

Gun Barrel Proof Act, 1950

14 GEO. 6. Ch. iii

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CHAPTER iii

An Act to confer further powers upon the Master Wardens and Society of the Mystery of Gunmakers of the City of London and the Guardians of the Birmingham Proof House to amend the Gun Barrel Proof Act 1868 and for other purposes.

[23rd May 1950.]

WHEREAS—

(1) The Master Wardens and Society of the Mystery of Gunmakers of the City of London (hereinafter called “the Gunmakers Company”) and the Guardians of the Birmingham Proof House (hereinafter called “the Guardians”) respectively carry on undertakings in London and Birmingham for the purpose of proving and marking the barrels of hand guns and other small arms with a view to ensuring good workmanship and reducing the risk of accident and for this purpose the Gunmakers Company and the Guardians respectively have provided and maintain and carry on proof houses and employ proof masters and other persons having the necessary qualifications for the work involved:

(2) The Gunmakers Company were constituted and incorporated by royal charter dated the fourteenth day of March sixteen hundred and thirty-seven which charter was amended by a supplemental charter dated the nineteenth day of August eighteen hundred and ninety-two:

(3) The Guardians were originally constituted and incorporated by an Act passed in 1813 under the name of “the Guardians Trustees and Wardens of the Gun Barrel Proof House of the Town of Birmingham” and by an Act passed in 1815 they were re-incorporated under that name and certain provisions were enacted with respect to the proving and marking

53 Geo. 3.
c. cxv.

55 Geo. 3.
c. lix.

of the barrels of small arms at the proof houses of the Gunmakers Company and the Guardians (together hereinafter referred to as "the two companies"):

18 & 19 Vict.
c. cxlviii.

(4) By an Act passed in 1855 the said Acts of 1813 and 1815 were repealed incorporation of the Guardians was continued under the name of "the Guardians of the Birmingham Proof House" and new provisions were enacted with respect to the constitution of the Guardians and with respect to the proving and marking of the barrels of small arms at the proof houses of the two companies:

31 & 32 Vict.
c. cxliii.

(5) By the Gun Barrel Proof Act 1868 (hereinafter called "the Act of 1868") the Act of 1855 was repealed the incorporation of the Guardians was continued and new provisions were enacted with respect to the constitution of the Guardians and the proving and marking of the barrels of small arms at the proof houses of the two companies:

(6) The Gunmakers Company was formed as an incorporation of the persons using at the time of incorporation or thereafter the art of gunmaking within the city of London and the liberties thereof and within four miles compass thereof. The charter authorised the company to meet from time to time and elect a master two wardens and ten or more assistants who were to act together as a court to manage the affairs of the company. The master and wardens hold office for a year and new appointments are made by the court from among the assistants. The assistants hold office until death or earlier removal for good cause and vacancies are filled by the court. New members or freemen of the company are admitted by the court. Persons exercising the art of gunmaking within the city of London or the liberties thereof or within ten miles thereof are placed within the jurisdiction of the court:

(7) The Guardians as reconstituted under the Act of 1868 consist of all justices of the city of Birmingham and three members of the city council appointed annually by that council and fifteen elected Guardians being persons who are or have been master gunmakers or master gun barrel makers carrying on business in or within ten miles of the city of Birmingham at premises of annual value not less than twenty-five pounds such persons being registered under the said Act as members of the Birmingham gun trade and being elected as Guardians at yearly meetings of the Birmingham gun trade. In the case of a joint stock company carrying on such business the annual value of the premises must be not less than seventy-five pounds and the company is represented by three directors or two directors and the secretary:

(8) The Act of 1868 requires the Gunmakers Company and the Guardians respectively to maintain proof houses in or near London and Birmingham and authorises them to provide branch

proof houses in or within ten miles from the cities of London and Birmingham respectively. The Act also confers and imposes various powers and duties on the two companies with respect to the proving and marking of the barrels of small arms and the carrying on of their proof houses and imposes punishments and penalties for offences in relation to the stamping and marking of the barrels of small arms and dealings with small arms not marked as duly proved:

(9) Section 118 of the Act of 1868 provides as follows:—

“For all barrels duly proved at the proof house or any branch proof house of the two companies respectively they respectively may demand and take such sums as they respectively may from time to time appoint not exceeding such sums as are specified in Schedule C to this Act annexed.”

