



Gun Barrel Proof Act 1868

1868 CHAPTER cxiii 31 and 32 Vict

An Act for repealing the Gun Barrel Proof Act 1855, and for making other Provisions in lieu thereof; and for altering the Constitution of the Guardians of the *Birmingham* Proof House; and for better ensuring the due Proof of Gun Barrels; and for other Purposes. [13th July 1868]

Modifications etc. (not altering text)

- C1 Act amended by [Gun Barrel Proof Act 1950 \(c. iii\), s. 4\(4\)](#)
- C2 Act extended (1.12.1978) to Scotland and Northern Ireland by [Gun Barrel Proof Act 1978 \(c. 9\), s. 6; S.I. 1978/1587, art. 2, Sch.](#)

Charter of 14th March 1637.

Whereas by Royal Charter, dated the Fourteenth Day of *March* One thousand six hundred and thirty-seven, the Master, Wardens, and Society of the Mystery of Gunmakers of the City of *London* (in this Act called “the Gunmakers Company”) were incorporated, with Powers of searching for and proving and marking all Manner of Hand Guns, great and small Daggs and Pistols, and every Part thereof, whether made in *London* or the Suburbs or within Ten Miles thereof, or imported from Foreign Parts, or otherwise brought thither for Sale, and a Scale for Proof was thereby established, and in pursuance of their Charter the Gunmakers Company have established a Proof House near the City of *London*: And whereas by “The^{MI} Gun Barrel Proof Act 1855,” the Acts then relating to the Guardians, Trustees, and Wardens of the Gun Barrel Proof House of the Town of *Birmingham* (in this Act called “the Guardians”) were repealed, and the Guardians were continued incorporated, but by their present Name of “the Guardians of the *Birmingham* Proof House,” and their Constitution was altered: And whereas by the said Act of 1855 (herein-after called “the recited Act”) Provision was made for the proving of the Barrels of Small Arms by the Gunmakers Company at their Proof House, and by the Guardians at the *Birmingham* Proof House, and certain Rules and Regulations and a Scale of Proof were thereby established, but subject to Alteration from Time to Time as by that Act provided, and the recited Act contains divers Provisions for securing that Barrels, not including Military Barrels, made for the Use of Her Majesty’s Forces or for the then and late Honourable *East India* Company, should be delivered to the Gunmakers Company and the Guardians (in this Act called “the Two Companies”) respectively, to be duly proved by them at their respective Proof Houses: And whereas

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the Rules and Regulations and Scale of Proof have from Time to Time been altered, and the same respectively now in force under the recited Act are not applicable to every Description of Small Arm now in use, or are in other respects defective, and it is expedient that the same respectively be amended: And whereas it is expedient that the Constitution of the Guardians and the Mode of Election of Guardians elected by the *Birmingham* Gun Trade be altered and amended, and that further Provision be made with respect to the Powers and Duties of the Proof Master, Wardens, and other Officers of the Two Companies respectively: And whereas the Provisions of the recited Act have proved insufficient to prevent the forging and counterfeiting of Proof Marks of the Two Companies respectively, and to ensure that Barrels of Small Arms made in *England* be submitted to the requisite Proof, and have been found defective in other respects, and it is expedient that further Provision be made against the forging or counterfeiting of Proof Marks of the Two Companies respectively, and for ensuring that Barrels of Small Arms made in *England* be duly proved, and marked as proved, and that the Exemption of Military Barrels from such Proof be confined to Military Barrels made for the Use of Her Majesty's Forces or for the late Honourable *East India* Company while the Barrels are the Property of Her Majesty, and that the Provisions of the recited Act be amended in other respects: And whereas it is expedient that the Two Companies respectively be authorized to provide and maintain Branch Proof Houses at or near to *London* and *Birmingham* respectively: And whereas the Objects of this Act cannot be attained without the Authority of Parliament:

Marginal Citations

M1 1855 c. cxlviii.

Marginal Citations

M1 1855 c. cxlviii.

1 Short Title.

This Act may for all Purposes be cited as “The Gun Barrel Proof Act 1868.”

2 Commencement of Act.

This Act shall commence and have Effect on and after the Second *Monday* next after the passing of this Act.

3 Reserving Power for Crown to establish public Proof Houses.

This Act shall not in any way interfere with the Power of Her Majesty, Her Heirs and Successors, from Time to Time to establish public Proof Houses in such Places and under such Regulations as to the Care and Management thereof as to Her Majesty, Her Heirs and Successors, may seem fit.

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4 Interpretation of Terms.

In the Construction of this Act the following Words and Expressions have the following Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction; to wit,

“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” as incorporated under the recited Act and as continued and constituted under this Act:

“The Two Companies” means and includes the Gunmakers Company and the Guardians:

[^{F1} “The Permanent International Commission” means the Permanent International Commission for the Proof of Small Arms mentioned in section 129(1) of this Act]

“Small Arms” includes Small Arms of every Description, and whether of present Use or of future Invention, respectively adapted for the Discharge of Bullets, Shots, or other Projectiles, either by means of the Explosion, Ignition, or other Action of Gunpowder, Gun Cotton, Fulminating Powder, or other Substance, whether of present Use or of future Invention or Application, or by means of the Expansion of Steam or Gas, or by any other Means not being merely mechanical Means, except Air Guns as at present manufactured:

“Barrel” includes every Barrel of every Small Arm, and every Breech of every Small Arm, and every Part of every Small Arm which would in the User of the Small Arm contain all or any Part of the Charge of the Small Arm, and every Part of every Small Arm in, from, or through which Part in the User of the Small Arm all or any Part of the Charge thereof would be exploded or discharged:

“Barrel” also includes every Barrel welded, forged, or cast, finished or unfinished, or in any other progressive State of Manufacture, and any and every Part of a Barrel:

“Double Barrel” includes every Barrel of or constructed for every Small Arm having any Number of Barrels more than One:

“Provisional Proof” means Proof of a Barrel liable in any subsequent Stage of Manufacture to be reduced in Strength before it forms Part of a Small Arm in a finished State:

“Definitive Proof” means Proof of a Barrel not liable in any subsequent Stage of Manufacture to be reduced in Strength before it forms Part of a Small Arm in a finished State:

“Proof” means provisional Proof and definitive Proof, or, as the Case requires, provisional Proof or definitive Proof:

“Stamp” includes every Stamp, Die, Punch, Tool, and other Instrument whatsoever by means whereof any Mark can be made on any Metal whatsoever:

“Mark” includes every Mark and other Impression of and made with any Stamp, or produced by any other Means whatsoever, on any Metal whatsoever:

[^{F2} “convention proof mark” has the meaning given in section 129(1) of this Act;

^{F3} . . .]

The several Weights by this Act or any Schedule thereto prescribed [^{F4} which are expressed in imperial units] are Avoirdupois Weight.

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Textual Amendments

- F1** Definition in s. 4 inserted (5.6.1980) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 1\(a\)](#); [S.I. 1980/640](#), [art. 2](#)
- F2** Definitions in s. 4 inserted (1.12.1978 as to definition of "statutory maximum" and 5.6.1980 as to definition of "convention proof mark") by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 1\(b\)](#); [S.I. 1978/1587](#), [art. 2](#), [Sch.](#); [S.I. 1980/640](#), [art. 2](#)
- F3** Definition in s. 4 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIV](#) Group2.
- F4** Words in s. 4 inserted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 1\(c\)](#); [S.I. 1978/1587](#), [art. 2](#), [Sch.](#)

5 10 & 11 Vict. c. 16. incorporated.

“The Commissioners Clauses Act 1847,” is, except where varied by this Act incorporated with this Act, except the following Clauses thereof; that is to say, the Clauses—

With respect to the Qualification of Commissioners;

With respect to the Election and Rotation of the Commissioners where the Commissioners are to be elected by the Ratepayers or other like Class of Electors;

With respect to the Appointment and Accountability of the Officers of the Commissioners;

With respect to the Mortgages to be executed by the Commissioners;

With respect to the Accounts to be kept by the Commissioners;

With respect to the making of Byelaws;

And for the Purposes of this Act the Expression “the Commissioners” in that Act means the Guardians, and the Expression “the Clerk to the Commissioners” means the Law Clerk to the Guardians.

6 8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

“The Lands Clauses Consolidation Act 1845,” and “The Lands Clauses Consolidation Acts Amendment Act 1860,” are incorporated with this Act, but not so as to authorize the purchasing of any Lands otherwise than by Agreement.

[^{F5}6A Acquisition of land in Scotland.

For the purpose of acquiring land by agreement in Scotland the ^{M2}Lands Clauses Consolidation (Scotland) Act 1845 and section 6 of the ^{M3}Railways Clauses Consolidation (Scotland) Act 1845 so far as those enactments are applicable for the purposes of this Act shall be incorporated with it; and accordingly in the next following section the reference to the Lands Clauses Consolidation Act 1845 shall include a reference to those enactments.]

Textual Amendments

- F5** [S. 6A](#) inserted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 2](#); [S.I. 1978/1587](#), [art. 2](#), [Sch.](#)

Marginal Citations

- M2** [1845 c. 19](#).

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M3 1845 c. 20.

7 Above-named Acts in Sect. 6. not to apply to Gunmakers Company. 10 & 11 Vict. c. 16. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

Provided always, that, except for the Interpretation of Words and Expressions in this Act, the Clauses and Provisions incorporated with this Act of “The Commissioners Clauses Act 1847,” “The Lands Clauses Consolidation Act 1845,” and “The Lands Clauses Consolidation Acts Amendment Act 1860,” respectively, do not extend or apply to the Gunmakers Company, or any of the Officers or Servants thereof.

8 Same Meanings to Words in incorporated Acts as in this Act and in Schedules.

The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, and the several Words and Expressions to which by this Act Meanings are assigned have in the Schedules to this Act annexed the same respective Meanings, unless in any such Case there be in the Subject or Context something repugnant to or inconsistent with such Construction.

9 Recited Act repealed.

The recited Act is by this Act repealed.

10 Saving Rights of Gunmakers Company.

Provided always, that, except as is by this Act otherwise expressly provided, such Repeal, or this Act, or anything contained in this Act, shall not take away, lessen, alter, or prejudice any of the Estates, Franchises, Ordinances, Rules, Regulations, Rights, Powers, or Privileges of the Gunmakers Company, and this Act or anything therein shall not in any Manner derogate from or affect the Charter of the same Company.

11 General Saving of Rights under recited Act.

Notwithstanding such Repeal, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by the recited Act shall be as valid as if this Act were not passed, and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened and this Act were not passed, would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively; and all such Rights, Liabilities, Claims, and Demands shall be enforceable and recoverable by, for, or against the Two Companies respectively in the same Manner and to the same Extent as they would have been enforceable and recoverable by, for, or against them respectively in case this Act had not passed: Provided always, that the Generality of the preceding Provision shall not be affected by the Particularity of any of the other Provisions of this Act.

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12 Guardians to continue incorporated.

Notwithstanding such Repeal, but subject to the Provisions of this Act, the Guardians shall be and continue incorporated by the Name of “The Guardians of the *Birmingham* Proof House,” and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal.

13 Guardians to remain entitled to their Property.

Notwithstanding such Repeal, the Guardians shall remain and be possessed of and entitled to the *Birmingham* Proof House, and all Works and Conveniences, Lands, Buildings, Estates, Monies, Property, Effects, Claims, and Demands whatsoever of or to which they, or any Person upon trust for them, shall, under or by virtue of the recited Act, or otherwise howsoever, be immediately before the Commencement of this Act seised, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, with the Appurtenances, as if this Act were not passed.

14 Two Companies respectively to continue entitled to Rights under other Acts.

Notwithstanding such Repeal, but subject to the Provisions of this Act, the several Clauses and Provisions whatsoever relating to the Two Companies respectively contained in any Act or Acts other than the recited Act, and which shall immediately before the Commencement of this Act be in force, shall on and after the Commencement and for the Purposes of this Act continue and be in force accordingly, and the Two Companies respectively, and their respective Officers and Servants, may and shall accordingly, and for the Purposes of this Act, be entitled to, and have, exercise, and enjoy, and be subject to, under or by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, Privileges, Obligations, Exemptions, and Liabilities whatsoever as in case this Act were not passed the Two Companies respectively, and their respective Officers and Servants, under or by virtue of the same, might be entitled to, or might have, exercise, enjoy, and be subject to.

15 Contracts, Conveyances, &c. to remain in force.

Notwithstanding such Repeal, all Contracts, Conveyances, Leases, Deeds, Appointments, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the Commencement of this Act to, with, in favour of, or by, for, or on behalf of the Two Companies respectively, or any Person on their respective Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Two Companies respectively, and may be proceeded on and enforced in like Manner to all Intents and Purposes, as if this Act were not passed.

16 Actions, &c. not to abate.

Any Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the Two Companies respectively before the Commencement of this Act shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect, both in favour of and against the Two Companies respectively in the same Manner to all Intents and Purposes as if this Act were not passed; and all Offences and Penalties against or under any of the Provisions of the recited Act committed or incurred before the Commencement of this Act, and

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which if the recited Act were not repealed could be prosecuted or enforced by the Two Companies respectively under any of the Provisions of the recited Act, may, notwithstanding such Repeal, be prosecuted and enforced by the Two Companies respectively in the same Manner to all Intents and Purposes as if this Act were not passed.

17 Debts due to and by the Two Companies respectively to be paid to and by them.

Notwithstanding such Repeal, all Persons who shall immediately before the Commencement of this Act owe any Sum of Money to the Two Companies respectively, or to any Person on their respective Behalf, shall pay the same, with all Interest (if any) due and payable or accruing for the same, to the Two Companies respectively; and all Debts and Monies which immediately before the Commencement of this Act are due or owing by or recoverable from the Two Companies respectively, or for the Payment of which the Two Companies respectively are or but for this Act would be liable, shall be paid, with all Interest (if any) due and payable or accruing for the same, by or be recoverable from the Two Companies respectively.

18 Byelaws, &c. to remain in force.

Notwithstanding such Repeal, all Byelaws, Ordinances, Rules, Resolutions, Orders, Notices, and Proceedings of the Guardians and their Officers and Servants made and taken before the Commencement of this Act shall for the Purposes of this Act continue in full Force and Effect as if this Act were not passed, and such Byelaws may be enforced, and all Penalties thereunder may be recovered accordingly: Provided always, that any Byelaw of the Guardians made under the Authority and for any of the Purposes of the recited Act shall not, unless and except only so far as the same shall within Six Months after the Commencement of this Act be duly re-enacted, be of any Force after the Expiration of those Six Months.

