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ROYAL MAIL GROUP SECURITY PROCEDURES & STANDARDS

CRIMINAL OFFENCES POINTS TO PROVE			P&S DOC 7.3 V2 Dec 08	
1. PURPOSE.				
<p>It is important that Investigators, when conducting both witness and suspect interviews, in the course of criminal investigations know the necessary points to prove for offence(s) they are investigating and that they factor these into the planning and preparation stage of the interviewing process. Below are details of the points to prove for the more common offences that RMG Ltd Investigators may investigate.</p> <p>Advice should be sought from the Criminal Law Team in the event that an offence not readily identifiable is to be considered.</p>				
2. ACTS COVERED				
<div><div><div>1. Theft Act 1968.</div><div>2. Theft Act 1978</div><div>3. Fraud Act 2006.</div><div>4. Postal Services Act 2000 & Post Office Act 1953</div><div>5. Criminal Attempts Act 1981</div></div><div><div>6. Proceeds of Crime Act 2002.</div><div>7. Criminal Damage Act 1971</div><div>8. Computer Misuse Act 1990.</div><div>9. Forgery & Counterfeiting Act 1981.</div><div>10. Offences Against the Person Act 1861</div></div></div>				
SECTION	THEFT ACT 1968	POINTS TO PROVE	INDICTABLE	MAX SENTENCE
1	Theft. <u>Theft Act 1968</u>	1. Dishonesty, 2. Appropriates, 3. Property, 4. Belonging to another, 5. With the intention to permanently deprive.	Yes.	7 Years Imprisonment.

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8	Robbery. <u>Theft Act 1968</u>	1. Steals, (Section 1 Theft 1968), 2. And immediately before or at the time of doing so, 3. And in order to do so, 4. Uses force on any person, 5. Or puts or seeks to put a person in fear of being then and there subjected to force.	Yes.	Life Imprisonment .
9 (1a)	Burglary. <u>Theft Act 1968</u>	1. Enters any building, or part of a building, 2. As a trespasser, 3. With the intention of committing one of the following; a. Stealing, c. Rape, b. Inflicting d. Criminal Damage, GBH,	Yes.	14 Years Imprisonment for a dwelling, 10 years otherwise.
9 (1b)	Burglary. <u>Theft Act 1968</u>	1. Having entered a building (or part of a building), 2. As a trespasser, 3. Did steal or attempt to steal, 4. Or did inflict or attempt to inflict GBH.	Yes.	14 Years Imprisonment for a dwelling, 10 years otherwise.
10	Aggravated Burglary. <u>Theft Act 1968</u>	1. Commits Burglary with either; a. Firearm, c. Weapon of Offence, b. Imitation d. Explosive, firearm,	Yes.	Life Imprisonment .
14	Extension to thefts from mails outside England and Wales, and robbery etc. on such a theft. <u>Theft Act 1968</u>	1. Steals or attempts to steal any mail bag or postal packet, 2. In the course of transmission between places in different jurisdictions in the British Postal Area, 3. Or any contents of such a mail bag or postal packet, 4. Or in stealing or with the intent to steal any such mail bag or postal packet or	Yes	Liable to be tried and punished for the actual offence i.e. Section 1 Theft - 7 years or Section 8 -

