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Changes to legislation: There are currently no known outstanding effects for the Hallmarking Act 1973, SCHEDULE 6. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Section 16.

PROCEDURES FOR ORDERS

PART I

ORDERS UNDER SECTION 16(1) ON APPLICATION

- 1 Before making application for an order under subsection (1)(b) of section 16 of this Act, the applicants shall consult the assay office the subject of the proposed order and, if so requested by the assay office, shall submit to the Secretary of State a draft of the proposed order and such written observations as the assay office may make to the applicants within the period of forty-two days after being so consulted; and, following the submission of such a draft and observations, the applicants shall take no further steps in connection with the proposed application pending a decision of the Secretary of State, who shall give written notice to the applicants and the assay office either that he refuses to consider such an application or that it is (without prejudice, however, to subsequent refusal thereof) to be allowed to proceed.
- 2 On application for any order to which this Part of this Schedule applies the applicants shall submit to the Secretary of State a draft of the order which they desire him to make and shall publish once at least in each of two successive weeks in one or more newspapers circulating in the locality wherein the assay office the subject of the order carries on or is intended to carry on business (as the case may be) a notice—
 - (a) stating the general effect of the order;
 - (b) specifying a place in the said area where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice; and
 - (c) stating that, within the said period, any person may by notice to the Secretary of State object to the application.
- 3 Not later than the date on which the said notice is first published, the applicants shall, if the Secretary of State so requires, serve a copy of the notice and of the draft order on any person specified by the Secretary of State.
- 4 The applicants shall also publish in the Gazette a notice stating that they are about to apply for an order under section 16 of this Act, naming the county and district in the locality wherein the assay office the subject of the order carries on or is intended to carry on business (as the case may be), specifying a place where a copy of the draft order may be inspected, and giving the name and date of issue of a local newspaper in which the notice explaining the effect of the order applied for will be found.
- 5 The applicants shall, at the request of any person interested, furnish to him a copy of the draft order upon payment of such charge as they think reasonable not exceeding

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- fifty pence, or such higher sum as the Secretary of State may from time to time authorise in writing.
- 6 The Secretary of State may make an order in the terms of the draft submitted to him or in those terms as modified in such manner as he thinks fit, but where he proposes to make any modification which appears to him substantially to affect the character of the order as applied for, he shall take such steps as appear to him to be sufficient and reasonably practicable for informing the applicants and other persons likely to be concerned, and shall not make the order until such period for consideration of, and comment upon, the proposed modification as he thinks reasonable has elapsed.
- 7 If, before the expiration of the twenty-eight days referred to in paragraph 2 of this Part of this Schedule, or of twenty-five days from the publication of the said notice in the Gazette, or before the expiration of any period specified in notices given under the last foregoing paragraph, an objection is received by the Secretary of State from any person appearing to him to be affected by the application, or as the case may be, by the proposed modification, and the objection is not withdrawn, the Secretary of State, before making any order on the application, shall (unless he is of opinion that the objection is frivolous or too trivial to warrant the holding of an inquiry or hearing with respect to it) either—
- (a) cause a local inquiry to be held; or
 - (b) afford to the objector and to the applicants, as well as to any other persons to whom it appears to the Secretary of State expedient to afford it, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- 8 On the making of an order to which this Part of this Schedule applies, the Secretary of State shall give notice of the making of the order and the effect thereof to any person who has objected thereto under the foregoing provisions of this Part of this Schedule, and has not withdrawn that objection, and in that case the order shall not have effect until the expiration of twenty-eight days from the date of the said notice, and if within that period any such person gives notice to the Secretary of State that he objects to the order and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.
- 9 The costs incurred by the Secretary of State in connection with the making and notification of an order under this Part of this Schedule, including any costs incurred in relation to any such order under the ^{M1}Statutory Orders (Special Procedure) Act 1945, shall be paid by the applicants.

Marginal Citations

M1 1945 c. 18

- 10 In this Part of this Schedule “the Gazette” means in relation to publication of a notice as respects an order concerning an assay office carrying on or intended to carry on business—
- (a) in England and Wales, the London Gazette;
 - (b) in Scotland, the Edinburgh Gazette; and
 - (c) in Northern Ireland, the Belfast Gazette.

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PART II

MODIFICATIONS OF PART I OF THIS SCHEDULE FOR PURPOSES OF ORDERS UNDER SECTION 16(2) WHERE NO APPLICATION

11 In relation to any order under section 16(2) of this Act the provisions of Part I of this Schedule shall have effect subject to the following modifications—

(a) For paragraph 1 and for the words in paragraph 2 before “shall publish” there shall be substituted—

“1 Before making an order under subsection (2) of section 16 of this Act the Secretary of State—

(1) shall in the case of an order under paragraphs (a) or (b) of that subsection consult the Council and shall, in the case of an order under paragraph (c) of that subsection, consult the assay office the subject of the proposed order;

(2)”;

(b) Paragraphs 3 and 9 shall be omitted;

(c) In paragraphs 4 and 5 for reference to the applicants there shall be substituted reference to the Secretary of State;

(d) For paragraph 6 there shall be substituted the following paragraph—

“6. The Secretary of State may make an order in the terms of the draft or in those terms as modified in such manner as he thinks fit, but where he proposes to make any modification which appears to him substantially to affect the character of the order he shall take such steps as appear to him to be sufficient and reasonably practicable for informing persons likely to be concerned, and shall not make the order until such period for consideration of, and comment upon, the proposed modification as he thinks reasonable has elapsed”;

(e) in paragraph 7—

(i) for the word “application” where it first occurs there shall be substituted the word “order”;

(ii) the words “on the application” shall be omitted;

(iii) in paragraph (b) for the words “the applicants” there shall be substituted the words “such of them the Council and any assay office as might have been applicants for such an order under section 16(1) of this Act” .

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