19 Books to be Evidence.

Notwithstanding such Repeal, all Books, Registers of Foreign Proof Marks, and other Registers, Certificates, Writings, and Documents by the recited Act respectively directed or authorized to be kept or made, and which if this Act were not passed would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

20 Officers to continue.

Notwithstanding such Repeal, every Officer and Servant of the Guardians appointed by virtue of or acting under the Authority of the recited Act shall hold and enjoy his respective Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Guardians, and shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, and Regulations, in all respects whatsoever as if he were appointed by the Guardians under this Act.

21 Official and elected Guardians after the Commencement of this Act.

On and after the Commencement of this Act the Guardians of the *Birmingham* Proof House (in this Act called “the Guardians”) shall consist of the following Persons;

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to wit, all [^{F6}justices for the petty sessional division of Birmingham], and three Members of [^{F7}Birmingham City Council] nominated and appointed annually by the said Council on the same Day as the Election of [^{F8}Lord Mayor] is directed to take place, which Justices and Members of the Council are in this Act called “the official Guardians,” and the Fifteen Persons appointed by and to be elected under this Act, which Fifteen Persons are in this Act called “the elected Guardians,” who shall be or shall have been Master Gunmakers or Master Gun Barrel Makers carrying on Business in or within Ten Miles of ^{F9}...*Birmingham*; and every Person for the Time being representing an incorporated Joint Stock Company on the Register of the *Birmingham* Gun Trade shall for the Purposes of this Provision be deemed a Master Gunmaker or Master Gun Barrel Maker carrying on Business as aforesaid; provided that if any Guardian nominated and appointed by [^{F7}Birmingham City Council] shall die, resign, or cease to be a Member of the said Council, the said Council at the next Quarterly Meeting after the happening of such Vacancy may nominate and appoint another Member of the said Council in his Place, and every Guardian so nominated and appointed shall continue in Office until the next annual Nomination and Appointment shall be made by the said Council; provided also, that the Powers of the Guardians shall not be dependent on the Number of elected Guardians from Time to Time amounting to Fifteen, or on all the elected Guardians being or having been Master Gunmakers or Master Gun Barrel Makers, or on the Nomination or Appointment of any Members by the said Council being duly made.

Textual Amendments

- F6** Words in s. 21 substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\), s. 9\(3\), Sch. 3 para. 3\(a\)](#) ; [S.I. 1978/1587, art. 2, Sch.](#)
- F7** Words in s. 21 substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\), s. 9\(3\), Sch. 3 para. 3\(b\)](#) ; [S.I. 1978/1587, art. 2, Sch.](#)
- F8** Words in s. 21 substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\), s. 9\(3\), Sch. 3 para. 3\(c\)](#) ; [S.I. 1978/1587, art. 2, Sch.](#)
- F9** Words in s. 21 repealed (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\), s. 9\(3\), Sch. 4](#) ; [S.I. 1978/1587, art. 2, Sch.](#)

22 First-elected Guardians.

The several Persons who immediately before the Commencement of this Act are under the recited Act the ordinary Members of the *Birmingham* Company as defined by that Act shall be the first-elected Guardians under this Act, and are herein-after called “the first-elected Guardians:” Provided always, that if at the Commencement of this Act there be any Vacancy in the Office of ordinary Member under the recited Act so that the first-elected Guardians appointed by this Act be less than Fifteen, then the Guardians, if they think fit, within Three Months after the Commencement of this Act, may fill up every such Vacancy, and may elect another duly qualified Person to be an elected Guardian in the Place of every Person who, had he been such ordinary Member at the Commencement of this Act, would have been One of the first-elected Guardians; and every Guardian so elected shall continue in Office only until the First Yearly Meeting of the *Birmingham* Gun Trade under this Act, but if qualified shall be eligible for Re-election, and the Vacancy shall be filled up at such First Yearly Meeting; but the Person elected to fill up the Vacancy shall continue in Office only so long as the Person in whose Place he is elected would have been entitled under this Act to continue in Office if he had been by this Act appointed One of the first-elected Guardians.

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23 Qualification of elected Guardians.

No Person shall be entitled to be elected or to continue an elected Guardian unless he be of full Age, and shall reside in or within Ten Miles of ^{F10}...*Birmingham*, and unless he shall be seised or possessed of Real or Personal Estate, or both, to the Amount of One thousand Pounds, or be rated to the Relief of the Poor of the Parish in which he shall reside upon an annual Value of not less than Fifty Pounds.

Textual Amendments

F10 Words in s. 23 repealed (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\), s.9\(3\), Sch. 4](#); S.I. 1978/1587, art. 2, [Sch.](#)

Modifications etc. (not altering text)

C3 Reference to full age to be construed as reference to age of 18 or over: [Family Law Reform Act 1969 \(c. 46\), s. 1\(1\)\(2\)](#)

C4 Reference to rate for relief of poor to be construed as reference to general rate: [General Rate Act 1967 \(c. 9\), s. 116\(2\)](#)

24 Bankrupts not to be Guardians.

Any Bankrupt who has not obtained his Order of Discharge, or a Person not qualified as required by this Act, shall not be capable of being or continuing a Guardian.

25 Guardians not to be concerned in Contracts.

Any Guardian who at any Time accepts or continues to hold any Office or Place of Profit under this Act other than the Office of Proof Master or Warden, or is concerned or participates in any Manner in any Contract, or in the Profit thereof, or in any Work to be done under this Act, shall thenceforth cease to be a Guardian, and if he be an elected Guardian his Office shall thereupon become vacant.

26 But Shareholders in Companies not disqualified.

Provided always, that a Person being a Shareholder in or Member of any Company established by or under Act of Parliament shall not be prevented from being or acting as a Guardian by reason of any Contract entered into between the Guardians and such established Company, but any such Guardian, being a Shareholder in or Member of such established Company, shall not vote on any Question relating to the Execution of this Act in which such established Company is interested.

27 Declaration to be made by Guardian before acting.

A Person shall not be capable of acting as a Guardian, except in administering the following Declaration, until he have made and subscribed before One of the Guardians a Declaration to the Effect following:

”I *A.B.* of do solemnly declare that I will faithfully and impartially, according to the best of my Skill and Judgement, execute all the Powers and Authorities reposed in me as One of the Guardians incorporated by the Name of “The Guardians of the Birmingham Proof House” by virtue of “The Gun Barrel Proof Act 1868,” and also

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that I [*here set forth a Statement of the Qualification required by this Act in the Terms thereof*].⁷

28 False Declaration a Misdemeanor.

Any Person who falsely or corruptly makes and subscribes such Declaration, knowing the same to be untrue in any material Particular, or knowingly and wilfully acts contrary thereto, shall be [^{F11}guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years.]

Textual Amendments

F11 Words in s. 28 substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\), s. 9\(3\), Sch. 3 para. 4; S.I. 1978/1587, art. 2, Sch.](#)

29 Declaration to be made at First Meeting.

Every Guardian shall at the Meeting of the Guardians at which he first attends after the Commencement of this Act as a Guardian make and subscribe such Declaration, and any Guardian, whether he have made such Declaration or not, may administer such Declaration.

30 Penalty on Guardians acting not being qualified. But Acts done valid.

Every Person who, except in administering such Declaration, acts as a Guardian, being incapacitated or not duly qualified to act, or before he has made and subscribed such Declaration or after having become disqualified, shall [^{F12}be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine]: Provided always, that all Acts as a Guardian of any Person incapacitated, or not duly qualified, or not having made or subscribed such Declaration, previously to the [^{F12}conviction], shall be as valid as if such Person had been duly qualified and had made and subscribed such Declaration.

Textual Amendments

F12 Words in s. 30 substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\), s. 9\(3\), Sch. 3 para. 5; S.I. 1978/1587, art. 2, Sch.](#)

31 Members of the Two Companies not incapable of acting as Justices.

A Person shall not be incapable of acting in any way as a Justice in the Execution of this Act by reason of his being a Member of either of the Two Companies.

32 Elected Guardians failing to act to cease to be elected Guardians.

Every elected Guardian who for Three Months after his Election fails to make and subscribe such Declaration, or who for Six Months in succession is absent from all Meetings, or who by Notice in Writing left at the *Birmingham* Proof House resigns his Appointment, shall cease to be an elected Guardian.

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33 Vacancy on elected Guardians becoming official Guardians.

When any Person, being an elected Guardian, becomes entitled to be an official Guardian, his Office as elected Guardian shall thereupon become vacant, and with respect to his making and subscribing the Declaration by this Act required he shall be deemed to have newly become a Guardian.

34 Election as elected Guardians of persons ceasing to be official Guardians.

Every Person ceasing to be an official Guardian may, if qualified, be elected an elected Guardian, and with respect to his making and subscribing the Declaration by this Act required he shall on being so elected be deemed to have newly become an elected Guardian.

35 Election of elected Guardians to supply occasional Vacancies.

If any elected Guardian die or resign, or be disqualified or cease to be an elected Guardian from any Cause other than that of going out of Office by Rotation, the Guardians, if they think fit, may, within Three Months from the happening of such Vacancy, elect another duly qualified Person to be an elected Guardian in his Place, and every Guardian so elected shall continue in Office only until the then next Yearly Meeting of the *Birmingham* Gun Trade, and the Vacancy shall be filled up at such next yearly Election, but the Person elected to fill up the Vacancy shall continue in Office only so long as the Guardian whose Death, Resignation, Disqualification, or ceasing to be an elected Guardian originally created the Vacancy would have been entitled to continue in Office.

36 Rotation of elected Guardians.

At every Yearly Meeting of the *Birmingham* Gun Trade Three of the elected Guardians shall retire from Office, but the elected Guardians so retiring may attend and vote at such Meeting; and the first-elected Guardians shall retire from Office at such Yearly Meetings under this Act in the same Order of Rotation as they would have retired from Office under the recited Act at Yearly Meetings under that Act; and the Order of Rotation of all elected Guardians, other than the first-elected Guardians, shall be determined by the Seniority of their Election, and in each Instance the Places of the retiring elected Guardians shall be supplied by the Election of a like Number of elected Guardians as by this Act provided.

37 Retiring Guardians to be eligible for Re-election.

Provided always, that every elected Guardian going out of Office by Rotation, or otherwise ceasing to be an elected Guardian, shall, if qualified, be eligible for Re-election; and, except as is by this Act otherwise expressly provided, he shall after such Re-election be considered with reference to going out by Rotation a newly elected Guardian.

38 Qualification of Members of Birmingham Gun Trade.

The Qualification of a Member of the *Birmingham* Gun Trade shall be his being of full Age, and a Master Gunmaker or Master Gun Barrel Maker carrying on Business as a Master Gunmaker or Master Gun Barrel Maker in or within Ten Miles of

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^{F13}...*Birmingham*, and his being rated to the Relief of the Poor in respect of the Premises where such Business is carried on by him upon an annual Value of not less than Twenty-five Pounds, and his being registered as a Member of the *Birmingham* Gun Trade as by this Act provided: Provided always, that if the Premises where such Business is carried on by any Master Gunmaker or Master Gun Barrel Maker be contiguous to his Place of Residence, and the same Premises are not assessed separately from the Residence, but are assessed with the Residence or any Part thereof, then the Amount of the Assessment shall for the Purpose of conferring such Qualification be deemed the annual rateable Value of the Premises only: Provided also, that no Bankrupt who has not obtained his Order of Discharge shall be qualified to be a Member of the *Birmingham* Gun Trade: Provided also, that the Expression “Master Gun Barrel Maker,” wherever used in this Act, shall include a Master Breechloading Action Maker, but shall not include any Person who, not being a Master Breechloading Action Maker, makes or wholly or partially completes in a finished State a Part or Parts only of Gun Barrels.

Textual Amendments

F13 Words in s. 38 repealed (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 4](#); S.I. 1978/1587, art. 2, [Sch.](#)

Modifications etc. (not altering text)

C5 Reference to full age to be construed as reference to age of 18 or over: [Family Law Reform Act 1969 \(c. 46\)](#), s. 1(1)(2)

C6 Reference to rate for relief of poor to be construed as reference to general rate: [General Rate Act 1967 \(c. 9\)](#), s. 116(2)

39 Qualification for elected Guardians and Birmingham Gun Trade in Cases of joint Rating.

If the Qualification with respect to rating of any Person as an elected Guardian, or as a Member of the *Birmingham* Gun Trade, shall depend upon a Rating which shall be a joint Rating of himself and any other Person or Persons, then the rateable Value of the Premises in respect of which the Qualification is claimed shall be divided by the Number of the Persons jointly rated, and the Quotient shall with respect to every such Person, and for the Purpose of conferring a Qualification on him, be deemed the annual Value of the Premises upon which he is rated.

40 Qualification of Joint Stock Companies as Members of Birmingham Gun Trade.

Every incorporated Joint Stock Company carrying on the Business of a Master Gunmaker or Master Gun Barrel Maker in or within Ten Miles of ^{F14}...*Birmingham*, and rated to the Relief of the Poor in respect of the Premises where such Business is carried on upon an annual Value of not less than Seventy-five Pounds, may, by Resolution of its Board of Directors, in the Month of *January* or *February* in every Year, appoint Two of the Directors and the Secretary of the Company, or Three of the Directors, to represent such Company on the Register of the *Birmingham* Gun Trade; and upon the Law Clerk of the Guardians receiving a Copy of such Resolution, certified under the Hand of the Secretary or a Director and the Common Seal of the Company, each of the Persons so appointed shall for the Purposes of this Act be entitled to be registered as a Member of the *Birmingham* Gun Trade for One Year: Provided always, that if the Name of any Person shall appear twice or oftener in or upon any

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Register of the *Birmingham* Gun Trade, although in respect of different Qualifications, such Person shall not be entitled to more than One Vote.

Textual Amendments

F14 Words in s. 40 repealed (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 4](#); S.I. 1978/1587, art. 2, [Sch.](#)

Modifications etc. (not altering text)

C7 Reference to rate for relief of poor to be construed as reference to general rate: [General Rate Act 1967 \(c. 9\)](#), s. 116(2)

41 Existing Register of Birmingham Gun Trade to remain in force.

The Register of the Members of the *Birmingham* Gun Trade on the Commencement of this Act in force under the recited Act shall be the Register of the *Birmingham* Gun Trade under this Act until the Register first revised under this Act shall have been made, revised, and signed as by this Act required.