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		contents, commits any robbery attempted robbery or assault with intent to rob, 5. Then notwithstanding that he does so outside England and Wales, he shall be guilty of committing the offence against this Act as if he had done so in England and Wales.		Robbery life. Back to Acts
15	Obtaining property by Deception <u>Theft Act 1968</u> Repealed on 15 Jan 07 by the Fraud Act 2006. Only used for offences committed before that date.	1. By any deception, 2. Dishonesty, 3. Obtains, 4. Property, 5. Belonging to another, 6. With the intention of permanently deprive the other of it.	Yes.	10 Years Imprisonment .
16	Obtaining a pecuniary advantage <u>Theft Act 1968</u> Repealed on 15 Jan 07 by the Fraud Act 2006. Only used for offences committed before that date.	1. By any deception, 2. Dishonestly, 3. Obtains for himself or another, 4. Any pecuniary advantage.	Yes.	10 Years Imprisonment .
17(1a)	False accounting. <u>Theft Act 1968</u>	1. Dishonestly, 2. With a view to gain for himself or another, 3. Or intent to cause loss to another, 4. Destroy, deface, conceals or falsifies, 5. Any account or any record or document, 6. Made or required for accounting purposes.	Yes.	7 Years Imprisonment .
17(1b)	False accounting. <u>Theft Act 1968</u>	1. In furnishing information for any purpose, 2. Produces or makes use of any account, 3. Or any such record or document, 4. Which to his knowledge is or may be misleading, false or deceptive in a material	Yes.	7 Years Imprisonment .

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22	Handling stolen goods. <u>Theft Act 1968</u>	1. Otherwise than in the course of stealing, 2. Knowing or believing goods to be stolen, 3. Dishonestly receives the goods, 4. Or dishonestly undertakes or assists in their retention, removal, disposal or realisation, 5. By or for the benefit of another person, 6. Or if he arranges to do so.	Yes.	14 Years Imprisonment .
25	Going equipped to steal. <u>Theft Act 1968</u>	1. When not at place of abode, 2. Has with him, 3. Any article, 4. For use in the course or in connection with any burglary or theft.	Yes.	3 Years Imprisonment . Back to Acts
SECTION	THEFT ACT 1978	POINTS TO PROVE	INDICTABLE	MAX SENTENCE
1	Obtaining services by Deception <u>Theft Act 1978</u> Repealed on 15 Jan 07 by the Fraud Act 2006. Only used for offences committed before that date.	1. By deception, 2. Dishonestly, 3. Obtains services, 4. From another.	Yes.	5 Years Imprisonment . Back to Acts
SECTION	FRAUD ACT 2006	POINTS TO PROVE	INDICTABLE	MAX SENTENCE
1	Fraud. <u>Fraud Act 2006</u> Enacted on the 15 Jan 07	1. Is breach of any of the sections listed below which provide for different ways of committing the offence; a. Section 2 Fraud by false representation, b. Section 3 Fraud by failing to disclose information, and, c. Section 4 Fraud by abuse of position.	Yes.	10 Years Imprisonment and a fine. Back to Acts

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2	Fraud by false representation. <u>Fraud Act 2006</u> Enacted on the 15 Jan 07	1. Dishonestly, 2. Makes a false representation, 3. And intends, by making the representation, 4. To make a gain for himself or another, or 5. To cause loss to another, or 6. To expose another to a risk of loss (for gain and loss see Sec 5), 7. A representation is false if, 8. It is untrue or misleading, 9. And the person making it knows that it is, or 10. Might be, untrue or misleading.	Yes.	10 Years Imprisonment and a fine.
3	Fraud by failing to disclose information. <u>Fraud Act 2006</u> Enacted on the 15 Jan 07	1. Dishonestly, 2. Fails to disclose to another person information 3. Which he is under a legal duty to disclose, 4. And intends, by failing to disclose the information, 5. To make a gain for himself or another or, 6. To cause loss to another or, 7. To expose another to a risk of loss (for gain and loss see Sec 5).	Yes.	10 Years Imprisonment and a fine.
4	Fraud by abuse of position. <u>Fraud Act 2006</u> Enacted on the 15 Jan 07	1. Occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another, 2. Dishonestly abuses that position, 3. And intends, by means of the abuse of that position, 4. To make a gain for himself or another or, 5. To cause loss to another or, 6. To expose another to a risk of loss (for	Yes.	10 Years Imprisonment and a fine. Back to Acts