The scale of maximum prices prescribed in the said Schedule C is not appropriate to modern conditions and it is expedient to substitute the scale set forth in the schedule to this Act:

(10) It is expedient that the other provisions contained in this Act be enacted:

(11) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1.—(1) This Act may be cited as the Gun Barrel Proof Act 1950. Short and collective titles and commencement.

(2) The Gun Barrel Proof Act 1868 and this Act may be cited together as the Gun Barrel Proof Acts 1868 and 1950.

(3) This Act shall come into operation on the first day of October nineteen hundred and fifty.

2. In this Act unless the context otherwise requires—

Interpretation.

“The Act of 1868” means the Gun Barrel Proof Act 1868;

“The Gunmakers Company” means the Master Wardens and Society of the Mystery of Gunmakers of the City of London;

“The Guardians” means the Guardians of the Birmingham Proof House;

“The two companies” means the Gunmakers Company and the Guardians;

“The Minister” means the Minister of Supply;

Other words and expressions to which meanings are assigned by section 4 of the Act of 1868 have the same respective meanings.

Increase of
authorised
maximum
prices for
proof.

3.—(1) The sums which the two companies respectively may demand and take for all barrels duly proved at the proof house or any branch proof house of the two companies respectively shall be such as they respectively may from time to time appoint not exceeding the maximum prices for proof specified in the schedule to this Act and section 118 (Charges for proving and marking barrels) of the Act of 1868 is hereby amended accordingly.

(2) Schedule C (Prices for proof) annexed to the Act of 1868 is hereby repealed.

Power for
Minister
to revise
maximum
prices for
proof.

4.—(1) The Minister on an application made to him by the two companies or by any federation or association which appears to him to represent manufacturers or traders engaged in the manufacture purchase sale or repair of small arms of any description may by order make such alteration in the maximum prices for proof specified in the schedule to this Act as he considers reasonable and every such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section.

(2) (a) Applicants for an order under this section shall publish in the London Gazette and in such newspaper or newspapers (if any) as the Minister shall direct a notice—

(i) stating the effect of the application ; and

(ii) stating that during a period of twenty-eight days from the date of the publication of the notice in the London Gazette any person may by notice to the Minister object to the application.

(b) In the case of an application made by such federation or association as is referred to in subsection (1) of this section the applicants shall not later than the date on which the notice is published in the London Gazette serve copies thereof on the two companies.

(c) In the case of an application made by the two companies the applicants shall not later than the date on which the notice is published in the London Gazette serve a copy thereof on such federation or association (if any) (being such a federation or association as is referred to in subsection (1) of this section) as the Minister shall direct.

(d) If before the expiration of the twenty-eight days referred to in paragraph (a) of this subsection an objection is received by the Minister from any person appearing to him to be affected by the application and is not withdrawn the Minister before making any order on the application shall cause an inquiry to be held and the provisions of subsections (2) to (5) of section 290 of the

23 & 24 Geo. 5.
c. 51.

Local Government Act 1933 shall apply to such inquiry as if it were a local inquiry held in pursuance of subsection (1) of that section and the two companies were a local authority.

(3) Unless the Minister considers that exceptional circumstances exist he shall not vary an order made under this section before the expiration of a period of five years beginning with the date of the said order or if it has already been varied the last variation thereof.

(4) In relation to any period during which an order made under this section is in operation the enactments relating to the two companies or either of them shall have effect as if the maximum prices for proof specified in such order were substituted for the maximum prices for proof specified in the schedule to this Act.