42 Claims for Registration of Members of Birmingham Gun Trade.

For the Purpose of making and revising from Time to Time a yearly Register of Members of the *Birmingham* Gun Trade, every Person claiming to be a Member of the *Birmingham* Gun Trade, and whose Name shall not appear as such Member on the Register then in force, or appearing thereon shall be desirous of making a new Claim, shall, between the First and Second *Mondays* (both Days inclusive) in the Month of *March* in the Year for which he claims to be registered, send in to the *Birmingham* Proof House, if by Post Post-paid, a Claim in the Form in Schedule A., Part I., to this Act annexed, and the Law Clerk to the Guardians shall make out and sign a List containing the Names, Descriptions, Addresses, and Qualifications of all the Members entered on the Register then in force, and also a List containing the Names, Descriptions, Addresses, and Qualifications of all Persons then claiming to be registered, and shall publish such Two Lists on or before the Third *Monday* in the Month of *March* in the Year in which the Revision is to be made.

43 Publication of Times for making Claims and of Claims made.

The Law Clerk shall in every Year give Notice of the Time for making Claims by Advertisement in Two of the Newspapers published in *Birmingham*, not less than Seven Days prior to the Time appointed by this Act for sending in Claims, and also shall in every Year, within Seven Days after the Time for sending in Claims for that Year has elapsed, publish the List of registered Members and also the List of Claimants for that Year, by placing a printed Copy of each List on the chief Entrance Door of the *Birmingham* Proof House, and on the principal Door of the Town Hall, *Birmingham*.

44 Objections to Register and Claims.

Any Person whose Name shall be on the Register for the Time being in force may object to any other Person as not entitled to be upon the new Register, and whether or not such last-mentioned Person be on the Register for the Time being in force: Provided always, that Notice in Writing of every such Objection shall be given to the

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Law Clerk and also to the Person objected to, which Notice shall be sent, if by Post Post-paid, to the Law Clerk at the *Birmingham* Proof House, a Duplicate thereof being sent to the Person objected to, addressed to him at the Premises in respect of which he is registered or claims to be registered.

45 Time for making Objections.

The Notice of Objection shall be in the Form in Schedule A., Part II., to this Act annexed, and shall be signed by the Objector, and shall be given within Fourteen Days next after the Third *Monday* in *March* in the Year in which the Revision is to be made.

46 Printed Copies of Forms in Schedule A. to be kept.

The Guardians shall cause to be printed, and always keep ready for Use, Copies of each of the Forms in Parts I. and II. of Schedule A. to this Act annexed, at the Foot whereof shall be printed the Sections of this Act relating to the Qualification required for Members of the *Birmingham* Gun Trade; and a Copy of either of such printed Forms shall be delivered to any Person applying at the *Birmingham* Proof House for the same, upon his paying to the Officer of the Guardians appointed to have Charge of such Forms the Sum of [^{F15}5p].

Textual Amendments

F15 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

47 Revision of Register by Registry Board.

The Register of Members of the *Birmingham* Gun Trade for the Time being in force, and all new Claims, and all Objections to Names on the Register for the Time being in force, and to new Claims, shall from Time to Time be revised and decided upon by a Board to be called the Registry Board.

48 Registry Board.

For the First Revision under this Act the Registry Board shall consist of the Mayor of the Borough of *Birmingham*, the Proof Master of the Guardians, and an Assessor appointed by them, with Power for such Mayor to appoint any Justice for the Borough of *Birmingham* to act as his Deputy; and after the First Revision under this Act the Registry Board shall consist of a Guardian to be from Time to Time appointed by the Guardians, and a Person to be from Time to Time appointed by the *Birmingham* Gun Trade, as by this Act provided, and an Assessor to be appointed by such Guardian and Person, and the Decision of the Members of such Board, or of any Two of them, shall be final; and the Appointment of Members of the Registry Board by the Guardians and the *Birmingham* Gun Trade respectively shall be made at any Annual Meeting of the Guardians, or any Yearly Meeting of the *Birmingham* Gun Trade, without Notice, or with Notice at any Special Meeting of the Guardians and *Birmingham* Gun Trade respectively, and the Appointment shall only be for the then next Revision.

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49 Mode of Revision by Registry Board.

All the Members of the Registry Board shall attend at the Board Room of the *Birmingham* Proof House, or at such other Place in *Birmingham* as the Guardians from Time to Time appoint, on the Third *Monday* in the Month of *April* in the Year One thousand eight hundred and sixty-nine, and in every subsequent Year, at Twelve of the Clock at Noon, and shall from Time to Time proceed to make and revise the Register, and to decide on the Title of Claimants claiming in accordance with this Act to be placed on the Register, and upon Objections, of which due Notice shall have been given as by this Act provided, and shall make and revise the Register; and all or any Two of the Members of the Board shall in open Court write their Initials against the Names respectively expunged from the then Register and List of Claimants; and the Register, when so made and revised, shall be signed by all or any Two of the Members of the Board.

50 Members on Register to remain registered until Proof of Death, or Objection allowed.

Every Person registered in the Register for the Time being in force (except any Person representing an incorporated Joint Stock Company) shall be registered in the next succeeding Register, unless the Registry Board, on being satisfied of his Death, or on Objection made in accordance with this Act, and allowed by them, shall otherwise decide; and all new Claimants, if not objected to in accordance with this Act, or the Objections to whom are not allowed by the Registry Board, shall be registered.

51 Members of Birmingham Gun Trade determined by Register in force.

Every Register so made, revised, and signed shall be in force until the next Register is made, revised, and signed, and the Persons registered in the Register for the Time being in force shall be the Members of the *Birmingham* Gun Trade.

52 Revised Register to be printed and Copies to be Evidence.

The Law Clerk shall cause every Register, after the making, Revision, and signing thereof, to be printed, and printed Copies thereof shall be kept at the *Birmingham* Proof House for public Inspection; and every Person whose Name appears thereon shall be entitled to a Copy thereof on Payment of not exceeding [^{F16}5p] for each Copy; and the Production of a written or printed Copy of any such Register, purporting to be signed by all or any Two of the Members of the Registry Board, shall be *prima facie* Evidence of the Register, without Proof of the Appointment or Signature of any Member of the Registry Board.

Textual Amendments

F16 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

53 First and other yearly Meetings of Birmingham Gun Trade.

A Yearly Meeting of the Members of the *Birmingham* Gun Trade shall be held on the First *Tuesday* in the Month of *May* in every Year after the Commencement of this Act, and the First Yearly Meeting shall be held on the First *Tuesday* in the Month of *May* One thousand eight hundred and sixty-nine.

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54 Special Meetings of Birmingham Gun Trade.

The Guardians may from Time to Time call Special Meetings of the *Birmingham* Gun Trade; and any Members of the *Birmingham* Gun Trade, not less than Ten in Number, may, by Writing under their Hands addressed to the Chairman of the Guardians, at any Time require the Guardians to call a Special Meeting of the *Birmingham* Gun Trade, which Requisition shall express fully the Object for which the Meeting is required to be called; and forthwith upon the Receipt of the Requisition the Chairman of the Guardians shall call a Special Meeting; and if for Fourteen Days he or the Guardians fail to call a Meeting, the Requisitionists may call the Meeting by giving not less than Fourteen Days public Notice thereof by Advertisement in at least Two Newspapers published in *Birmingham*, and by a Circular sent by Post to each Member of the *Birmingham* Gun Trade.

55 Notice of Yearly and Special Meetings.

The Guardians shall give not less than Fourteen Days Notice of the holding of every such Yearly Meeting, and not less than Seven Days Notice of the holding of every Special Meeting (called by the Guardians or their Chairman), by a Circular sent by Post to each Member of the *Birmingham* Gun Trade, and by Advertisement in at least Two Newspapers published in *Birmingham*. The Notice of a Yearly Meeting shall state the Names of the retiring Guardians, and the Nature of the Business, if any other than ordinary Business, to be considered at the Meeting. The Notice of a Special Meeting shall state the Nature of the Business to be considered thereat. The Notice of every Meeting, yearly or special, at which any Election by the *Birmingham* Gun Trade is to take place shall also state the Substance of this Act with respect to Nomination of Candidates and the Mode of Election.

56 Meetings of Birmingham Gun Trade.

All Meetings of the *Birmingham* Gun Trade shall be held at the *Birmingham* Proof House at Eleven of the Clock in the Forenoon, or at such other Place in ^{F17}...*Birmingham* and at such other Time as the Guardians from Time to Time appoint, and may be adjourned from Time to Time, and all Questions thereat shall be decided by a Majority of Votes of the Persons present and entitled to vote, and voting, the Chairman having a Second or Casting Vote in Cases of Equality of Votes. The Quorum of every Meeting shall (except for the Purpose of Adjournment) be Ten; and no Business, except the Adjournment of the Meeting, shall be transacted at any such Meeting unless the Quorum be present, and if the Quorum be not present within Half an Hour after the Time appointed for the Commencement of the Meeting, the Persons present, or a Majority of them, may, if they think fit, adjourn the Meeting; and the Guardians shall give not less than Two clear Days Notice of any adjourned Meeting by Advertisement in at least Two Newspapers published in *Birmingham*: Provided always, that no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.

Textual Amendments

F17 Words in s. 56 repealed (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 4](#); S.I. 1978/1587, art. 2, [Sch.](#)

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57 Chairman of Meetings of Birmingham Gun Trade.

The Chairman of the Guardians shall, if present, be the Chairman at Meetings of the *Birmingham* Gun Trade, and in his Absence the First Business of the Meeting shall be the Election of a Chairman, and the Meeting, by a Majority of the Persons present and entitled to be present and voting, may elect One of such Persons to be Chairman of the Meeting; and it shall be the Duty of the Chairman to make and sign a Record of the Proceedings of the Meeting, and to deliver or send the same to the Law Clerk within Two Days after the Meeting, and such Record shall be open at all reasonable Times to Inspection by the Members of the *Birmingham* Gun Trade.

58 Business at Yearly and Special Meetings.

The ordinary Business of the Yearly Meeting of the *Birmingham* Gun Trade shall be the Reception and Consideration of the Report of the Guardians and the Report of the Auditors, the Election of elected Guardians and the Election of One Auditor, and of the Member of the Registry Board on behalf of the *Birmingham* Gun Trade, and of Two Scrutineers, and no other Business shall be transacted at such Yearly Meeting, and no Business shall be transacted at any Special Meeting of the *Birmingham* Gun Trade unless special Notice thereof has been given in the Circular and Advertisement convening the Meeting.

59 Guardians to report to Yearly Meetings.

At every Yearly Meeting of the *Birmingham* Gun Trade the Guardians shall present a Report of their Transactions during the preceding Year, and shall annex to their Report a tabular classified Statement of the Barrels sent to be proved at the *Birmingham* Proof House and every Branch Proof House of the Guardians, the Number of Barrels proved and marked as proved, the Number of Barrels found faulty and the Character of the Faults, and shall annex to their Report the Accounts for the preceding Year, and the Report of the Auditors thereon.

60 Nomination of Candidate.

Any Member of the *Birmingham* Gun Trade may by Writing signed by him nominate for the Office of elected Guardian or Auditor, or Member of the Registry Board, any Person or Persons duly qualified, but not exceeding the Number of Vacancies in the respective Office to be filled up, and the Nomination shall be sent to the Law Clerk not more than Fourteen Days and not less than Three Days before the Day of the Meeting at which the Election is to be made, and the Law Clerk shall attend the Meeting with a List of the Persons nominated, and the Names of the Persons nominating them, and the Persons to be elected at such Meeting for any Office shall be elected from the Persons so nominated for that Office, and from them only.

61 Election of Candidates.

If the Number of qualified Persons nominated for each respective Office do not exceed the Number of Persons to be elected to the respective Office, the Chairman of the Meeting at which the Election is to be made shall declare such Persons duly elected; but if the Number of qualified Persons so nominated for the respective Office exceed the Number to be then elected to the same Office, the Election shall be decided by Vote of the Persons present, and entitled to vote and voting at the Meeting; and for

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the Purpose of taking the Votes, the Law Clerk shall provide and shall deliver to each Voter a Voting Paper in the Form given in Schedule A., Part III., to this Act annexed; and each Voter shall write his Name or Initials in the Voting Paper delivered to him against the Name or Names of the Person or Persons to be elected for whom he intends to vote, and shall at the Meeting sign such Voting Paper, and deliver the same to the Chairman of the Meeting.

62 Appointment of Scrutineers, and Examination of Votes by Chairman and Scrutineers.

The Meeting at which any Election is to be decided by voting shall elect Two Members of the *Birmingham* Gun Trade to be Scrutineers at the Election, and the Chairman of the Meeting and the Scrutineers shall proceed to determine forthwith the Number of Votes for each Candidate; and the Decision of the Chairman and the Scrutineers, or any Two of them, as to the Number of Votes for each Candidate, shall be final, and the Candidates who have the Majority of Votes shall be declared by the Chairman duly elected; and in every Case of Equality of Votes the Chairman shall have a Second or Casting Vote.

63 Provision in case of Failure of Birmingham Gun Trade to supply Vacancies.

If from any Cause whatever no Election of elected Guardians, Auditor, or Member of Registry Board take place on the Day appointed for the same, the Meeting at which any such Election ought to have been made shall stand adjourned until the same Day of the following Week, and so on from Week to Week until such Election shall take place; and the Law Clerk shall give not less than Two clear Days previous Notice of the holding of every such adjourned Meeting by Advertisement in at least Two Newspapers published in *Birmingham*; and in every such Case every elected Guardian or Auditor or Member of the Registry Board who, if the Election had taken place on the Day first appointed for the Meeting, would then have retired from Office by Rotation, shall continue in Office until he is re-elected, or another Person elected in his Stead, at such adjourned Meeting.

64 Informalities in Election of Members not to invalidate Proceedings.

All Proceedings of the Guardians or of a Committee thereof, or of any Person acting as a Guardian, shall, notwithstanding it be afterwards discovered that there was some Defect in the Election of any such Guardian or Person so acting, or in the Appointment of any such Committee, or that they or any of them were disqualified, be as valid as if every such Person were duly elected and qualified to be a Guardian, and as if every such Committee were duly appointed.