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		gain and loss see Sec 5), 7. A person may be regarded as having abused his position even though his conduct consisted of an omission rather than an act.		
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5	Gain and Loss. <u>Fraud Act 2006</u> Enacted on the 15 Jan 07	In Sections 2 to 4 Gain and Loss, 1. Extend only to gain or loss in money or other property but, 2. Include any such gain or loss whether temporary or permanent, 3. "Gain" includes a gain by keeping what one has, as well as a gain by getting what one does not have, 4. "Loss" includes a loss by not getting what one might get, as well as a loss by parting with what one has.	Not Applicable.	Not Applicable.
6	Possession etc. of articles for use in frauds. <u>Fraud Act 2006</u> Enacted on the 15 Jan 07	1. Has in his possession or under his control, 2. Any article, 3. For use in the course of or in connection with any fraud.	Yes.	5 Years Imprisonment and a fine.
7	Making or supplying articles for use in frauds. <u>Fraud Act 2006</u> Enacted on the 15 Jan 07	1. Makes, adapts, supplies or offers to supply any article, 2. Knowing that it is designed or adapted for use in the course of, 3. Or in connection with fraud, 4. Or intending it to be used to commit, or assist in the commission of fraud.	Yes.	10 Years Imprisonment and a fine.
11	Obtaining services dishonestly. <u>Fraud Act 2006</u> Enacted on the 15 Jan 07	1. Obtains services for himself or another, 2. By a dishonest act, 3. And the services are made available on the basis that payment has been, is being or will be made for or in respect of them and, 4. Obtains them without any payment having been made for or in respect of them or without payment having been made in full,	Yes.	5 Years Imprisonment and a fine.

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		5. And when he obtains them, he knows, 6. That they are being made available on the basis described in 3 above, or that they might be, 7. Intending that payment will not be made, or will not be made in full.		Back to Acts
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SECTION	POSTAL SERVICES ACT 2000	POINTS TO PROVE	INDICTABL E	MAX SENTENCE
83	Interfering with the mail: Postal Operators. <u>Postal Services Act 2000</u> Enacted on the 26 Mar 01	1. A person who is engaged in the business of a postal operator, 2. Contrary to his duty and without reasonable excuse, 3. Intentionally delays or opens, 4. A postal packet, 5. In the course of its transmission by post, 6. Or intentionally opens a mail-bag.	Yes.	2 Years Imprisonment and a fine.
84(1)	Interfering with the mail: General. <u>Postal Services Act 2000</u> Enacted on the 26 Mar 01	1. Any person without reasonable excuse, 2. Intentionally delays or opens, 3. A postal packet, 4. In the course of its transmission by post, 5. Or intentionally opens a mail-bag.	No.	6 Months Imprisonment and a fine not exceeding level 5.
84(3)	Interfering with the mail: General. <u>Postal Services Act 2000</u> Enacted on the 26 Mar 01	1. Intending to act to a person's detriment, 2. And without reasonable excuse, 3. Opens, 4. A postal packet, 5. Which he knows or reasonably suspects has been incorrectly delivered to him.	No.	6 Months Imprisonment and a fine not exceeding level 5. Back to Acts

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SECTION	POST OFFICE ACT 1953	POINTS TO PROVE	INDICTABLE	MAX SENTENCE
57	<p>Secreting Postal Packets</p> <p><u>Post Office Act 1953</u> Repealed on 26 Mar 01 by the Postal Services Act 2000. Only to be used for offences committed before that date.</p>	<p>1. Being a person engaged in the business of the Post Office,</p> <p>2. Secretes,</p> <p>3. Postal packet(s),</p> <p>4. In course of transmission by post.</p>	Yes.	<p>7 Years Imprisonment</p> <p>.</p> <p>Back to Acts</p>

