



Hallmarking Act 1973

1973 CHAPTER 43

1 Prohibited descriptions of unhallmarked articles.

- (1) Subject to the provisions of this Act, any person who, in the course of a trade or business—
 - (a) applies to an unhallmarked article a description indicating that it is wholly or partly made of gold, silver [^{F1}, platinum or palladium], or
 - (b) supplies, or offers to supply, an unhallmarked article to which such a description is applied,shall be guilty of an offence.
- (2) Subsection (1) above shall not apply to a description which is permitted by Part I of Schedule 1 to this Act.
- (3) Subsection (1) above shall not apply to an article within Part II of the said Schedule.
- (4) ^{F2}.....

[^{F3}(4A) Subsection (4B) applies in any case where—

- (a) the giving of a description of the fineness (whether in parts per thousand or otherwise) of any precious metal constitutes advertising within the meaning of the Business Protection from Misleading Marketing Regulations 2008, and
 - (b) the description is false to any extent or degree (except by understating the fineness).
- (4B) In any such case, the giving of the description is to be treated as satisfying the requirements of regulation 3(2) of those Regulations (requirements for advertising to be misleading).
- (4C) Subsection (4D) applies in any case where—
- (a) the giving of a description of the fineness (whether in parts per thousand or otherwise) of any precious metal constitutes a commercial practice within the meaning of the Consumer Protection from Unfair Trading Regulations 2008, and
 - (b) the description is false to any extent or degree (except by understating the fineness).

Changes to legislation: There are currently no known outstanding effects for the Hallmarking Act 1973, Section 1. (See end of Document for details)

- (4D) In any such case, the giving of the description is to be treated as satisfying the conditions in regulation 5(2) of those Regulations (conditions for a commercial practice to be a misleading action).]
- (5) Part III of the said Schedule shall apply for construing descriptions relating to the fineness of precious metals.
- (6) The provisions of this section have effect subject to Part IV of the said Schedule.
- (7) For the purposes of this section—
- (a) “advertisement” includes a catalogue, a circular and a price list,
 - (b) section 4 of the Act of 1968 (which defines “applies a trade description”) shall apply to paragraphs (a) and (b) of subsection (1), for the interpretation of references to a description being applied to any article, as it applies for the interpretation of references in that Act to applying a trade description,
 - (c) a person exposing articles for supply, or having articles in his possession for supply, “offers to supply” them.
- (8) Where in an advertisement a description is used in relation to any class of articles, the description shall be taken as referring to all articles of the class, whether or not in existence at the time the advertisement is published—
- (a) for the purpose of determining whether an offence has been committed under subsection (1)(a) above, and
 - (b) where articles of the class are supplied or offered to be supplied by a person publishing or displaying the advertisement, also for the purpose of determining whether an offence has been committed under subsection (1)(b) above;
- and section 5(3) of the Act of 1968 (defining goods of the class in question) shall apply for determining whether any articles are of a class to which a description used in an advertisement relates.
- (9) Section 39(2) of the Act of 1968 (descriptions in publications or broadcasts) shall apply for the purposes of this section.

Textual Amendments

- F1** Words in s. 1(1)(a) substituted (22.7.2009) by [Hallmarking Act 1973 \(Application to Palladium\) Order 2009 \(S.I. 2009/2040\)](#), [art. 1](#), [Sch. para. 2](#)
- F2** S. 1(4) repealed (26.5.2008) by The Consumer Protection from [Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), [reg. 30\(1\)\(3\)](#), [Sch. 2 para. 16\(2\)](#), [Sch. 4 Pt. 1](#) (with [reg. 28\(2\)\(3\)](#))
- F3** S. 1(4A)-(4D) inserted (26.5.2008) by The Consumer Protection from [Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), [reg. 30\(1\)](#), [Sch. 2 para. 16\(3\)](#) (with [reg. 28\(2\)\(3\)](#))

Changes to legislation:

There are currently no known outstanding effects for the Hallmarking Act 1973, Section 1.