65 First and other monthly Meetings of Guardians.

The Guardians shall hold their First Meeting under this Act on the First *Thursday* next after the Commencement of this Act at the Hour of Eleven in the Forenoon, and shall hold their subsequent monthly Meetings at the same Hour on the last *Thursday* in every succeeding Month, or on such Days and at such Times as they shall from Time to Time appoint.

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66 First and other Annual Meetings of Guardians.

The Guardians shall hold their First Annual Meeting on the last *Tuesday* in the Month of *April* in the Year One thousand eight hundred and sixty-nine, and shall hold their Second and subsequent Annual Meetings respectively on the last *Tuesday* in the Month of *April* in every subsequent Year, all such Annual Meetings to be held at the Hour of Eleven in the Forenoon.

67 Postponing Meetings for Fast Days, &c.

Whenever the Day fixed by or under this Act for the holding of any Meeting of the Guardians or of the *Birmingham* Gun Trade, or for the sitting of the Registry Board, shall be a Day appointed for a General Fast or Thanksgiving, then the Meeting shall be held on the next following Day, not being one of such Days or *Sunday*.

68 Place of Meetings of Guardians.

All Meetings of the Guardians shall be held at the *Birmingham* Proof House, or in some other convenient Place in the Borough of *Birmingham*, as the Guardians from Time to Time appoint.

69 Quorum for Meetings of Guardians and Special Meetings of Guardians.

The Quorum for any Meeting of the Guardians shall be Five; and the Chairman of the Guardians, or any Three or more of the Guardians, may call any Special Meeting, but no Special Meeting shall be held unless at least Two clear Days Notice thereof, stating the Objects of the Meeting, be sent by the Law Clerk by Post to each Guardian who has made and signed the Declaration by this Act required, and who has not ceased to be a Guardian.

70 Powers of Guardians and ordinary Business of Meetings of Guardians.

The Guardians shall exercise and carry into effect all the Powers and Provisions of this Act, except as to such Matters as by this Act are directed to be otherwise transacted, or as relate to the Gunmakers Company; and at any Meeting of the Guardians, not being a Special Meeting, any of the ordinary Business of the Guardians may be transacted, such ordinary Business including the Supply of occasional Vacancies in the Office of elected Guardian, the appointing and removing of the inferior Officers of the Guardians, the inquiring into the Conduct of Persons employed by the Guardians to execute any Works or perform any Services, and into the State and Progress of such Works, and generally the giving from Time to Time of any Directions necessary for superintending, enforcing, or carrying into effect the Purposes of this Act.

71 Notice of extraordinary Business.

Where any Business, other than ordinary Business, is required or intended to be transacted at any annual or monthly Meeting of the Guardians, due Notice thereof shall be given and sent by the Law Clerk, as by this Act required for Notice of Special Meetings, and it shall not be necessary for the Transaction of such extraordinary Business at any annual or monthly Meeting to give Notice thereof at a prior Meeting, or to give or send any other Notice thereof than the Notice herein-before required to be given and sent by the Law Clerk.

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72 Remuneration to Guardians.

The elected Guardians, other than the Proof Master and Wardens, shall be entitled to receive for their Remuneration the Sum of [^{F18}£12.60] for each monthly Meeting of the Guardians, which Sum, unless the Guardians otherwise agree, shall be divided equally amongst the elected Guardians other than the Proof Master and Wardens attending the Meeting.

Textual Amendments

F18 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19, SIF 10\)](#), s. 10(1)

73 Proof Master and Wardens.

The several Persons who at the Commencement of this Act are the Proof Master and Wardens of the Guardians under the recited Act shall be the Proof Master and Wardens under this Act until the First Annual Meeting of the Guardians under this Act, and shall then retire from Office; and at such First Annual Meeting the Guardians shall, by the Majority of the Votes of the Guardians present and voting, elect One of the elected Guardians to be the Proof Master, and Two of the elected Guardians to be Wardens, and fix their Remuneration respectively, until the then next Annual Meeting of the Guardians, when, and at every subsequent Annual Meeting, the Guardians shall in like Manner elect a Proof Master and the like Number of Wardens for the ensuing Year, and fix their Remuneration; and if the Proof Master or either of the Wardens die, resign, or cease to be an elected Guardian, or otherwise become disqualified to act as such, the Guardians at their Meeting next after the happening of the Vacancy shall elect some other elected Guardian to fill up the Vacancy, and the Guardian so elected shall continue in Office so long as the Person in whose Place he is elected would have been entitled to have continued in Office: Provided always, that such Election of Proof Master and Wardens may take place at any Annual Meeting of the Guardians without Notice.

74 Power for Guardians to resolve that Proof Master shall be a salaried Officer, and not a Guardian.

Provided always, that the Guardians may by Resolution adopted at a Special Meeting resolve that the Proof Master shall not be a Guardian, but shall be a salaried Officer, who shall devote the whole of his Time to the Duties of his Office, and shall not be concerned directly or indirectly (except as a Shareholder in or Member of any Company) in any Trade or Business.

75 Power for Guardians to appoint Deputy Proof Master.

After the passing of such Resolution to appoint a salaried Officer as Proof Master, the Guardians may from Time to Time appoint some competent Person to be Deputy Proof Master, and at pleasure remove him, and appoint another in his Stead; and the Deputy Proof Master, in the Absence of the Proof Master, shall have and exercise the same Powers, and perform and be subject to the same Duties, Rules, and Regulations, as the Proof Master.

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76 Salaried Proof Master.

After the passing of such Resolution to appoint a salaried Officer as Proof Master, the Proof Master shall not be a Guardian, and the Power to appoint Wardens shall cease; and the Guardians may from Time to Time appoint and remove such Proof Master, and fill up any Vacancy in the Office of Proof Master occasioned by Death, Resignation, Removal, or otherwise; and the annual Salary of such Proof Master shall not in any Case be less than Four hundred Pounds and shall not be more than Eight hundred Pounds, unless the increased Salary above Eight hundred Pounds be sanctioned by a Resolution of not less than Two Thirds of the Persons present and entitled to vote and voting at a Special Meeting of the *Birmingham* Gun Trade: Provided always, that the Appointment and Removal of such Proof Master and the fixing of his Salary shall only be made at Special Meetings of the Guardians: Provided also, that such Proof Master shall not be removable from his Office without the Approval of [^{F19}the Secretary of State].

Textual Amendments

F19 Words substituted by virtue of S.R. & O. 1947/985 (Rev. XV, p. 190: 1947, p. 1296), art. 2, [S.I. 1959/1768](#) (1959 I, p. 1793), art. 3(1), 1959/1828 (1959 I, p. 1802), art. 2 and [Defence \(Transfer of Functions\) Act 1964 \(c. 15\), ss. 1\(2\), 3\(2\)](#)

77 Chairman of Guardians.

So long as the Proof Master is a Guardian he shall be the Chairman of the Guardians, but otherwise the Chairman of the Guardians shall from Time to Time be elected by the Guardians in accordance with the ^{M4}Commissioners Clauses Act 1847.

Marginal Citations

M4 [1847 c. 16.](#)

78 Appointment of Officers.

The Treasurer, Law Clerk, Accountant, Assistant, Proof Masters, and such other principal Officers and Servants as are in the Discretion of the Guardians necessary for the Management of the *Birmingham* Proof House and the Branch Proof Houses of the Guardians shall be appointed at every Annual Meeting of the Guardians without Notice, and (except the Treasurer whose Office is honorary) at and with such Salaries and Remuneration as the Guardians think reasonable, and subject to the Provisions of this Act shall remain in Office until the then next Annual Meeting, and any Vacancy in any of those Offices may in like Manner be filled up until the then next Annual Meeting at any intermediate Meeting of the Guardians without Notice.

79 Power to grant Gratuities to Officers.

The Guardians may from Time to Time grant and pay to such of their Workmen and Servants as from Time to Time may be worn out by Length of Service, or disabled or injured in the Execution of their Duties, and to the Proof Master, Wardens, or Officers who sustain Injury from any Explosion at the *Birmingham* Proof House or at any Branch Proof House of the Guardians, and to the Widows and Families of

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such Proof Master, Wardens, Officers, Workmen, and Servants, such Sums by way of Superannuation Allowance or Gratuity as the Guardians think fit: Provided that such Sums shall not exceed the Amount of Five hundred Pounds in the aggregate in any One Year: Provided also, that, except as regards Gratuities to Workmen and Servants disabled or injured by Accidents, and to their Widows and Families, the granting of which shall be deemed ordinary Business, the granting of every such Superannuation Allowance or Gratuity shall be deemed extraordinary Business, of which due Notice shall be given.

80 Appointment of Auditors.

The Auditors in Office under the recited Act at the Commencement of this Act shall respectively continue in Office until their Places respectively are supplied under this Act, and shall then retire from Office, but shall be eligible for Re-election under this Act, and the Guardians and the *Birmingham* Gun Trade respectively shall at each Annual or Yearly Meeting of the respective Body elect One Auditor, and each Auditor shall remain in Office until the then next Annual or Yearly Meeting of the Body by whom he is elected, and any Vacancy in the Office of Auditor happening during the current Year may be filled up at any intermediate Meeting of the Guardians or of the *Birmingham* Gun Trade respectively, as the Case may be: Provided always, that no Guardian shall be entitled to vote in the Election of Auditor by the *Birmingham* Gun Trade.

81 Rotation of Auditors and Vacancies.

Each Auditor shall go out of Office at each succeeding Annual or Yearly Meeting of the Body which elected him, but shall, if duly qualified, be eligible for Re-election, and at each succeeding Annual or Yearly Meeting of the Guardians and of the *Birmingham* Gun Trade respectively an Auditor shall be elected to supply the Place of the Auditor then retiring from Office.

82 Remuneration to Auditors.

Each Auditor shall be paid such reasonable Remuneration as the Meeting electing him shall determine, but not exceeding Twenty Pounds *per Annum*, and both Auditors shall attend at every Yearly Meeting of the *Birmingham* Gun Trade to give thereat all necessary Explanations of the Accounts.

83 Accounts to be kept.

The Guardians shall cause proper Accounts to be kept of all their Receipts, Payments, and Liabilities, and Income and Profits, under this Act, and such Accounts shall be kept in such Form as the Auditors shall from Time to Time prescribe, and shall give among other Matters the following Particulars; namely,

The Amounts received for proving Barrels, and for Dividends and other Income from Investments, and for the Use of the Rifle Ground; the Payments for Salaries of Proof Master and Wardens, and of the Officers and Servants of the Guardians, and for the Cost of Materials for Proof, and for the Cost of Repairs of Buildings and Working Stock, and for Counting-house Expenses, and for Superannuations and Gratuities to Officers, Workmen, Servants, and others; the Amount of the Reserve Fund; and the Amount invested on Securities and deposited in the Bank.

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84 Accountant to submit monthly Accounts.

At each monthly Meeting of the Guardians the Accountant shall submit to them a classified Statement, in a Form to be approved by them, of the Receipts and Expenditure for the preceding Month, and of such other Particulars as they require.

85 Accounts to be made up to 31st December in every Year.

The Accountant shall make up the Accounts to the Thirty-first of *December* in every Year, and shall submit the same and all the necessary Books and Vouchers to the Auditors on or before the Thirty-first Day of *January* following, and shall render to the Auditors all such Assistance as they shall require for the Explanation, Verification, and Audit of the Accounts.

86 Yearly Statement and Balance Sheet of Accounts.

A classified Statement of the Accounts and of the Income and Expenditure of the Guardians for the past Year, and a Balance Sheet of their Assets and Liabilities, in a Form to be approved of and signed by the Auditors, shall be printed; and a printed Copy of the Statement and Balance Sheet shall, on or before the Fifteenth Day of *March* in every Year, be sent by the Guardians through the Post to each Guardian and to each Member of the *Birmingham* Gun Trade.

87 Penalty on refusing Inspection of Books.

F20

Textual Amendments
F20 S. 87 repealed (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), ss. 2(2), 9(3), Sch. 4; S.I. 1978/1587, art. 2, Sch.

88 Power to maintain Birmingham Proof House, and provide Offices and a Rifle Ground

The Guardians from Time to Time may maintain the present *Birmingham* Proof House, or instead thereof provide and maintain such other Proof House in *Birmingham* as they think fit, and may provide and maintain such fit and convenient public Offices in *Birmingham* for transacting the Business and holding the Meetings of the Guardians, and for the Use of their Officers, and for any other Purposes of this Act, as they think fit, and may also provide a Rifle Shooting Ground, and make all necessary Erections for the Protection of the Public and the Convenience of the Parties using it, and such Shooting Ground shall be open to the Guardians and the Members of the *Birmingham* Gun Trade, and to such other Persons as the Guardians may from Time to Time decide to admit, subject to such Payments, if any, and Regulations as they shall in their Byelaws require to be made and observed respectively.

89 Power to provide Branch Proof Houses.

The Two Companies respectively from Time to Time may provide and maintain in proper and convenient Places^{F21} ... so many Branch Proof Houses as they respectively

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think proper, and in accordance with this Act may maintain and use every Branch Proof House so provided, and the Works and Conveniences thereof, and may from Time to Time discontinue every such Branch Proof House, and revive every discontinued Branch Proof House, as often as they think fit.

Textual Amendments

F21 Words in s. 89 repealed (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 4](#); S.I. 1978/1587, art. 2, [Sch.](#)

90 Notice of Branch Proof Houses.

When the Two Companies respectively provide or revive, in accordance with this Act, a Branch Proof House, they shall give public Notice thereof, and of the Situation of the Branch Proof House, and of the then Limitation, if any, of the Right of User thereof, by Advertisement [^{F22}published—

- (a) in the London, Edinburgh and Belfast Gazettes;
- (b) in a local newspaper circulating in Birmingham;
- (c) in daily newspapers circulating generally in England and Wales, in Scotland and in Northern Ireland respectively],

and before discontinuing any Branch Proof House shall in like Manner give public Notice of their Intention at least One Month before the Branch Proof House is discontinued.

Textual Amendments

F22 Words in s. 90 substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 6](#); S.I. 1978/1587, art. 2, [Sch.](#)

91 Power to purchase Lands, &c.

The Two Companies respectively may from Time to Time, but only by Agreement, purchase, take on Lease, and otherwise acquire and hold any Lands and Easements or Rights in or affecting Lands which they think requisite for any of the Purposes of this Act, and may purchase, take, and acquire the same on such Terms and Conditions as they think fit: Provided always, that the total Quantity of Land which either of the Two Companies shall at any Time hold shall not exceed Fifty Acres.