5. Section 94 (Application of monies by Guardians) of the Act of 1868 is hereby amended as follows:—

- (a) the words “and whenever such fund exceeds ten thousand pounds the Guardians shall” shall be omitted; and
- (b) the words “reduce the prices” shall be substituted for the words “reduce the charges”.

6. All the costs charges and expenses of and incident to the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Gunmakers Company and the Guardians respectively in equal shares and any moneys from time to time belonging to the Gunmakers Company or the Guardians may be applied in payment of the share of the said costs charges and expenses payable by that body.

SCHEDULE

MAXIMUM PRICES FOR PROOF
(See note A below)

PART I

SMOOTH BORE OR MUZZLE-LOADING ARMS

No. of gauge (See Note B below)	<i>First Class</i> (Single barrelled muzzle-loading arms of smooth bore)	<i>Fourth Class</i> (Breech-loading arms of smooth bore)	
	<i>Second Class</i> (Double barrelled muzzle-loading arms of smooth bore)	Provisional proof	Definitive proof
	<i>Third Class</i> (Muzzle-loading rifled arms)		
A to 3	s. d. 50 0	s. d. 50 0	s. d. 50 0
4 to 6	11 6	10 6	10 6
7 to 9	11 6	3 0	7 0
10 to 50	5 0	1 6	4 0
Smaller than 50	As for Class V of similar bore	1 6	4 0

PART II

BREECH-LOADING RIFLED ARMS

Diameter of bore of breech-loading arms (inches)	<i>Eighth Class</i> (Breech-loading rifled arms specially con- structed for use with shot and bullet having the whole or a portion only of their bore rifled and not being of the Fifth Class)	<i>Fifth Class</i> (Breech-loading rifled arms (including express rifles) declared for use with black powder only) (excluding pistols)	Pistols of Fifth Class and automatic pistols of Ninth Class	<i>Ninth Class</i> (Revolving pistols) (up to six shots) (see Note C below)
		<i>Sixth Class</i> (Breech-loading rifles declared for use with nitro powders not being of the Seventh Eighth or Tenth Class)			Seventh Class (Breech-loading rifled arms chambered to take a military small arm cartridge and not being of the Tenth Class)	Tenth Class (Breech-loading rifled military arms)
over .450	s. d. 8 6	s. d. 5 0	s. d. 2 6	s. d. 3 6
.450--370	8 6	4 0	2 0	3 0
.369--310	8 6	3 0	1 9	3 0
.309--230	8 6	3 0	1 9	2 6
.229 or smaller diameter	8 6	2 3	1 9	2 0

PART III

SUNDRY ARMS

Cattle killers—

						s.	d.
.310 bulleted	...	...	...	...	...	2	0
.220 and captive bolt	...	...	...	...	...	1	6

Signal pistols and alarm guns—

1 inch diameter or less	...	...	...	...	...	2	0
1½ inch diameter or more	...	...	...	...	...	3	0

Note A. The above prices are per barrel. The price for the proof of a barrel or tube which does not fall within any of the above classes shall be per proof shot fired per barrel or tube respectively such sum as the two companies shall from time to time deem reasonable having regard to the cost and labour and in any case not more than one shilling and sixpence or twice the cost of materials used in such proof shot (whichever is the greater).

Where no price is provided for provisional proof the price which may be demanded and taken for such provisional proof shall not exceed the price provided in respect of the definitive proof of a barrel or tube of similar gauge.

Note B. The letter A and the numbers in the first column of Part I of this schedule refer to the same letters and numbers as appearing in the first column of the table headed "Scale for proof of small arms of every description except rifled small arms" contained in Schedule B to the Act of 1868.

Note C. A further sum not exceeding one-sixth of the respective price for the respective gauge may be demanded and taken for each additional shot over six in respect of revolving pistols exceeding six shots.

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