



# Hallmarking Act 1973

## 1973 CHAPTER 43

### 2 Meaning of approved hallmarks, etc. **U.K.**

- (1) In this Act, unless the context otherwise requires, “approved hallmarks” means—
- (a) marks struck by an assay office in the United Kingdom, whether before or after the commencement of this Act, under the law for the time being in force, or
  - [<sup>F1</sup>(aa) marks struck outside the United Kingdom by an assay office under this Act, or]
  - (b) marks struck by the Wardens and Commonalty of Goldsmiths of the City of Dublin before 1st April 1923, or
  - (c) marks struck by an assay office under the law of a country outside the United Kingdom, being marks designated for the purposes of this section by order of the Secretary of State as marks recognised pursuant to any international convention or treaty to which Her Majesty’s Government in the United Kingdom is a party [<sup>F2</sup>, or
  - (d) marks struck in an EEA State other than the United Kingdom [<sup>F3</sup>before exit day], being marks which—
    - (i) have been struck by an independent body in accordance with the law of that State; and
    - (ii) provide information which is equivalent to the information provided by the marks mentioned in section 4(1)(a)(i) and (ii) of this Act and which is intelligible to consumers in the United Kingdom.]
- (2) Marks within subsection (1)(c) above are in this Act called “convention hallmarks” [<sup>F4</sup>, and marks within subsection (1)(d) above are in this Act called “EEA hallmarks”].
- [<sup>F5</sup>(2A) In this section “EEA state” has the meaning which it had under Schedule 1 to the Interpretation Act 1978 before exit day.]
- (3) The Secretary of State may by order make such provision as appears to him appropriate for enabling articles submitted to an assay office in the United Kingdom to be struck with marks which, pursuant to any [<sup>F6</sup>convention or treaty falling within subsection (1) (c) above], will, or will with other marks, be accorded recognition under the law of any other country, and for making consequential or incidental provisions, including provision for excluding or modifying any of the provisions of this Act.

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*Changes to legislation: There are currently no known outstanding effects for the Hallmarking Act 1973, Section 2. (See end of Document for details)*

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- (4) For the purposes of this Act an article is unhallmarked—
- (a) if it does not bear the approved hallmarks and the sponsor’s mark, or
  - (b) if the article has been the subject of any improper alteration.
- (5) In this Act “improper alteration” means an addition, alteration or repair which has been made to an article bearing approved hallmarks and—
- (a) which contravened section 5 of this Act, or
  - (b) which was made before the coming into force of that section, and would have required the consent of an assay office if that section had been in force, or
  - (c) in the case of an article which bears a convention hallmark [<sup>F7</sup>or an EEA hallmark], would have required that consent if the addition, alteration or repair had been made in the United Kingdom:

Provided that paragraphs (b) and (c) of this subsection shall not apply if, after the making of the addition, alteration or repair, the article has been re-assayed and struck with any further approved hallmark.

#### Textual Amendments

- F1** S. 2(1)(aa) inserted (8.2.2013) by [The Legislative Reform \(Hallmarking\) Order 2013 \(S.I. 2013/251\)](#), arts. 1(2), 3
- F2** S. 2(1)(d) and preceding word inserted (1.1.1999) by [S.I. 1998/2978, reg. 2\(2\)](#).
- F3** Words in s. 2(1)(d) inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 1 para. 2(a)** (as amended by [S.I. 2020/676](#), regs. 1(1), 3); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 2(2) inserted (1.1.1999) by [S.I. 1998/2978, reg. 2\(3\)](#).
- F5** S. 2(2A) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 1 para. 2(b)** (as amended by [S.I. 2020/676](#), regs. 1(1), 3); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 2(3) substituted (1.1.1999) by [S.I. 1998/2978, reg. 2\(5\)](#).
- F7** Words in s. 2(5)(c) inserted (1.1.1999) by [S.I. 1998/2978, reg. 2\(6\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Hallmarking Act 1973, Section 2.