92 The Two Companies to maintain Proof House and Branch Proof Houses.

The Two Companies respectively shall from Time to Time maintain a proper public Proof House in or near *London* and *Birmingham* respectively, and every Branch Proof House provided by them respectively, except during the Time such Branch Proof House shall be lawfully discontinued as a proper public Proof House, and shall maintain the same Proof House and Branch Proof House respectively with all Things necessary for proving Barrels thereat, and shall at all Times keep the same respectively in proper Order and Condition for the proving of all Barrels from Time to Time duly brought thereto for Proof thereat, and shall keep at their respective Proof House, and may, if they think fit, keep at every or any Branch Proof House provided by them respectively, a Set of Standard Plugs to determine the Size of the Barrels; but the Two

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Companies respectively from Time to Time may limit the Right of User of any Branch Proof House provided by them respectively to the proving thereof of such Barrels as they respectively think fit, so as they respectively give public Notice of every such Limitation by Advertisement [^{F23}published—

- (a) in the London, Edinburgh and Belfast Gazettes;
- (b) in a local newspaper circulating in Birmingham;
- (c) in daily newspapers circulating generally in England and Wales, in Scotland and in Northern Ireland respectively].

Textual Amendments

F23 Words in s. 92 substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 6](#); [S.I. 1978/1587](#), art. 2, [Sch.](#)

93 Fund for Restoration of Birmingham Proof House and Branch Proof Houses.

The Guardians may from Time to Time provide such a Fund, to be called “The Reserve Fund,” as in their Opinion will be sufficient to rebuild or restore the *Birmingham* Proof House, and every Branch Proof House of the Guardians, and the Works and Conveniences thereof respectively, in the event of the same being destroyed or damaged by Fire, Explosion, or other Casualty, and to make good all Damage which the Guardians may be liable to compensate by reason of such Casualty, and may from Time to Time invest that Fund in some of the Public Funds or in Government Securities, or on Mortgage of Freehold Securities, or of any City, Borough, or other Municipal Rates or Funds, in the Name of the Guardians of the *Birmingham* Proof House, and until so invested may deposit the same in any Bank, and, when necessary, convert the same or a Part thereof into Money, and apply the Proceeds thereof for the Purposes mentioned in this Provision: Provided always, that the Investments and Monies at the Commencement of this Act representing the Repair Fund under the recited Act shall be deemed Part of the Reserve Fund under this Act.

94 Applicaton of Monies by Guardians.

All Monies from Time to Time received under this Act by or for the Guardians, or vested in or belonging to the Guardians under or by virtue of this Act, shall be applied—

First, in Payment of the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act:

Secondly, in maintaining, repairing, and improving the *Birmingham* Proof House, and providing, maintaining, repairing, and improving the Branch Proof Houses of the Guardians, and proving, and marking as proved, the Barrels tendered at the same respectively for Proof, including the Remuneration, Salaries, and Wages of the Proof Master, Wardens, Assistant Proof Masters, and other Officers, Workmen, and Servants of the Guardians, the Remuneration of the elected Guardians, and other the incidental Expenses of the Guardians in the Execution of this Act:

Thirdly, in Payment of the Superannuation Allowances and Gratuities granted under this Act to Officers, Workmen, Servants, and others:

Fourthly, when and so soon as the Guardians think fit, in providing and maintaining a Rifle Shooting Ground and all necessary Erections by this Act authorized:

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Fifthly, in contributing such Sums as the Guardians think fit towards a Benefit or Superannuation Fund, if One be established by the *Birmingham* Gun Trade:

Sixthly, the Surplus and the Income of the Investments thereof shall constitute “the Reserve Fund:”

And whenever the Reserve Fund exceeds Five thousand Pounds the Guardians may, . . . ^{F24}, [^{F25}reduce the prices] for proving Barrels, and they may apply all, or such Part as they think fit, of the Excess of the Reserve Fund above Five thousand Pounds towards the Expenses of Management of the *Birmingham* Proof House and Branch Proof Houses.

Textual Amendments

F24 Words repealed by [Gun Barrel Proof Act 1950 \(c. iii\), s. 5\(a\)](#)

F25 Words substituted by [Gun Barrel Proof Act 1950 \(c. iii\), s. 5\(b\)](#)

95 Duties and Powers of Proof Masters and Wardens

The Proof Master and Wardens, so long as there shall be Wardens, but otherwise the Proof Master alone of the Guardians, shall have the Custody of the Proof Stamps of the Guardians, and shall, under and in accordance with the [^{F26}rules] and Regulations of the Guardians from Time to Time in force, superintend all other the Officers, Workmen, and Servants of the Guardians in the Discharge of their Duties and Conduct, the general Management of the *Birmingham* Proof House, and the Branch Proof Houses of the Guardians, and the Proof Master, with the Consent of the Wardens, if there shall be Wardens, but otherwise in his own Discretion, may from Time to Time appoint, and at pleasure remove, any Assistant Proof Master, inferior Officer, Workman, or Servant of the Guardians, as he may think fit, and may determine their respective Duties and Remuneration: Provided always, that if the Proof Master is a salaried Officer, and not a Guardian, he shall not, without the previous Consent of the Chairman of the Guardians, appoint or remove any Assistant Proof Master, inferior Officer, Workman, or Servant, but may, for Misconduct, suspend him from his Employment, and shall forthwith report the Suspension to the Chairman.

Textual Amendments

F26 Word in [s. 95](#) substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\), s. 9\(3\), Sch. 3 para. 7; S.I. 1978/1587, art. 2, Sch.](#)

96 Attendance of Officers at Proof Houses and Office of the Two Companies.

Each of the Two Companies shall require their Proof Master or Assistant Proof Masters, or such of them, and such other Officers, Workmen, or Servants, as are in the Opinion of the Two Companies respectively requisite for the Business of the Two Companies respectively, to attend at their Office, Proof House, and Branch Proof Houses respectively daily, or on such Days (*Sunday, Christmas Day, Good Friday*, and any Day appointed for a General Fast or Thanksgiving only excepted,) as they from Time to Time think fit to appoint, for the Purpose of transacting the ordinary Business of the Two Companies respectively; and due Notice of the Situation of the Proof House and Branch Proof Houses and Office of the Two Companies respectively, and of the Hours, and, as to Branch Proof Houses, of the Days and Hours, during which

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Attendance is given there respectively, shall be published by the Two Companies respectively as they think fit, to the end that the same may be fully and generally known.

97 Proof Master of Gunmakers Company responsible.

The Proof Master of the Gunmakers Company, or such Officer of that Company as that Company shall from Time to Time appoint to act in that Behalf, shall be responsible for the Execution by himself or his Assistants of the several Duties with respect to the receiving, proving, marking as proved, and delivering of Barrels by this Act imposed on the Gunmakers Company.

98 Proof Master of Guardians responsible.

The Proof Master of the Guardians, or in his Absence the Deputy Proof Master, if any, shall be responsible for the Execution of the several Duties with respect to the receiving, proving, marking as proved, and delivering of Barrels by this Act imposed on the Guardians.

99 Declaration by Proof Master and Assistant Proof Masters of Guardians.

A Person shall not be capable of acting as Proof Master, Deputy Proof Master, or Assistant Proof Master of the Guardians unless and until he has made and signed before One of the Guardians a Declaration to the Effect following:

”I *A.B.* do solemnly declare that I will, so long as I continue Proof Master [*or* Deputy Proof Master *or* Assistant Proof Master] of the Guardians of the Birmingham Proof House, well and faithfully behave myself in that Office, and prove all Barrels brought to me for that Purpose according to the Rules and Regulations and the Scale of Proof from Time to Time in force under “The Gun Barrel Proof Act 1868,” and that I will not during the Time that I continue such Proof Master [*or* Deputy Proof Master *or* Assistant Proof Master] take any Fee or Reward from any Person to prove or for having proved any Barrel otherwise than as that Act directs, and that I will execute that Office without Favour or Affection, Prejudice or Malice, and to the best of my Skill and Ability.”

Provided that where before the Commencement of this Act a Person has made and signed the Declaration prescribed by the recited Act, it shall not be necessary for him to make and sign the Declaration prescribed by this Act before the Expiration of Twenty-one Days next after the Commencement of this Act, and in the meantime he shall be capable of acting for the Purposes of this Act in his Office.

100 Acting contrary to Declaration a Misdemeanor.

F27

Textual Amendments
F27 S. 100 repealed (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), ss. 2(2), 9(3), Sch. 4; S.I. 1978/1587, art. 2, Sch.

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101 Byelaws to be made by Guardians.

F28

Textual Amendments

F28 S. 101 repealed (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), ss. 4, 9(3), **Sch. 4**; S.I. 1978/1587, art. 2, **Sch.**

102 Byelaws to be allowed and approved before coming into operation.

F29

Textual Amendments

F29 S. 102 repealed (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), ss. 4, 9(3), **Sch. 4**; S.I. 1978/1587, art. 2, **Sch.**

103 Notice of Allowance of Byelaws to be given.

F30

Textual Amendments

F30 S. 103 repealed (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), ss. 4, 9(3), **Sch. 4**; S.I. 1978/1587, art. 2, **Sch.**

104 Copy of proposed Byelaws to be opened for Inspection.

F31

Textual Amendments

F31 S. 104 repealed (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), ss. 4, 9(3), **Sch. 4**; S.I. 1978/1587, art. 2, **Sch.**

105 Proof of Allowance of Byelaws.

F32

Textual Amendments

F32 S. 105 repealed (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), ss. 4, 9(3), **Sch. 4**; S.I. 1978/1587, art. 2, **Sch.**

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106 Regulations to be made by Gunmakers Company for proving Barrels.

[^{F33}The Two Companies respectively] from Time to Time may make and establish such Rules and Regulations as appear to them necessary for receiving at their [^{F34}respective] Proof House, and any Branch Proof House provided by them [^{F35}respectively], Barrels for Proof, and for proving there, and marking as proved, the same, according to the Provisions of this Act, and for re-delivering the same when so proved and marked.

Textual Amendments

F33 Words in s. 106 substituted (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), Sch. 3 para. 8(a); S.I. 1978/1587, art. 2, Sch.

F34 Word in s. 106 inserted (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), Sch. 3 para. 8(b); S.I. 1978/1587, art. 2, Sch.

F35 Word in s. 106 inserted (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), Sch. 3 para. 8(c); S.I. 1978/1587, art. 2, Sch.

107 The Two Companies to receive, prove, mark, and deliver Barrels brought to them for Proof.

The Two Companies respectively shall receive all Barrels in the proper State for Proof, and whether or not theretofore proved, brought to their respective Proof House, or, subject to any Limitation of the Right of User for the Time being in force under this Act, to any Branch Proof House for the Time being provided by them respectively, and shall duly prove such Barrels at such Proof House or Branch Proof House according to the Rules, Regulations, and Scales in force under this Act, and shall duly mark such Barrels when proved (if found of Proof) as duly proved according to such Rules, Regulations, and Scales, and upon Repayment of all Sums actually paid by the Two Companies respectively in respect of the Carriage of such Barrels, and their Delivery at such Proof House or Branch Proof House, and their Re-delivery when proved, and on Payment of the Charges for proving and marking as proved by this Act authorized, shall deliver the Barrels so proved and marked as proved to the Person or Persons entitled to receive the same.

108 Small Arms not to be sold or exported unless proved and marked as proved.

A Small Arm shall not be sold or exchanged, or be attempted to be sold or exchanged, or be exposed or kept for Sale or Exchange, or be exported or attempted to be exported or be kept for Exportation, unless and until the Barrel or every Barrel thereof has been duly proved at the Proof House or a Branch Proof House of either of the Two Companies, or some other public Proof House established by Law, and duly marked as proved.

109 Small Arms not to be pawned unless proved, &c.

A Small Arm shall not be pawned or pledged, or be attempted to be pawned or pledged, or taken in Pawn or Pledge, unless and until the Barrel or every Barrel thereof has been duly proved at the Proof House or a Branch Proof House of either of the Two Companies, or some other public Proof House established by Law, and duly marked as proved.

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110 Double Barrels provisionally proved, and reduced in Strength, to be deemed unproved.

Every Double Barrel provisionally proved according to the recited Act or this Act, and at any Time thereafter reduced in Strength in any progressive Stage of the Manufacture thereof, shall for the Purposes of this Act be deemed an unproved Barrel, except for the Purpose of receiving and until it shall have received the definitive Proof.

111 Barrels reduced so that the Mark does not represent the Proof to be deemed unproved.

If any Barrel which shall be marked as proved under the recited Act or this Act shall by any Process of Manufacture, or by any other Means whatsoever other than the User and Wear and Tear thereof, be unduly reduced in Substance or Strength so as that the Mark thereon does not duly represent the Proof which if then duly proved it would bear, every such Barrel shall for the Purposes of this Act be deemed an unproved Barrel.

112 Barrels with Marks defaced or removed to be deemed unproved.

Except as herein-after provided with respect to the Removal of provisional Proof Marks on converted Barrels, if any Barrel marked as proved under the recited Act or this Act have at any Time the Mark of such Proof removed therefrom or altered, or so defaced as not to be distinguishable, or cut, severed, or removed from such Barrel in any Process of Manufacture, or by any other Means whatsoever other than the User and Wear and Tear thereof, every such Barrel shall for the Purposes of this Act be deemed an unproved Barrel.

113 But provisional Proof on Military Barrels converted may be removed by Proof Master, &c.

Provided always, that whenever any Barrel proved and marked as proved provisionally by either of the Two Companies under the recited Act or this Act, and not being a Breech Loader, is brought to the Proof House or a Branch Proof House of the respective Company by which the Barrel was originally so marked, accompanied by a Statement in Writing made or purporting to be made by or on behalf of the Owner or Owners of the Barrel that the same is intended to be converted into a Breech Loader, the Proof Master of the Gunmakers Company, or the duly appointed Officers in that Behalf of that Company, or, as the Case may be, the Proof Master or Assistant Proof Masters of the Guardians, may efface all existing Proof Marks from the Barrel, and, where it is not necessary that the Barrel be again submitted to provisional Proof, may and shall impress a new provisional Proof Mark at a proper and convenient Distance higher up on the Barrel, without subjecting the Barrel to any further provisional Proof.