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58(1)	Wilful Delay <u>Post Office Act 1953</u> Repealed on 26 Mar 01 by the Postal Services Act 2000. Only to be used for offences committed before that date.	5. Being a person engaged in the business of the Post Office, 6. Contrary to your duty wilfully detained/delayed, 7. Postal packet(s), 8. In course of transmission by post.	Yes.	2 Years Imprisonment .
58(1)	Opening Postal Packets <u>Post Office Act 1953</u> Repealed on 26 Mar 01 by the Postal Services Act 2000. Only to be used for offences committed before that date.	1. Being a person engaged in the business of the Post Office, 2. Contrary to your duty opened, 3. Postal packet(s), 4. In course of transmission by post.	Yes.	2 Years Imprisonment . Back to Acts
SECTION	CRIMINAL ATTEMPTS ACT 1981	POINTS TO PROVE	INDICTABLE	MAX SENTENCE
1	Attempting to commit an offence. <u>Criminal Attempts Act 1981</u>	1. If with Intent to commit an indictable offence, 2. A person does an act, 3. Which is more than merely preparatory, 4. To the commissioning of an offence is guilty of attempting to commit the offence.	Yes.	Sentence is the same as the penalty had the offence been completed. Back to Acts

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SECTION	PROCEEDS OF CRIME ACT 2002	POINTS TO PROVE	INDICTABL E	MAX SENTENCE
327	Money laundering by concealing etc. <u>Proceeds if Crime Act 2002</u>	1. A person commits an offence if he, 2. Conceals criminal property; 3. Disguises criminal property; 4. Converts criminal Property; 5. Transfers criminal property; 6. Removes criminal property from England and Wales or from Scotland or from Northern Ireland. Criminal Property is property, which the alleged offender knows or suspects, constitutes or represents benefit from any criminal conduct.	Yes.	14 Years Imprisonment and a fine.
328	Money laundering by arrangements. <u>Proceeds if Crime Act 2002</u>	1. A person commits an offence if he, 2. Enters into or becomes concerned in an arrangement, 3. Which he knows or suspects, 4. Facilitates by whatever means, 5. The acquisition, retention use or control of criminal property, 6. By or on the behalf of another person.	Yes.	14 Years Imprisonment and a fine.
329	Money laundering by acquisition, use and possession. <u>Proceeds if Crime Act 2002</u>	1. A person commits an offence if he, 2. Acquires criminal property, 3. Uses criminal property, 4. Has possession of criminal property.	Yes.	14 Years Imprisonment and a fine. Back to Acts

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342	Offences of prejudicing an investigation. <u>Proceeds if Crime Act 2002</u>	1. If a person knows or suspects, 2. An appropriate officer is conducting or about to conduct, 3. A money laundering, or a confiscation Investigation, 4. And they make a disclosure which is likely to prejudice the investigation, 5. Or he falsifies conceals destroys or otherwise disposes of, 6. Or causes or permits the falsification, concealment destruction or disposal of, 7. Documents that are relevant to the investigation.	Yes.	5 Years Imprisonment and a fine. Back to Acts
SECTION	CRIMINAL DAMAGE ACT 1971	POINTS TO PROVE	INDICTABLE	MAX SENTENCE
1	Destroying or damaging property. <u>Criminal Damage Act 1971</u>	1. Without lawful excuse, 2. Destroys or damages property, 3. Belonging to another, 4. Intending to destroy or damage any such property, 5. Or reckless as to whether any such property was damaged or destroyed. An offence committed under this section by destroying or damaging property by fire shall be charged as arson.	Yes.	10 Years Imprisonment for Criminal Damage but if Arson, Life imprisonment Back to Acts
SECTION	COMPUTER MISUSE ACT 1990	POINTS TO PROVE	INDICTABLE	MAX SENTENCE
1	Unauthorised access to Computer Material. <u>Computer Misuse Act 1990</u>	1. Causes a computer to perform any function, 2. With intent to secure access to any programme, 3. Or data held in any computer, 4. The access he intends to secure is	From the 1 st Oct 2008 the max sentence was increased from 6 Months Imprisonment and a fine not exceeding level 5,	

