishable under section 4 shall be a cognizable offence, or be taken cognizance of by any Magistrate, except a District Magistrate or Sub-Divisional Magistrate, without the previous sanction of the District Magistrate or Sub-Divisional Magistrate.

6. If at any time the Government sees fit, by notification under ²[section 16 of the Customs Act, 1969], to prohibit or restrict the bringing by sea or by land into Bangladesh of any such pieces of metal as are mentioned in section 3, it may by the notification direct that any person contravening the prohibition or restriction shall be liable to the punishment to which he would be liable if he were convicted under this Act of making such pieces in Bangladesh instead of to the penalty mentioned in ³[section 156 of the Customs Act, 1969], and that the provisions of sub-section (3) of section 4 and sub-section (1) of section 5, or of either sub-section, in relation to the offence of making such pieces shall, notwithstanding anything in the ⁴[Customs Act, 1969], apply, so far as they can be made applicable, to the offence of contravening the prohibition or restriction notified under ⁵[section 16] of that Act.

Application of certain of the foregoing provisions of this Act to importation of pieces of metal for use as money

¹ The figure "1898" was substituted, for the figure "1882" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words, figures and comma "section 16 of the Customs Act, 1969" were substituted, for the words, figures and comma "Section 19 of the Sea Customs Act, 1878" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The words, figures and comma "section 156 of the Customs Act, 1969" were substituted, for the words, comma and figure "section 167 of the Sea Customs Act, 1878" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁴ The words, comma and figure "Customs Act, 1969" were substituted, for the words, comma and figure "Sea Customs Act, 1878" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁵ The word and figure "section 16" were substituted, for the word and figure "section 19" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

7. *[Repealed by the Code of Criminal Procedure, 1898 (Act No. V of 1898).]*

Prohibition of receipt by local authorities and railways as money of metal which is not coin

8. (1) No piece of metal which is not coin as defined in the ¹[Penal Code] shall be received as money by or on behalf of any railway-administration or local authority.

(2) If any person on behalf of a railway-administration, or on behalf of a local authority, or on behalf of the lessee of the collection of any toll or other impost leviable by a railway-administration or local authority, receives as money any piece of metal which is not such coin as aforesaid, he shall be punished with fine which may extend to ten ²[Taka].

9. *[Repealed by the Repealing Act, 1938 (Act No. I of 1938), section 2 and Schedule.]*

¹ The words “Penal Code” were substituted, for the words “Pakistan Penal Code” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The word “Taka” was substituted, for the word “rupees” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).