114 Converted Barrels with provisional Proof Mark remaining to be deemed provisionally proved Barrels.

Where a proved Barrel of One Sort which has been proved and marked as proved provisionally by either of the Two Companies under the recited Act or this Act, and whether or not it has been proved and marked as proved definitively by the respective Company under the recited Act or this Act, is converted into a Barrel of another Sort (as, for instance, Flint into Percussion, or Muzzle Loader into Breech Loader, or *vice versa*), the Barrel from the Time when the Conversion thereof is begun shall, if when

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the Conversion of it is completed the Mark of provisional Proof be upon it, be deemed for the Purposes of this Act a Barrel proved provisionally by the Company whose provisional Proof Mark it bears.

115 Other Barrels when converted to be deemed unproved Barrels.

Where a proved Barrel of One Sort which has by either of the Two Companies been proved and marked as proved definitively only under the recited Act or this Act, or which has not been proved and is not liable to be proved under the recited Act or this Act, is converted into a Barrel of another Sort (as, for instance, Flint into Percussion, or Muzzle Loader into Breech Loader, or *vice versa*), the Barrel from the Time when the Conversion thereof is begun shall for the Purposes of this Act be deemed an unproved Barrel.

116 Barrels to be proved according to Rules, Regulations, and Scale.

Subject to the Provisions of this Act, the Rules, Regulations, and Scales respectively specified in Schedule B. to this Act annexed shall respectively be the Rules, Regulations, and Scales for the Proof according to this Act of all Barrels on and after the Day herein-before appointed for the Commencement of this Act.

117 Alteration of Rules, Regulations, and Scale for Proof.

Provided always, that the Two Companies from Time to Time, should they deem the Proof or the Rules, Regulations, and Scales stated in Schedule B. to this Act annexed, or any of them respectively, insufficient or inapplicable or unsuitable, on Application to and with the Approval of [^{F36}the Secretary of State], or such Secretary of State, on the Application of either of the Two Companies in case the other of them decline, or for One Month after being thereunto requested in Writing fail, to concur in the Application, may repeal or alter all or any of the Rules and Regulations and all or any Part of the Scales respectively from Time to Time in force under this Act for the Proof of Small Arms or of any Classes of Small Arms, and may make, repeal, and alter any new Rules and Regulations and any new Scales in that Behalf: Provided also, that Notice of every such Repeal or Alteration, and of every such new Rule, Regulation, and Scale, shall be given by Advertisement [^{F37}published—

- (a) in the London, Edinburgh and Belfast Gazettes;
- (b) in a local newspaper circulating in Birmingham;
- (c) in daily newspapers circulating generally in England and Wales, in Scotland and in Northern Ireland respectively],

and by such other public Notice, if any, as the Two Companies respectively think fit: Provided also, that any such Alteration of Scale shall not come into force until the Expiration of Three Calendar Months after the Publication of the last of such Advertisements.

Textual Amendments

F36 Words substituted by virtue of S.R. & O. 1947/985 (Rev. XV, p. 190: 1947, p. 1296), art. 2, S.I. 1959/1768 (1959 I, p. 1793), art. 3(1), 1959/1828 (1959 I, p. 1802), art. 2 and Defence (Transfer of Functions) Act 1964 (c. 15), ss. 1(2), 3(2)

F37 Words in s. 117 substituted (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), Sch. 3 para. 6; S.I. 1978/1587, art. 2, Sch.

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Modifications etc. (not altering text)

- C8** S. 117 amended (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), **ss. 5, 9(3)**; S.I. 1978/1587, art. 2, **Sch.**

118 Charges for proving and marking Barrels.

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.

Modifications etc. (not altering text)

- C9** S. 118 amended by [Gun Barrel Proof Act 1950 \(c. iii\)](#), **s. 3(1)**

119 How far Act shall extend to Barrels made for Her Majesty's Forces, &c.

This Act shall not extend to compel the proving or marking as proved of any Military Barrel made for the Use of Her Majesty's Forces or for the late Honourable *East India* Company while it is the Property of Her Majesty, nor to any such Barrel after it has ceased to belong to Her Majesty, so long as it shall bear, in addition to a Proof Mark authorized by [^{F38}the Ministry of Defence], the Letter S struck (prior to such Cesser) over or upon the Broad Arrow or some Part thereof by the said [^{F38}Ministry]; and if any such Barrel, after it has ceased to belong to Her Majesty, shall not so bear such Letter S, but shall so bear the Letter O, this Act shall only compel the proving and marking as proved of such last mentioned Barrel in manner and to the Extent in that Behalf in Schedule B. to this Act annexed specified; but if any such Barrel as in this Clause first mentioned, after it has ceased to belong to Her Majesty, shall not so bear such Letter S or such Letter O, it shall (whether it shall or shall not bear a Proof Mark authorized by [^{F38}the Ministry of Defence] be deemed an unproved Barrel under this Act: Provided always, that the Officers of the [^{F38}Secretary of State] may apply the Letters S and O respectively to such of the Military Barrels in this Enactment mentioned as the said Secretary of State shall think fit; and if any Person, without lawful Authority, Proof of which Authority shall lie on the Party accused, applies those Marks or either of them over or upon the Broad Arrow in or on any such Military Barrel he shall be [^{F39}guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years.]

Textual Amendments

- F38** Words substituted by virtue of S.R. & O. 1947/985 (Rev. XV, p. 190: 1947, p. 1296), art. 2, S.I. 1959/1768 (1959 I, p. 1793), art. 3(1), 1959/1828 (1959 I, p. 1802), art. 2 and [Defence \(Transfer of Functions\) Act 1964 \(c. 15\)](#), **ss. 1(2), 3(2)**
- F39** Words in s. 119 substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), **Sch. 3 para. 9**; S.I. 1978/1587, art. 2, **Sch.**

Modifications etc. (not altering text)

- C10** S. 119 extended S.I. 1965/1536, **Sch. 3**

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120 Act not to apply to Barrels above specified Size.

Provided always, that this Act shall not apply to any Barrel adapted for the Discharge of a Ball of a greater Weight than One Pound and Three Quarters, or to any Barrel of a Bore exceeding in every Part thereof the Diameter of Two Inches.

121 Offences declared Misdemeanor.

[^{F40}(1)] Every Person who knowingly commits any of the following Offences shall [^{F41}be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding] Two Years; that is to say,

- (1) Every Person who forges or counterfeits any Stamp or any Part of any Stamp heretofore or now or hereafter provided or used by either of the Two Companies for marking any Barrel:
- (2) Every Person who sells or parts with the Possession of any such forged or counterfeit Stamp or Part of a Stamp:
- (3) Every Person who marks any Barrel with any such forged or counterfeit Stamp, or with any Part of any such forged or counterfeit Stamp:
- (4) Every Person who makes up any Barrel so marked:
- (5) Every Person who has in his Possession or sells or parts with the Possession of any Barrel so marked:
- (6) Every Person who forges or counterfeits or by any Means whatsoever produces upon any Barrel an Imitation of any Mark of any Stamp or any Part of any Stamp heretofore or now or hereafter provided or used by either of the Two Companies for marking any Barrel:
- (7) Every Person who sells or parts with the Possession of any such Mark:
- (8) Every Person who transposes or removes from any Barrel to any other Barrel, or from one Part of a Barrel to another Part of the same Barrel, any Mark of any Stamp or any Part of any Stamp heretofore or now or hereafter provided or used by either of the Two Companies for marking any Barrel:
- (9) Every Person who has in his Possession or who sells or parts with the Possession of any Mark so transposed or removed:
- (10) Every Person who has in his Possession any such forged or counterfeit Stamp or Part of a Stamp, or any such forged or counterfeit Mark or Imitation of a Mark, or any such transposed or removed Mark:
- (11) Every Person who cuts or severs from any Barrel any Mark of any Stamp or any Part of any Stamp heretofore or now or hereafter provided or used by either of the Two Companies for stamping any Barrel, with Intent that the Mark be placed upon or joined or affixed to any other Barrel or any other Part of the Barrel from which the Mark is cut or severed:
- (12) Every Person who places upon or joins or affixes to any Barrel any such Mark so cut or severed:
- (13) Every Person who, with Intent to defraud, uses any genuine Stamp or any Part of any genuine Stamp heretofore or now or hereafter provided or used by either of the Two Companies for marking any Barrel:
- (14) Every Person who, with respect to any Stamp or Mark, or any Part of any Stamp or Mark of a Foreign Country, already or hereafter registered by either of the Two Companies under the recited Act or this Act, or with respect to any Forgery, Counterfeit, or Imitation of any such Stamp or Mark or Part, or with respect to any Barrel marked with any such forged or counterfeited Stamp or Part of a Stamp, commits any such Offence as is expressed in this Section with

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respect to any Stamp or any Part of any Stamp heretofore or now or hereafter provided or used by either of the Two Companies for marking any Barrel, or with respect to any Mark of any such Stamp or Part of a Stamp:

Provided always, that where the Person charged with [^{F42}an offence] under this Section was at the Time at which the Offence is charged to have been committed a Gunmaker or Gun Barrel Maker, or a Maker of or Dealer in Small Arms or Barrels, or any Part thereof respectively, Knowledge on his Part shall be presumed until the contrary is shown.

[^{F43}(2) Any person who, with respect to—

- (a) any stamp or part of a stamp provided or used at any time by an official Proof House of any foreign State for impressing upon any barrel a mark which is or at any time was a convention proof mark;
- (b) any mark of any such stamp or part of a stamp;
- (c) any forgery, counterfeit or imitation of any such stamp or part of a stamp or of any such mark; or
- (d) any barrel marked with any such forged or counterfeit stamp or part of a stamp, knowingly does anything which would be an offence under subsection (1) above if done with respect to any stamp or any part of a stamp provided or used at any time by either of the Two Companies for marking any barrel, or with respect to any mark of any such stamp or part of a stamp, shall be guilty of an offence under that subsection.]

Textual Amendments

- F40** S. 121 renumbered as s. 121(1) (5.6.1980) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 3 para. 10(2)**; S.I. 1980/640, **art. 2**
- F41** Words in s. 121 substituted (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 3 para. 10(1)**; S.I. 1978/1587, **art. 2, Sch.**
- F42** Words in s. 121 substituted (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 3 para. 10(1)**; S.I. 1978/1587, **art. 2, Sch.**
- F43** S. 121(2) inserted (5.6.1980) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 3 para. 10(2)**; S.I. 1980/640, **art. 2**

Modifications etc. (not altering text)

- C11** Reference to foreign country in s. 121(14) to be construed as excluding Republic of Ireland: **Ireland Act 1949 (c. 41), s. 2(1)**
- C12** S. 121(14) explained (5.6.1980) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 2 para. 3(2)**; S.I. 1980/640, **art. 2**

122 Offences involving Penalties.

Every Person committing any of the following Offences shall [^{F44}be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine]; to wit,

- (1) Every Person selling or exchanging, or attempting to sell or exchange, or exposing or keeping for Sale or Exchange, or exporting or keeping for Exportation from [^{F45}the United Kingdom], or importing into [^{F45}the United Kingdom] or attempting to export or import from or into [^{F45}the United Kingdom], or having in his Possession (without lawful Excuse, the Proof whereof shall be upon him,) any Barrel having thereupon any Mark of any

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forged or counterfeit Stamp or Part of a Stamp heretofore or now or hereafter provided or used by either of the Two Companies for marking any Barrel, or having thereupon any forged or counterfeit Mark or Imitation of a Mark of any Stamp or Part of a Stamp so provided or used, or having thereupon any Mark of any Stamp or Part of a Stamp so provided or used, such Mark having been transposed or removed thereto from any Part of the same Barrel or from any other Barrel,^{F46} ...:

- (2) Every Person pawning or pledging, or attempting to pawn or pledge, or taking in Pawn or Pledge (without lawful Excuse, the Proof whereof shall be upon him,) any Barrel having thereupon any Mark of any forged or counterfeit Stamp or Part of a Stamp heretofore or now or hereafter provided or used by either of the Two Companies for marking any Barrel, or having thereupon any forged or counterfeit Mark or Imitation of a Mark of any Stamp or Part of a Stamp so provided or used, or having thereupon any Mark of any Stamp or Part of a Stamp so provided or used, such Mark having been transposed or removed thereto from any Part of the same Barrel or from any other Barrel,^{F46} ...:
- (3) Every Person selling or exchanging, or attempting to sell or exchange, or exposing or keeping for Sale or Exchange, or exporting or keeping for Exportation from [^{F45}the United Kingdom], or attempting to export from [^{F45}the United Kingdom], any Small Arm, the Barrel or Barrels whereof are not under the recited Act or this Act duly proved and marked as proved,^{F46} ...:
- (4) Every Person importing into [^{F45}the United Kingdom] any Small Arm, the Barrel or Barrels whereof are not under the recited Act or this Act duly proved and marked as proved, who shall not within Seven Days next after the Arrival of such Small Arm in [^{F45}the United Kingdom] give Notice in Writing of such Arrival to the Proof Master of each of the Two Companies, or who shall not within Twenty-eight Days next after such Arrival send the Barrel or Barrels of such imported Small Arm to the Proof House of One of the Two Companies for Proof thereat according to this Act,^{F47} ...; provided that the Enactment contained in this Subsection shall not apply to any Small Arm imported by any Person for his own personal Use while it is his own Property, the Proof whereof shall be upon him:
- (5) Every Person pawning or pledging, or attempting to pawn or pledge, or taking in Pawn or Pledge, any Small Arm, the Barrel or Barrels whereof are not under the recited Act or this Act duly proved and marked as proved, or, where any Small Arm is pawned or pledged contrary to this Subsection, selling or disposing of or attempting to sell or dispose of the Pawn Ticket or other like Document taken on the pawning or pledging of such Small Arm,^{F46} ...:
- (6) Every Person fraudulently erasing, obliterating, or defacing, or fraudulently causing to be erased, obliterated, or defaced, from any Barrel, any Mark of any Stamp or Part of a Stamp heretofore or now or hereafter provided or used by either of the Two Companies for marking Barrels,^{F46} ...:
- (7) Every Person delivering or sending or causing or procuring to be delivered or sent for Sale or Exchange, or, under any Pretence of or in connexion with any Attempt at Sale or Exchange, or removing, consigning, or transmitting, or causing or procuring to be removed, consigned, or transmitted for Sale or Exchange, or under Pretence of or in connexion with any Attempt at Sale or Exchange, any Small Arm, the Barrel or Barrels whereof are not under the recited Act or this Act duly proved and marked as proved,^{F46} ...