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		unauthorised, 5. And he knows at the time when he causes the computer to perform the function that this is the case.	to 2 Years Imprisonment or a fine or both. Sentence increased by Section 35 of the Police and Justice Act 2006 So from that date the offence becomes indictable.
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2	<p>Unauthorised access with intent to commit or facilitate commission of further offences. <u>Computer Misuse Act 1990</u></p>	<p>1. Commits an offence under Section 1 above with intent, 2. To commit an offence to which this section applies, 3. Or to facilitate the commission of such an offence (whether by himself or another person), 4. This section applies to offences where; a. The sentence is fixed by law, b. Or for which a person over 21 (not previously convicted) may be sentenced to imprisonment for term of 5 years.</p>	Yes.	5 Years Imprisonment and a fine.
3	<p>Unauthorised modification of computer material. <u>Computer Misuse Act 1990</u> This section applies to Offences committed before the 1 Oct 2008. See below for offences after that date</p>	<p>1. Does any act which causes an unauthorised modification of the contents of any computer, 2. And at the time when he does the act he has the requisite intent and requisite knowledge, 3. The requisite intent is an intent to cause a modification of the contents of any computer and by doing so; a. Impair the operation of any computer, b. Prevent or hinder access to any programme or data held in the computer, c. Impair the operation of any such programme or the reliability of any such data. 4. The requisite knowledge is knowledge that any modification he intends to cause is unauthorised.</p>	Yes.	<p>5 Years Imprisonment and a fine.</p> <p>Back to Acts</p>

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3	<p>Unauthorised acts with intent to impair, or with recklessness as to impairing, operation of a computer, etc. <u>Computer Misuse Act 1990</u> This section was amended by Section 36 of the Police & Justice Act 2006 and should be used for offences committed after the 1st Oct 2008</p>	<p>1. Does any unauthorised act in relation to a computer; 2. At the time when he does the act he knows that it is unauthorised and either 3 or 4 below applies 3. The person intends by doing the act- a. to impair the operation of any computer; b. to prevent or hinder access to any program or data held in any computer or; c. to impair the operation of any such programme or the reliability of any such data; 4. The person is reckless as to whether the act will do any of the things mentioned in subsections a to c of 3 above.</p>	Yes.	10 Years Imprisonment and a fine or both.
3A	<p>Making, supplying or obtaining articles for use in an offence under section 1 or 3 <u>Computer Misuse Act 1990</u> This section was created by Section 37 of the Police & Justice Act 2006 and should be used for offences committed after the 1st Oct 2008</p>	<p>1. A person is guilty of an offence if he makes, adapts, supplies or offers to supply any article intending it to be used to commit, or to assist in the commission of, an offence under section 1 or 3. 2. A person is guilty of an offence if he supplies or offers to supply any article believing that it is likely to be used to commit, or to assist in the commission of, an offence under section 1 or 3. 3. A person is guilty of an offence if he obtains any article with a view to its being supplied for use to commit, or to assist in the commission of, an offence</p>	Yes	2 Years Imprisonment or to a fine or both

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		under section 1 or 3. 4. An "article" in 1 to 3 above includes any program or data held in electronic form		Back to Acts
SECTION	FORGERY & COUNTERFEITING ACT 1981	POINTS TO PROVE	INDICTABLE	MAX SENTENCE
1	Forgery. <u>Forgery & Counterfeiting Act 1981</u>	1. Makes a false instrument, 2. With the intention that he or another shall use it, 3. To induce somebody to accept it as genuine, 4. And by reason of so accepting it, 5. To do or not to do some act to his own or any others person's prejudice.	Yes.	10 years Imprisonme nt.
2	Copying a false instrument. <u>Forgery & Counterfeiting Act 1981</u>	1. Makes a copy an instrument, 2. Which is and which he knows or believes to be a false instrument, 3. With the intention that he or another shall use it, 4. To induce somebody to accept it as copy of a genuine instrument, 5. And by reason of so accepting it, 6. To do or not to do some act to his own or any others person's prejudice.	Yes.	10 years Imprisonme nt.
3	Using a False Instrument. <u>Forgery & Counterfeiting Act 1981</u>	1. Uses an instrument, 2. Which is and which he knows or believes to be false, 3. With the intention, 4. Of inducing somebody to accept it as genuine, 5. And by reason of so accepting it, to do or not to do some act to his own or any others	Yes.	10 years Imprisonme nt. Back to Acts

