



Gun Barrel Proof Act 1868

1868 CHAPTER cxiii 31 and 32 Vict

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

[^{F1}(1)][^{F2}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, 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;

[^{F3}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

Changes to legislation: There are currently no known outstanding effects for the Gun Barrel Proof Act 1868, Section 138. (See end of Document for details)

proceedings as he may consider necessary having regard to Part II of the Criminal Procedure (Scotland) Act 1975.]

- [^{F4}(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

- F1** 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.](#)
- F2** 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.](#)
- F3** 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.](#)
- F4** 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)

- C1** 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

Changes to legislation:

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