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Textual Amendments

- F44** Words in s. 122 substituted (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 3 para. 11(a)**; S.I. 1978/1587, art. 2, **Sch.**
- F45** Words in s. 122 substituted (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 3 para. 11(b)**; S.I. 1978/1587, art. 2, **Sch.**
- F46** Words in s. 122 repealed (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), Sch. 3 para. 11(c), **Sch. 4**
- F47** Words in s. 122 repealed (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), Sch. 3 para. 11(d), **Sch. 4**; S.I. 1978/1587, art. 2, **Sch.**

123 Sending for Proof Barrels containing explosive Substances to be an Offence under Sect. 29 of 24 & 25 Vict. c. 100.

If any Person knowingly send for Proof at the Proof House or any Branch Proof House of either of the Two Companies any Barrel containing any explosive Substance, or any other Matter calculated by Explosion or otherwise to occasion Injury to any Person handling or having to do with the Barrel for the Purposes of Proof or otherwise, every Person so sending the Barrel containing the explosive Substance or other Matter, and every Person putting into the Barrel before or when it is so sent the explosive Substance or other Matter, and every Person causing, procuring, or knowingly permitting any such Offence or an Attempt at any such Offence, or in any way aiding or abetting therein respectively, or knowing that any such Offence or Attempt has been or is about to be committed or attempted to be committed, and not using his best Endeavours to give Warning thereof to some Officer employed at the Proof House or Branch Proof House to which the Barrel is so sent or attempted to be sent, shall be [^{F48}guilty of an offence and liable on conviction on indictment to imprisonment for life].

Textual Amendments

- F48** Words in s. 123 substituted (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 3 para. 12**; S.I. 1978/1587, art. 2, **Sch.**

124 Provision as to Penalties.

The several Punishments ^{F49}... enacted in this Act shall not be cumulative in respect of one and the same Offence, but shall be applicable to any such Offence by way of Alternative only; [^{F50}and proceedings for any offence under this Act which is punishable on summary conviction may be taken at any time not later than six months after the time when either of the Two Companies had, or with reasonable diligence might have had, notice that the offence had been committed.]

Textual Amendments

- F49** Words in s. 124 repealed (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 4**; S.I. 1978/1587, art. 2, **Sch.**
- F50** Words in s. 124 substituted (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 3 para. 13**; S.I. 1978/1587, art. 2, **Sch.**

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125 Recovery of Penalties.

F51

Textual Amendments

F51 S. 125 repealed (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 4**; S.I. 1978/1587, art. 2, **Sch.**

126 Power of Appeal.

F52

Textual Amendments

F52 S. 126 repealed (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 4**; S.I. 1978/1587, art. 2, **Sch.**

127 Exemption from Penalty where original Offender made known to Companies.

Provided always, that if any Person, having sold or exchanged, or pawned or pledged, or attempted to sell or exchange, or pawn or pledge, or taken in Pawn or Pledge, or exposed or kept for Sale or Exchange, or exported or kept for Exportation from [^{F53}the United Kingdom], or imported into [^{F53}the United Kingdom], or attempted to export or import from or into [^{F53}the United Kingdom], or had in his Possession, any Barrel having thereupon any Mark of any such forged or counterfeit Stamp or Part of a Stamp, or having thereupon any such forged or counterfeit Mark or Imitation of a Mark, or having thereupon any Mark or Imitation of a Mark so transposed or removed, joined or affixed, shall, within Three Days after Notice thereof given by either of the Two Companies to him or left for him at his usual or then last Place of Abode or Business in [^{F53}the United Kingdom], discover and make known to them the Name and Place of Abode of the Maker of such Barrel, or of the Manufacturer or Dealer from whom such Person bought, had, or received the same, then every such Person so making such Discovery shall be exempted and discharged from the Punishment^{F54}... incurred by him by reason of his having so sold or exchanged, or pawned or pledged, or attempted to sell or exchange, or pawn or pledge, or exposed or kept for Sale or Exchange, or exported or kept for Exportation, or imported or attempted to export or import, or had in his Possession, such Barrel; nevertheless this Provision shall not exempt any Person from the legal Consequences of having parted with or of having had in his Possession any such Barrel, knowing the same to be marked with the forged or counterfeit Stamp, or knowing the Mark thereon to be forged, counterfeit, imitated, marked, transposed or removed, joined or affixed, if such Knowledge be in any Proceeding against him for any such Offence duly proved.

Textual Amendments

F53 Words in s. 127 substituted (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 3 para. 14**; S.I. 1978/1587, art. 2, **Sch.**

F54 Words in s. 127 repealed (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 4**; S.I. 1978/1587, art. 2, **Sch.**

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128 Property in forged Stamps, &c. vested in the Company first claiming the same.

The Property in every forged or counterfeit Stamp heretofore or now or hereafter provided or used by either of the Two Companies, and in every Part of every such forged or counterfeit Stamp, and in every Barrel having thereupon any Mark of any such forged or counterfeit Stamp or Part of a Stamp, and in every Barrel having thereupon any forged or counterfeit Mark or Imitation of a Mark, or of any Stamp or any Part of any Stamp heretofore or now or hereafter provided or used by either of the Two Companies, and in every Mark of any such Stamp or Part of a Stamp so transposed or removed or cut or severed from any Barrel, and in every Barrel from which any Mark of any such Stamp or Part of a Stamp is removed or transposed, cut, or severed, and in every Barrel to or upon which any such Mark is removed, transposed, or affixed, and in every Small Arm and Part of a Small Arm of which any such Barrel shall form Part, is by this Act vested absolutely in such One of the Two Companies as first claims the same; provided that any such vesting shall not exempt any Person from ^{F55}... any legal Consequences under this Act.

Textual Amendments

F55 Words in s. 128 repealed (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 4](#); S.I. 1978/1587, art. 2, [Sch.](#)

[^{F56}129 Convention proof marks.

- (1) In this Act “convention proof mark” means any mark, sign or character of which a specimen is for the time being included in the register of proof marks published by the Permanent International Commission for the Proof of Small Arms established under a Convention done at Brussels on 1st July 1969 (in this section and in sections 130 and 131 of this Act referred to as “the register”), not being a mark, sign or character included therein as a United Kingdom proof mark.
- (2) The Proof Master of each of the Two Companies shall keep at the Proof House a copy of the register for the time being in force, together with copies of any documents published by the Permanent International Commission amending that register; and the copy or copies so kept shall be open for public inspection without charge at all reasonable times.
- (3) The Proof Masters of the Two Companies respectively shall from time to time, by advertisement 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;
 give notice of the inclusion in or omission from the register of any marks, signs or characters other than United Kingdom proof marks.]

Textual Amendments

F56 Ss. 129-131 substituted (5.6.1980) for ss. 129-137 (with savings for ss. 129, 132) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Schs. 1, 2](#); S.I. 1980/640, [art. 2](#)

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[^{F57}**130 Exemption of barrels with convention proof marks.**

- (1) Subject to subsections (5) and (6) below, a barrel (wherever manufactured) bearing a convention proof mark shall, if the mark was lawfully impressed upon the barrel in accordance with the law applicable in the State to whose official Proof House the mark is attributed by the register, be exempt from liability to proof under this Act.
- (2) Subject to subsections (4), (5) and (6) below, a barrel which would at any time have been liable to proof under this Act but for subsection (1) above shall not cease to be exempt from liability to proof under this Act, so long as it continues to bear the mark, sign or character by virtue of which it was so exempt under subsection (1), by reason only of the fact that the mark, sign or character in question has since ceased to be a convention proof mark.
- (3) No offence shall be committed under this Act—
 - (a) in respect of any barrel; or
 - (b) by reference to any barrel made up into a small arm,by virtue of the fact that the barrel in question has not been proved under this Act or the ^{M5}Gun Barrel Proof Act 1855, if the barrel is for the time being exempt under subsection (1) or (2) above from liability to proof under this Act.
- (4) The Proof Masters of the Two Companies, acting jointly, may by notice published as mentioned in section 129(3) of this Act withdraw any exemption continuing by virtue of subsection (2) above 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.
- (5) If a barrel of one sort which is exempt under subsection (1) or (2) above from liability to proof under this Act by virtue of any mark, 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.
- (6) If a barrel which is exempt under subsection (1) or (2) above from liability to proof under this Act 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 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.]

Textual Amendments

F57 Ss. 129-131 substituted (5.6.1980) for ss. 129-137 (with savings for ss. 129, 132) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), Schs. 1, 2; S.I. 1980/640, [art. 2](#)

Marginal Citations

M5 1855 c. cxlviii.

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[^{F58}**131 Convention proof marks: proceedings for offences.**

- (1) Subject to subsection (2) below, in any proceedings for an offence under this Act it shall be for the defendant or, in Scotland, the accused to show that any exemption under section 130 of this Act is applicable to the case.
- (2) Subject to subsection (3) below, a person shall not be convicted of an offence under this Act by virtue of any withdrawal of exemption under section 130(4) of this Act 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) Subsection (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 this Act a document purporting to be a copy of the register or of any document published by the Permanent International Commission amending the register shall be evidence (and, in Scotland, sufficient evidence) of the contents of the register at any time on or after the date on which the document in question purports to be published.]

Textual Amendments

F58 Ss. 129-131 substituted (5.6.1980) for ss. 129-137 (with savings for ss. 129, 132) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), Schs. 1, 2; S.I. 1980/640, [art. 2](#)

138 Application to Justice for Warrant for Seizure of forged Stamps, &c.

[^{F59}(1)][^{F60}If either of the Two Companies have reasonable cause to suspect that there is in any premises or place]—

- (1) Any forged or counterfeit Stamp or Part of a Stamp heretofore or now or hereafter provided or used by either of the Two Companies; or
- (2) Any Barrel having thereupon any Mark of any such forged or counterfeit Stamp or Part of a Stamp; or
- (3) Any Barrel having thereupon any forged or counterfeit Mark or Imitation of a Mark, or of any Stamp or Part of a Stamp, heretofore or now or hereafter provided or used by either of the Two Companies; or
- (4) Any Barrel from which any Mark of any such Stamp or Part of a Stamp is unlawfully transposed or removed, or cut or severed; or
- (5) Any Barrel upon or to which any Mark so unlawfully removed, cut, or severed is placed, joined, or affixed; or
- (6) Any Barrel having thereupon any forged or counterfeit Mark or Part of a Mark, or Imitation of a Mark or Part of a Mark, of any Foreign Proof House, the Proof Marks whereof are entered in the Register of Foreign Proof Marks kept at the Proof House of either of the Two Companies; or
- (7) Any Barrel which according to this Act ought to be delivered at the Proof House or some Branch Proof House of either of the Two Companies to be proved thereat and marked as proved, but is not so delivered; or
- (8) Any Barrel sold or exchanged, or attempted to be sold or exchanged, or exposed or kept for Sale or Exchange, or exported or attempted to be exported,

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or kept for Exportation, contrary to any of the Provisions in that Behalf of this Act; or

(9) Any Barrel pawned or pledged, or attempted to be pawned or pledged, or taken in Pawn or Pledge, contrary to any of the Provisions in that Behalf in this Act;

[^{F61}the Company may apply to a justice for a search warrant under subsection (2) below or, in Scotland, make report of their suspicion and the grounds therefor to the Crown Agent in the Crown Office in Edinburgh for such investigation and for such proceedings as he may consider necessary having regard to Part II of the Criminal Procedure (Scotland) Act 1975.]

[^{F62}(2) If on an application under subsection (1) above a justice is satisfied by information on oath that there is reasonable ground for any such suspicion as is mentioned in that subsection, he may grant a search warrant authorising any officer of either of the Two Companies together with a constable—

(a) to enter at any time any premises or place specified in the warrant, if necessary by force, and to search the premises or place and every person found there; and

(b) to seize and detain—

(i) any stamp or part of a stamp which he suspects to be a forgery or counterfeit of a stamp or part of a stamp provided or used at any time by either of the Two Companies; and

(ii) any barrel which he suspects to be a barrel to which subsection (1) above applies and any small arm or part of a small arm of which any such barrel forms part.

(3) Subsection (1) above shall apply in relation to—

(a) any barrel bearing any forged or counterfeit mark or part of a mark, or imitation of a mark or part of a mark, which is or at any time was a convention proof mark; and

(b) any small arm or part of a small arm of which any such barrel forms part,

as it applies in relation to any such barrel as is mentioned in any of paragraphs (2) to (9) of that subsection and any small arm or part of a small arm of which any such barrel forms part.]

Textual Amendments

F59 S. 138 renumbered as s. 138(1) (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\), s. 9\(3\), Sch. 3 para. 15\(2\)](#); S.I. 1978/1587, art. 2, [Sch.](#)

F60 Words in s. 138(1) substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\), s. 9\(3\), Sch. 3 para. 15\(1\)\(a\)](#); S.I. 1978/1587, art. 2, [Sch.](#)

F61 Words in s. 138(1) substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\), s. 9\(3\), Sch. 3 para. 15\(1\)\(b\)](#); S.I. 1978/1587, art. 2, [Sch.](#)

F62 S. 138(2)(3) inserted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\), s. 9\(3\), Sch. 3 para. 15\(2\)](#); S.I. 1978/1587, art. 2, [Sch.](#)

Modifications etc. (not altering text)

C13 S. 138(6) explained (5.6.1980) by [Gun Barrel Proof Act 1978 \(c. 9\), s. 9\(3\), Sch. 2 para. 3\(2\)](#); S.I. 1980/640, art. 2

[^{F63}139 **Detention of barrels with forged etc. marks brought to proof house.**

Where a barrel bearing—

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- (a) a mark of a forgery or counterfeit of a stamp or part of a stamp which is or at any time was provided or used by either of the Two Companies or which is or at any time was a convention proof mark; or
- (b) a forged or counterfeit mark or imitation of a mark of any such stamp or part of a stamp,

is brought to the proof house or any branch proof house of either of the Two Companies, the Company shall detain the barrel and any small arm or part of a small arm of which the barrel forms part.]

