Hallmarking Act 1973

1973 CHAPTER 43

4 Approved hallmarks.

(1) Subject to the provisions of this section and of Schedule 2 to this Act, any article of precious metal, which is submitted to an assay office for hallmarking and which upon assay is found in all its parts to be of a standard of fineness not less than the minimum fineness for that precious metal, shall be struck by that assay office with the approved hallmarks, namely—

(a) as respects articles comprised of a single precious metal (and governed by Part I of the said Schedule 2)—

(i) the assay office mark as specified in paragraph 1 of the said Schedule appropriate to the assay office specified in column (1) opposite to such mark;

(ii) the standard mark specified in paragraph 2 of the said Schedule as respects an article of the precious metal specified opposite thereto in column (1) of the said paragraph assaying to a standard of fineness specified in column (2) of the said paragraph and also so opposite;

[[F1](iii) the pictorial mark, or one of the pictorial marks, specified in paragraph 3 of the said Schedule as respects an article of the precious metal specified opposite thereto in column (1) of the said paragraph assaying to a standard of fineness specified in column (2) of the said paragraph and also so opposite;

(iv) the date letter directed pursuant to paragraph 4 of the said Schedule; and

(v) the mark (if any) directed pursuant to paragraph 5 of the said Schedule;**]**

(b) as respects articles comprised of two or more precious metals and satisfying the conditions of Part II of the said Schedule 2, marks struck in accordance with that Part; and

(c) as respects articles comprised of precious metal and other materials and satisfying the conditions of Part III of the said Schedule 2, marks struck in accordance with that Part;

and, as respects all such articles, in compliance with any directions given by the Council pursuant to Part IV of the said Schedule with respect to any shield or other border by which any approved hallmark is to be enclosed.

[[F2](2) Each of the approved hallmarks mentioned in subsection (1)(a)(iii), (iv) and (v) above shall be struck by an assay office on an article only if a request to that effect is made by the person who submits the article to the assay office; but the absence of any such approved hallmark on an article by virtue of this subsection shall not in itself render the article unhallmarked for the purposes of this Act.**]**

(3) No article shall be struck with the approved hallmarks unless—

(a) the assay office are of opinion that the use of any solder **[**[F3]or adhesive**]** is not excessive;

(b) except in a case where the assay office otherwise permit, any solder used in an article of—

(i) gold, is gold of a fineness not less than the standard of fineness of the article:

Provided that solder used in any article—

(a) of a standard of fineness of 916·6 may be of a fineness not less than 750; and

(b) of filigree work or being a watch case and in either case of a standard of fineness of 750, may be of a fineness not less than 740; and

(c) of white gold of a standard of fineness of **[**[F4]not less than 585 and not more than 750**]**, may be of a fineness not less than 500;

(ii) silver, is silver of a fineness not less than 650;

(iii) platinum, is gold, silver, platinum or palladium or a combination of two or more thereof and is of a fineness or (as the case may be) of a combined fineness not less than 950;

[[F5](iv) palladium, is gold, silver, platinum or palladium or a combination of two or more thereof and is of a fineness or (as the case may be) of a combined fineness not less than the standard of fineness of the article:

Provided that solder used in any article of a standard of fineness of 950 or above may be of a fineness not less than 700; and **]**

(c) solder of a fineness less than the standard of fineness of the article **[**[F6]or adhesive**]** is used in a quantity not more than is necessary for joining parts of the article and is not used for strengthening, weighting, filling or otherwise.

[[F7](3A) An article comprised of more than one precious metal part shall be struck with the approved hallmarks only if the assay office are of the opinion that a person will be able to determine, when the article is hallmarked, which part is made of which precious metal.**]**

[F8](4) . . . . . .

(5) If—

(a) an assay office have refused to hallmark an article submitted to them for hallmarking under this section; and

(b) the person submitting the article has referred the matter to the Council in writing;

the Council shall consider the case and, if they are of the opinion that the assay office were acting unreasonably in refusing to hallmark the article, they shall direct the assay office to strike the article with the approved hallmarks.

(6) It shall be the duty of an assay office to whom a direction has been given under subsection (5) above to comply with the direction.

(7) (a) The Secretary of State may, after consulting the Council and such other persons as he thinks fit, make regulations wholly or partly varying, supplementing or replacing the foregoing provisions of this section and the provisions of Schedule 2 to this Act; and upon the coming into operation of regulations made under this subsection those provisions, or such of them as may be specified in such regulations together with any regulations or directions made or given under those provisions, shall have effect as so varied or supplemented or (as the case may be) shall cease to have effect.

(b) Regulations made under this subsection may contain such transitional, incidental, supplementary or consequential provision as the Secretary of State considers necessary or expedient for the purpose of the regulations, including provision applying, extending, excluding or amending, or repealing or revoking, with or without savings, any provision of this Act or an instrument under this Act.

Textual Amendments

F1 S. 4(1)(a)(iii)(iv)(v) substituted (1.1.1999) for s. 4(1)(a)(iii) and the word "and" immediately preceding it by S.I. 1998/2978, **reg. 2(7)**.

F2 S. 4(2) substituted (1.1.1999) for s. 4(1A)(2) by S.I. 1998/2978, **reg. 2(8)**.

F3 Words inserted by S.I. 1986/1757, **reg. 2**(*b*)

F4 Words substituted by S.I. 1986/1757, **reg. 2**(*c*)

F5 S. 4(3)(b)(iv) inserted (22.7.2009) by Hallmarking Act 1973 (Application to Palladium) Order 2009 (S.I. 2009/2040), art. 1, **Sch. para. 3**

F6 Words inserted by S.I. 1986/1757, **reg. 2** (*d*)

F7 S. 4(3A) inserted (6.4.2007) by The Hallmarking Act 1973 (Amendment) Regulations 2007 (S.I. 2007/872), **reg. 2(3)**

F8 S. 4(4) omitted (1.1.1999) by S.I. 1998/2978, **reg. 2(11)**.

Modifications etc. (not altering text)

C1 S. 4 modified by S.I. 1976/730, **art. 5(2)**, 6 (which S.I. was revoked (1.4.2002) by S.I. 2002/506, **art. 1(2)**)

C2 S. 4 modified (1.4.2002) by The Hallmarking (International Convention) Order 2002 (S.I. 2002/506), **arts. 5(2)**, 6

Changes to legislation:
There are currently no known outstanding effects for the Hallmarking Act 1973, Section 4.