
Changes to legislation: There are currently no known outstanding effects for the Gun Barrel Proof Act 1978, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1(1).

SECTIONS SUBSTITUTED FOR SECTIONS 129 TO 137 OF THE ACTS OF 1868

Convention proof marks.

- 129 (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.

Exemption of barrels with convention proof marks.

- 130 (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,

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by virtue of the fact that the barrel in question has not been proved under this Act or the ^{M1} 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) 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.

Marginal Citations

M1 1855 c. cxlviii

Convention proof marks: proceedings for offences.

- 131 (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.

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