Textual Amendments

F63 S. 139 substituted (1.12.1978 in part and 5.6.1980 otherwise) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 16](#); S.I. 1978/1587, art. 2, [Sch.](#); S.I. 1980/640, [art. 2](#)

[^{F64}140 Disposal of detained stamps, barrels and small arms.

- (1) Where a person is charged with an offence under this Act in relation to—
 - (a) any stamp, part of a stamp, barrel, small arm or part of a small arm which has been seized and detained under, or in pursuance of a report made under, section 138 of this Act; or
 - (b) any barrel, small arm or part of a small arm which has been detained under section 139 of this Act,

the court before which he is charged may order that the stamp, part of a stamp, barrel, small arm or part of a small arm shall become the property of the Company whose officer detained it or, as the case may be, the Company which made the report under section 138 of this Act.

- (2) As soon as practicable after the making of any such order, the Company shall—
 - (a) destroy any stamp or part of a stamp to which the order relates; and
 - (b) prove any barrel to which the order relates and—
 - (i) if it is found of proof, mark it as proved; or
 - (ii) if it is not found of proof, break and destroy it.]

Textual Amendments

F64 S. 140 substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 17](#); S.I. 1978/1587, art. 2, [Sch.](#)

141 Officers removing Proof Stamps to be punishable as for a Misdemeanor.

Any Officer or Servant employed at the Proof House or any Branch Proof House of either of the Two Companies who shall unlawfully remove from the same any Proof Stamp shall [^{F65}be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding] Three Years.

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Changes to legislation: There are currently no known outstanding effects for the Gun Barrel Proof Act 1868. (See end of Document for details)

Textual Amendments

F65 Words in s. 141 substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 18](#); [S.I. 1978/1587](#), art. 2, [Sch.](#)

142 Penalties on Officers for Neglect of Duties.

F66

Textual Amendments

F66 [S. 142](#) repealed (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), ss. 2(2), 9(3), [Sch. 4](#); [S.I. 1978/1587](#), art. 2, [Sch.](#)

143 Penalty on Officers for Fraud.

Every Officer or Person employed at the Proof House or any Branch Proof House of either of the Two Companies fraudulently marking, or causing or procuring or permitting or suffering to be marked, any Barrel as duly proved which has not been duly proved, or fraudulently marking or causing or procuring or permitting or suffering any Barrel to be marked as duly proved with a Mark indicating any other Proof than the Proof then duly made thereof, shall [^{F67}be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine] and being legally convicted of any such Offence shall thenceforth be incapable of holding any Office or Employment in or under either of the Two Companies, or in any public Proof House established by Law, and if in Office or Employment in any such Proof House at the Time of such Conviction shall be forthwith dismissed from his Office or Employment therein.

Textual Amendments

F67 Words in s. 143 substituted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 19](#); [S.I. 1978/1587](#), art. 2, [Sch.](#)

144 Act not to extend to Scotland or Ireland.

F68

Textual Amendments

F68 [S. 144](#) repealed (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 4](#); [S.I. 1978/1587](#), art. 2, [Sch.](#)

145 Expenses of Act.

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 Guardians.

Status: Point in time view as at 05/11/1993.

Changes to legislation: There are currently no known outstanding effects for the Gun Barrel Proof Act 1868. (See end of Document for details)

SCHEDULES REFERRED TO IN THE FOREGOING ACT.

SCHEDULE A.

PART I.

I *A.B.* [*insert Address and Description*] hereby claim to be registered as a Member of the Birmingham Gun Trade in respect of the Premises occupied by me, situate [*here insert the Description and Situation of the Premises by the Street or Road, Number (if any), Town, Parish, or other Locality*].

Dated

(Signed) *A.B.*

To the Law Clerk to the Guardians of the Birmingham Proof House.

PART II.

I *A.B.* [*insert Address and Description*] object to *C.D.* [*insert Address and Description*] being registered as a Member of the Birmingham Gun Trade on the following Grounds; namely [*here state the Grounds of Objection*], and I require to be heard on the said Objection.

Dated

(Signed) *A.B.*

To the Law Clerk to the Guardians of the Birmingham Proof House.

PART III.

FORM OF VOTING PAPER.

Name or Initials of Voter against the Names of the Persons for whom he intends to vote.	Names and Addresses of the Persons Nominated.	Qualities or Callings of the Persons nominated.	Office for which Nomination intended.	Names and Addresses of the Nominations.
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I vote for the Persons in the above List against whose Names my Name or Initials are placed.

(Signed)

Status: Point in time view as at 05/11/1993.

Changes to legislation: There are currently no known outstanding effects for the Gun Barrel Proof Act 1868. (See end of Document for details)

X1 SCHEDULE B.

RULES AND REGULATIONS AND SCALES APPLICABLE TO THE PROOF OF SMALL ARMS.

Editorial Information

X1 Schedule B is reproduced here in the form in which it was enacted, subject only to amendments made by virtue of the [Defence \(Transfer of Functions\) Act 1964 \(c. 15\)](#). Note that the Rules, Regulations and Scales stated in Schedule B have been repealed and replaced by Rules, Regulations and Scales applicable to the Proof of Small Arms (also referred to as "Rules of Proof") made from time to time by the Worshipful Company of Gunmakers and the Guardians of the Birmingham Proof House, as provided by s. 117 of this Act. These replacement Rules of Proof are not reproduced here.

Classification of Small Arms.

First Class.—Comprising Single-barrelled Military Arms of Smooth Bore, not being Breech Loaders or Revolvers.

Second Class.—Comprising Double-barrelled Military Arms of Smooth Bore and Rifled Arms of every Description, whether of One or more Barrels, or constructed of plain or twisted Iron, not being Breech Loaders or Revolvers.

Third Class.—Comprising every Description of Single-barrelled Birding and Fowling Pieces for firing small Shot, and also those known by the Names of Danish, Dutch, Carolina, and Spanish, not being Breech Loaders or Revolvers.

Fourth Class.—Comprising every Description of Double-barrelled Birding and Fowling Pieces for firing small Shot, and Breech-loading Small Arms of every Description and System, not being Revolvers.

Fifth Class.—Comprising Revolving Small Arms of every Description and System.

Rule of Proof.

The Gunpowder used shall be of equal Quality and Strength with that which is now used or from Time to Time shall hereafter be used by [^{F69}the Ministry of Defence].

Textual Amendments

F69 Words substituted by virtue of [Defence \(Transfer of Functions\) Act 1964 \(c. 15\)](#), **ss. 1(2), 3(2)**

The Bullets used shall be of Lead, and of the Size and Weight prescribed by the respective Scales for Proof; in Shape, except Bullets used for Rifled Arms, they shall be spherical, cylindrical, or conical.

The Wads used, except Wads used for Rifled Arms, shall be of Felt, or Cork, or Paper, and shall not exceed in Thickness the Length of One Diameter of the Bore, one Wad to be placed over the Powder and the other over the Bullet.

As to Rifled Arms of every Description, the Quantity of Powder used for the First Proof shall be Three hundred per Cent. and for the Second Proof Two hundred per Cent. of the Service Charge. The Bullets used shall be flat-ended Projectiles of Lead, and cylindrical, calculated on the Specific Gravity of Lead being 11·352, and for the First and Second Proof they shall be One

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hundred and thirty-five per Cent. of the Service Weight. The Wads used shall be of solid Felt or Cork, and shall be in Thickness the Length of One Diameter of the Bore, one Wad to be placed over the Powder and the other over the Bullet.

Barrels for Arms of the Second and Fourth Classes shall be proved provisionally and definitively, or, at the Request in Writing of the Person or Persons sending the Barrels for Proof, shall be proved once only, in which Case such Barrels shall be sent in the State for definitive Proof, but shall be proved according to the Scale for provisional Proof, and shall be marked with a special Mark denoting that such Barrels have been proved in the definitive State according to the Scale for provisional Proof; and, subject as herein-after mentioned, Barrels for all other Arms shall be proved once definitively; but nevertheless the Scale used for proving such Barrels for Arms of the Third Class as have the Diameter of the Bore in every Part One Inch and a Quarter or upwards shall be the provisional Scale.

It shall be sufficient from Time to Time to prove all Breech-loading Military Barrels in the same Manner as Breech-loading Military Barrels made for the Use of Her Majesty's Forces, and with the same Weight of Gunpowder and the same Description of Cartridge as are now used or from Time to Time shall hereafter be used in the Proof of similar Barrels at the Government Factory at Enfield.

As to any Military Barrel made for the Use of Her Majesty's Forces, or for the late Honourable East India Company, which has ceased to belong to Her Majesty, but which bears, in addition to a Proof Mark authorized by [^{F69}the Ministry of Defence], the Letter O struck (prior to such Cesser) over or upon the Broad Arrow or some Part thereof by the said [^{F69}Ministry], it shall, if it be a Rifled Barrel, be proved with definitive Proof, or if it be a Smooth Bore Barrel with Half the Charge of Powder, but with the same Weight of Bullet which would be applicable to the Proof thereof if such Barrel were an unproved Barrel under this Act, and after either such Proof such Barrel shall be marked as proved definitively; and as to any Military Barrel made for the Use of Her Majesty's Forces, or for the late Honourable East India Company, which has ceased to belong to Her Majesty, and which does not bear, in addition to a Proof Mark authorized by [^{F69}the Ministry of Defence], the Letter O or the Letter S struck (prior to such Cesser) over or upon the Broad Arrow or some Part thereof by that [^{F69}Ministry], it shall (whether it shall or shall not bear a Proof Mark authorized by that [^{F69}Ministry]) be liable to Proof as an unproved Barrel according to its Classification under this Act.

Conditions precedent to Proof.

Barrels for Arms of the First Class shall not be qualified for Proof until they shall be in a fit and proper State for setting up, and the Thread of the Screws sound and full.

Barrels for Arms of the Third Class shall not be qualified for Proof until they shall be in a fit and proper State for setting up, with the Squares set off looped, and the proper Breeches in the Thread of the Screws sound and full; and all Barrels lumped for percussioning shall be proved through the Nipple with the proper Pins or Plugs in.

Barrels for Arms of the Second and Fourth Classes:

For provisional Proof:—If of plain Metal, shall be bored and ground, having Plugs attached, with Touch-holes drilled in the Plugs of a Diameter not exceeding One Sixteenth of an Inch. Notches in the Plugs, instead of drilled Touch-holes, shall disqualify for Proof. If of twisted Metal, they shall be fine-bored, and struck up with proving Plugs attached, and Touch-holes drilled, as in the Case of plain Metal Barrels.

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Changes to legislation: There are currently no known outstanding effects for the Gun Barrel Proof Act 1868. (See end of Document for details)

For definitive Proof:—The Barrels, whether of plain or twisted Metal, shall be smoothed in the finished State, with the Breeches in the percussioned State, Huts filed up, Bars of Barrels intended for Bar Locks properly filed up on the Top and Bottom Sides, the Top and Bottom Ribs of Double Barrels shall be rough struck up, Pipes, Loops, and Stoppers on the proper Breeches in the Thread of the Screws sound and full, and all Rifle Barrels shall be rifled.

Barrels for Breech-loading Arms, all which are subject to provisional Proof and to definitive Proof, shall receive the latter Proof after the Breech-loading Action is attached and complete.

Barrels for Revolving Arms shall have the Cylinders or Chambers with the Revolving Action attached and complete.

Marks of Proof.

The Marks denoting definitive Proof shall be the Proof and View Marks now used by the Two Companies respectively; (that is to say)

As to the Gunmakers Company:

The Letters G P interlaced in a Cypher surmounted by a Crown, and the View Mark being the Letter V surmounted by a Crown; (videlicet,)

As to the Guardians:

Two Sceptres crossed, a Crown in the top Angle formed by the crossing of the Sceptres, the Letter B in the proper right Angle, the Letter C in the proper left Angle, and the Letter P in the lower Angle; and the View Mark being Two Sceptres crossed, a Crown in the top Angle formed by the crossing of the Sceptres, and in the lower Angle the Letter V; (videlicet,)

The Marks denoting provisional Proof shall be as follows:

As to the Gunmakers Company:

The Letters G P interlaced in a Cypher surmounted by a Lion rampant; (videlicet,)

As to the Guardians:

The Letters B P interlaced in a Cypher surmounted by a Crown; (videlicet,)

The Marks denoting provisional Proof of Barrels proved in the State for definitive Proof shall be as follows:

As to the Gunmakers Company:

The Letters V G P interlaced in a Cypher surmounted by a Lion rampant; (videlicet,)

As to the Guardians:

The Letters V B P interlaced in a Cypher surmounted by a Crown; (videlicet,)

Status: Point in time view as at 05/11/1993.

Changes to legislation: There are currently no known outstanding effects for the Gun Barrel Proof Act 1868. (See end of Document for details)

Mode of affixing Proof Marks.

On Arms of the First, Third, and Fifth Classes the definitive Proof Mark and View Mark shall be impressed at the Breech End of the Barrel, and if the Barrel be constructed with a Patent Breech or with Revolving Cylinders or Chambers the View Mark shall be also impressed upon the Breech, or upon every Cylinder or Chamber, if more than One, with which the Barrel is connected.

On Arms of the Second and Fourth Classes proved provisionally and definitively the provisional Proof Mark shall be impressed at the Breech End of the Barrel, and the definitive Proof Mark and View Mark shall be impressed upon the Barrel above the provisional Proof Mark; and if the Barrel be constructed with a Patent Breech, or with a Breech-loading Action, or with Breech Blocks or Chambers, the View Mark shall be also impressed upon the Breech or Breech-loading Action, or upon each of the Breech Blocks or Chambers, if more than One, with which the Barrel is connected.

On Arms of the Second and Fourth Classes proved provisionally in the State for definitive Proof the Proof Mark shall be impressed at the Breech End of the Barrel, and if the Barrel be constructed with a Patent Breech, or with a Breech-loading Action, or with Breech Blocks or Chambers, shall be also impressed upon the Breech or Breech-loading Action, or upon each of the Breech Blocks or Chambers, if more than One, with which the Barrel is connected.

On all Barrels the Gauge Size of the Barrel shall be struck at the definitive Proof.

^{F70}F70 SCHEDULE C.

Textual Amendments

F70 Sch. C. repealed by Gun Barrel Proof Act 1950 (c. iii), s. 3(2)

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F70

Status:

Point in time view as at 05/11/1993.

Changes to legislation:

There are currently no known outstanding effects for the Gun Barrel Proof Act 1868.