

SCHEDULES

SCHEDULE 2

Section 1(2).

TRANSITIONAL PROVISIONS

Barrels to which this Schedule applies

- 1 (1) Subject to sub-paragraph (2) below, this Schedule applies to a barrel if—
- (a) it would immediately before the passing of this Act have been subject to the provisions of the Act of 1868 but for section 132 of that Act; and
 - (b) the mark, sign or character by virtue of which it was then exempt under that section from the provisions of that Act was not at the passing of this Act a convention proof mark.
- (2) This Schedule shall cease to apply to any barrel if at any time after the passing of this Act the mark, sign or character by virtue of which it was immediately before the passing of this Act exempt under section 132 of the Act of 1868 from the provisions of that Act becomes a convention proof mark.

Exemption of such barrels

- 2 (1) Subject to the following provisions of this paragraph, a barrel to which this Schedule applies shall be exempt from liability to proof under the Act of 1868 so long as it continues to bear the mark, sign or character by virtue of which it was immediately before the passing of this Act exempt under section 132 of that Act from the provisions of that Act; and accordingly no offence shall be committed under that Act in respect of or by reference to any such barrel by virtue of the fact that it has not been proved under that Act or the Gun Barrel Proof Act 1855.
- (2) The Proof Masters of the Two Companies, acting jointly, may by notice published—
- (a) in the London, Edinburgh and Belfast Gazettes;
 - (b) in a local newspaper circulating in Birmingham ; and
 - (c) in daily newspapers circulating generally in England and Wales, in Scotland and in Northern Ireland respectively,
- withdraw any exemption continuing under this Schedule by reference to any mark, sign or character described in the notice, either generally or in relation to any class or description of barrels bearing the mark, sign or character in question.
- (3) If a barrel of one sort which is exempt under this Schedule from liability to proof under the Act of 1868 by virtue of any work, sign or character impressed upon it is in the United Kingdom converted into a barrel of another sort, the barrel shall cease to be so exempt by virtue of that mark, sign or character from the time when the conversion is begun.
- (4) If a barrel which is exempt under this Schedule from liability to proof under the Act of 1868 by virtue of any mark, sign or character impressed upon it is in the United Kingdom, by any process of manufacture or by any other means except user and

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wear and tear, so reduced in substance or strength that the mark, sign or character does not represent the proof which the barrel would bear if it were then duly proved in the official Proof House of the State in question, the barrel shall thereupon cease to be so exempt by virtue of that mark, sign or character.

Continuation of former register

- 3 (1) The Proof Master of each of the Two Companies shall continue to keep the register of foreign proof marks kept before the passing of this Act under section 129 of the Act of 1868 (in this Schedule referred to as "the former register"), as it had effect immediately before the passing of this Act; and the former register shall continue to be open for public inspection without charge at all reasonable times at the Proof House of each of the Two Companies.
- (2) The reference in paragraph (14) of section 121 of the Act of 1868 to any stamp or mark, or any part of any stamp or mark of a foreign country, registered by either of the Two Companies under the Gun Barrel Proof Act 1855 or under the Act of 1868, shall continue to be construed as referring to registration in the former register, and the reference in paragraph (6) of section 138 of the Act of 1868 to the register of foreign proof marks shall continue to be construed as a reference to the former register; but a person shall not by virtue of this sub-paragraph and paragraph 6(2) of Schedule 3 to this Act be liable to be punished twice under section 121 of the Act of 1868 for the same offence.

Proceedings for offences

- 4 (1) Subject to sub-paragraph (2) below, in any proceedings for an offence under the Act of 1868 it shall be for the defendant or, in Scotland, the accused to show that any exemption under this Schedule is applicable to the case.
- (2) Subject to sub-paragraph (3) below, a person shall not be convicted of an offence under the Act of 1868 by virtue of any withdrawal of exemption under paragraph 2(2) above unless it is shown that he knew at the time when the offence is alleged to have been committed that the exemption had been withdrawn.
- (3) Sub-paragraph (2) above does not apply in any case where the defendant or, in Scotland, the accused was at the time when the offence is alleged to have been committed a gun maker or gun barrel maker, or a maker of or dealer in small arms or barrels, or in any parts for small arms or barrels.
- (4) For the purposes of any proceedings for an offence under the Act of 1868 the former register kept by the Proof Master of either of the Two Companies shall be conclusive evidence of the contents of that register as it had effect immediately before the passing of this Act, without production of any original document received from any consular authority or agent, and without proof of any other fact in verification of that register.