



# Hallmarking Act 1973

## 1973 CHAPTER 43

### 13 The British Hallmarking Council.

- (1)
  - (a) There shall be constituted a body, to be called the British Hallmarking Council, who shall be charged with the duty of ensuring that adequate facilities for the assaying and hallmarking of articles of precious metal are available as from time to time required in the United Kingdom, of supervising the activities of assay offices in that behalf, of taking all steps appearing to be open to them for ensuring the enforcement of the law with respect to hallmarking and of advising the Secretary of State with respect to all matters concerning the due execution of this Act including any matter which may be referred to the Council by the Secretary of State.
  - (b) The Council shall come into existence on 1st January 1974 and on and after 1st January 1975 shall perform the functions assigned to them by or under this Act.
  - (c) Schedule 4 to this Act shall have effect with respect to the Council.
- (2) Without prejudice to the last preceding subsection, the Council shall, in addition to the functions specifically conferred on them by or under any other provisions of this Act, have the following functions—
  - (a) to advise the Secretary of State as they think fit with respect to the making of orders and regulations under this Act, and with respect to the amendment of the law as it affects, whether directly or indirectly, the hallmarking of articles of precious metal, including advice as to the application of some or all of the provisions of this Act to any metal other than gold, silver and platinum;
  - (b) subject to any directions in that behalf given by the Secretary of State, to fix the maximum charges for the time being to be charged by assay offices for assaying and hallmarking articles of precious metal manufactured in or intended for sale in the United Kingdom;
  - (c) to advise the Secretary of State upon any need appearing to the Council from time to time for the establishment of any further assay office or for the closure of any assay office or for their amalgamation with another assay office;
  - (d) to assist, by the provision of such technical and other services of the Council as may be available, all authorities and persons concerned in the enforcement

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*Changes to legislation: There are currently no known outstanding effects for the Hallmarking Act 1973, Section 13. (See end of Document for details)*

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of this Act, to appoint such officers as the Council consider appropriate to act as inspectors and otherwise for the detecting of offences and enforcing this Act by or on behalf of the Council, and, otherwise than in Scotland, to institute proceedings in that behalf;

- (e) to authorise any assay office to carry on their business in whole or in part (subject to any conditions which may be specified by the Council in so authorising) in such place [<sup>F1</sup>, whether in the United Kingdom or elsewhere,] as may be specified by the Council additional to the place at which the assay office are otherwise authorised;
  - (f) to make temporary or permanent arrangements by directions, or to authorise the making of such arrangements between assay offices, whereby (notwithstanding anything in any enactment) facilities specified in any case by the Council need not be afforded at an assay office but are afforded at another or others;
  - (g) to issue directions or regulations to all assay offices or, as the case may require, to any assay office in particular, as to the equipment and procedures to be provided and adopted by them in the assaying and hallmarking of precious metals and as to all other matters upon which such directions or regulations may be issued by the Council under the provisions of this Act; and
  - (h) subject to such provisions of this Act as confer powers in particular on the Council, to do anything which in their opinion is calculated to facilitate the proper discharge of any or all of their functions.
- (3) It shall be the duty of an assay office to comply with directions and regulations issued by the Council pursuant to paragraph (f) or paragraph (g) of subsection (2) of this section:

Provided that any assay office who are aggrieved by any such direction or regulation may make written representation in that behalf to the Secretary of State who may determine all issues which may be raised upon any such representation; and it shall be the duty of the Council to comply with any determination so made by the Secretary of State.

- (4) All directions, regulations, authorities, notices or other instruments given or made by the Council under or in pursuance of any provision of this Act shall be in writing and may be so given or made under the hand of the secretary or other officer of the Council authorised in that behalf.

#### Textual Amendments

- F1** Words in s. 13(2)(e) inserted (8.2.2013) by [The Legislative Reform \(Hallmarking\) Order 2013 \(S.I. 2013/251\)](#), arts. 1(2), 7

**Changes to legislation:**

There are currently no known outstanding effects for the Hallmarking Act 1973, Section 13.