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		person's prejudice.		
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4	Using a copy of a False Instrument. <u>Forgery & Counterfeiting Act 1981</u>	1. Uses a copy of an instrument, 2. Which is and which he knows or believes to be a false instrument, 3. With the intention, 4. Of inducing somebody to accept it as a copy of a genuine instrument, 5. And by reason of so accepting it, to do or not to do some act to his own or any others person's prejudice.	Yes.	10 years Imprisonment .
5(1)	Offences relating to being in possession of money orders, share certificates passports, etc with intent. <u>Forgery & Counterfeiting Act 1981</u>	1. Have in his custody or under his control, 2. An instrument, covered by Section 5(5) below, 3. Which he knows or believes to be false, 4. With the intention that he or another shall use it, 5. To induce somebody to accept it as genuine, 6. And by reason of so accepting it, to do or not to do some act to his own or any others person's prejudice.	Yes.	10 years Imprisonment .
5(2)	Offences relating to being in possession of money orders, share certificates passports, etc. <u>Forgery & Counterfeiting Act 1981</u>	1. Have in his custody or under his control, 2. Without lawful authority or excuse, 3. An instrument, covered by Section 5(5) below, 4. Which he knows or believes to be false.	Yes.	2 years Imprisonment . Back to Acts

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5(3)	Offences relating to being in possession of machines or implements to make false instruments. <u>Forgery & Counterfeiting Act 1981</u>	1. Make or have in custody or under his control, 2. A machine, implement, or paper or any other material, 3. Which to his knowledge is or has been specially designed or adapted, 4. For the making of an instrument, covered by Section 5(5) below, 5. With the intention that he or another shall make an instrument covered by Section 5(5) below, 6. Which is false and that he or another shall use the instrument, 7. To induce somebody to accept it as genuine, and 8. By reason of so accepting it to do or not to do some act to his own or any others person's prejudice.	Yes.	10 years Imprisonment .
5(4)	Offences of making or having in custody or control any such machine implement paper or material. <u>Forgery & Counterfeiting Act 1981</u>	1. To make or have in custody or under his control, 2. Any such machine implement paper or material (As in Section 5(3) above), 3. Without lawful authority or excuse.	Yes.	2 years Imprisonment .
5(5)	Instruments to which section 5 applies. <u>Forgery & Counterfeiting Act 1981</u>	1. Money orders; 2. Postal orders; 3. UK postage stamps; 4. Inland Revenue stamps; 8. Traveller Cheques; 9. Credit Cards; 10. Certified copies of entries of births, adoptions deaths &	Not Applicable.	Not Applicable.

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		5. Share marriages issue by the certificates; Registrar General; 6. Passports (and 11. Certificates documents which relating to such can be used entries. instead of passports); 7. Cheques;		Back to Acts
SECTION	OFFENCES AGAINST THE PERSON ACT 1861	POINTS TO PROVE	INDICTABL E	MAX SENTENCE
18	Grievous bodily harm with intent to do grievous bodily harm or to resist or prevent arrest. <u>Offences Against the Person Act 1861</u>	1. Unlawfully and maliciously, 2. By any means whatsoever, 3. Wounds or cause any grievous bodily harm (GBH), 4. To any person, 5. With intent to do some GBH to any person, 6. Or resist or prevent the lawful apprehension, 7. Or detention of any person.	Yes.	Life Imprisonment .
20	Grievous bodily harm. <u>Offences Against the Person Act 1861</u>	1. Unlawfully and maliciously, 2. Wounds or cause GBH. 3. To any person.	Yes.	5 years Imprisonment .
47	Assault Occasioning actual bodily harm. <u>Offences Against the Person Act 1861</u>	1. Did assault, 2. Thereby occasioning actual bodily harm (ABH) .	Yes.	5 years Imprisonment . Back to Acts

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