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STATUTORY INSTRUMENTS

# 2007 No. 2493

# HALLMARK

## The Hallmarking Act 1973 (Exemption) (Amendment No. 2) Order 2007

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| *Made - - - -* | *23rd August 2007* |
| *Laid before Parliament* | *29th August 2007* |
| *Coming into force - -* | *1st October 2007* |

The Secretary of State, in exercise of his powers under paragraph 1(1)(b) of Part 4 of Schedule 1 to the Hallmarking Act 1973(**1**), makes the following Order.

### Citation and commencement

**1.** This Order may be cited as the Hallmarking Act 1973 (Exemption) (Amendment No. 2) Order 2007 and shall come into force on 1st October 2007.

### Amendment of the Hallmarking Act 1973

**2.**—(1) Part 2 of Schedule 1 to the Hallmarking Act 1973 is amended as follows.

(2) The following is substituted for paragraph 12(2)—

"(2) This paragraph does not apply—

(a) to an article which is manufactured on or after 1st January 2008, or

(b) to an article containing materials other than precious metal, unless the article satisfies the conditions for hallmarking of Part 3 of Schedule 2 to this Act as they had effect immediately before 6th April 2007 (the date of the coming into force of the Hallmarking Act 1973 (Amendment) Regulations 2007).".

(3) Paragraph 12(3) is repealed.

(4) The following is inserted after paragraph 12—

"**12A.**—(1) Subject to paragraph 14AA, any article—

(a) which contains silver of minimum fineness, and

(**1**) 1973 c.43: paragraph 12 of Part 2 of Schedule 1 was substituted by SI 1975/1883, further substituted by SI 1982/256, and amended by SI 1986/1758 and new sub-paragraph (3) inserted by SI 2007/872; paragraph 14A of the same Part was inserted by SI 1975/1883, substituted by S.I. 1982/256, and amended by 1986/1758 and new sub-paragraph (3) was inserted by SI 2007/872.

(b) in which the total weight of the metal is less than 7.78 grams.

(2) This paragraph does not apply to any article—

(a) which contains gold, or platinum, of the minimum fineness,

(b) which contains any precious metal that is not of the minimum fineness, or

(c) which contains materials other than precious metal, unless the article satisfies the conditions for hallmarking of Part 3 of Schedule 2 to this Act.

**12B.**—(1) Subject to paragraph 14AA, any article—

(a) which contains gold of minimum fineness, and

(b) in which the total weight of the metal is less than 1 gram.

(2) This paragraph does not apply to any article—

(a) which contains platinum of the minimum fineness, or

(b) which contains any precious metal that is not of the minimum fineness, or

(c) which contains materials other than precious metal, unless the article satisfies the conditions for hallmarking of Part 3 of Schedule 2 to this Act.

**12C.**—(1) Subject to paragraph 14AA, any article—

(a) which contains platinum of minimum fineness, and

(b) in which the total weight of the metal is less than 0.5 gram.

(2) This paragraph does not apply to any article—

(a) which contains any precious metal that is not of the minimum fineness, or

(b) which contains materials other than precious metal, unless the article satisfies the conditions for hallmarking of Part 3 of Schedule 2 to this Act.”.

(5) The following is substituted for paragraph 14A(2)—

“(2) This paragraph does not apply—

(a) to an article which is manufactured on or after 1st January 2008, or

(b) to an article containing materials other than precious metal, unless the article satisfies the conditions for hallmarking of Part 3 of Schedule 2 to this Act as they had effect immediately before 6th April 2007 (the date of the coming into force of the Hallmarking Act 1973 (Amendment) Regulations 2007).”.

(6) Paragraph 14A(3) is repealed.

*David Lammy*
Parliamentary Under Secretary of State for Skills
Department for Innovation, Universities and Skills

23rd August 2007

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the categories of articles that are exempt from the prohibition in section 1 of the Hallmarking Act 1973 (the "1973 Act") on describing unhallmarked articles as gold, silver or platinum.

Regulation 2(4) inserts three new weight based exemptions into the 1973 Act. Paragraph 12A applies to articles containing silver (but not gold or platinum) of minimum fineness. Paragraph 12B applies to articles containing gold (but not platinum) of minimum fineness and paragraph 12C applies to articles containing platinum of minimum fineness. In each case the weight based exemption relates to the total amount of metal in the article.

Regulations 2(2) and 2(5) amend the exemptions set out in paragraphs 12 and 14A of Schedule 1 to the 1973 Act. These exemptions have been modified so that they only apply to articles manufactured on or before 31st December 2007.

This Order was notified in draft to the European Commission in accordance with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ No. L204, 21.7.98, p.37) as amended by Directive 98/48/EC (OJ No. L217, 5.8.98, p.18).

A full regulatory impact assessment (RIA) of the effect that this Order will have on the costs to business is available from the National Weights and Measures Laboratory, Stanton Avenue, Teddington, Middlesex TW11 0JZ or from its website at www.nwml.gov.uk. The RIA is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website. Copies have been placed in the libraries of both Houses of Parliament.