



Information Rights Unit
HM Treasury
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Mr Darryl J Lee

Via email request-409262-
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www.gov.uk/hm-treasury

19 July 2017

Ref: FOI2017/10872

Dear Mr Lee

Freedom of Information Act 2000: Currency

Thank you for your Freedom of Information enquiry of 21 June 2017 and your follow up request of 22 June.

You asked for the following information:

"Does the Treasury have any "powers" in relation to Promissory Notes (as Defined by The Bills of Exchange Act 1882) and or "Currency Notes" (as defined by The Counterfeiting and Forgery Act) [being Promissory Notes that are payable upon Demand to Bearer] by which the Treasury has (after 1882) fettered a Person's (within the meaning of The Interpretation Act 1978) right to lawfully issue such Notes. This Request is not concerned with "Banknotes" which, although a sub-species of Promissory Notes and are also Currency Notes, are by being Notes issued by Banks so are such themselves defined by other Legislation.

In plain English; Legislation provides a Statutory Right to a person to promise to pay another person a sum in money at some other time or to promise to pay the bearer of a written promise (a note) on demand the sum agreed on the face of the note. Does HMT interfere with that legal right? If so; in which circumstance?

... Does HMT hold any information about the creation and movement of Bearer Negotiable Instruments ? In particular, Does HMT have any powers to stop a person excising their rights to produce BNIs for their own use (Not where a unauthorised person undertakes Reserved Legal Services for others - (Legal Services Act 2007))?

Put simply (because members of the public may see this) - The law says a man can create his own cash and (according to The Government's lawyers, HMT has "Remit over Currency and Promissory Notes"). I want to know how Her Majesty's Treasury "oversees [if at all] a persons Statutory Right to quite literally "print his own cash?...."

And your follow up request:

"Perhaps I should add that where, in the text above, I mention "after 1882" I do not require ALL "interferences" by HMT with a persons Statutory Rights since 1882 - merely after the coming into force of the 1882 Act But specifically I ask about the last few years."

I can confirm that HM Treasury does hold information within the scope of your request.

Information in scope of your request has been published. Public authorities are not required to re-issue information that is publically available under section 21 of the Freedom of Information Act (the Act). We have included a link to this information (the Bills of Exchange Act 1882) below as information concerning your request is contained within the Act:

<http://www.legislation.gov.uk/ukpga/Vict/45-46/61/contents>

With regard to your request more generally, the Act provides a right to recorded information. In order to exercise this entitlement a request must describe the specific recorded information sought. We believe that your second question does not constitute a valid request for recorded information within the meaning of section 8(1)(c) of the Act, as it is not a request for specific information.

You may find it helpful to consult the Information Commissioner's guidelines on making a request:

<https://ico.org.uk/for-the-public/official-information/>

If you have any queries about this letter, please contact us. Please quote the reference number above in any future communications.

Yours sincerely



Information Rights Unit

Your right to complain under the Freedom of Information Act 2000

If you are not happy with this reply, you may request a review by writing to HM Treasury, Information Rights Unit, 3/Red, 1 Horse Guards Road, London SW1A 2HQ or by emailing us at the address below. Any review request must be made within 2 months of the date of this letter.

Email: foirequests@hmtreasury.gsi.gov.uk

It would assist our review if you set out which aspects of the reply concern you and why you are dissatisfied.

If you are not content with the outcome of the review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner will not make a decision unless you have exhausted the complaints procedure provided by HM Treasury.

The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.