

SCHEDULE 2

Amendments

PART 1

Amendments to Acts

Hallmarking Act 1973

16.—(1) Section 1 of the Hallmarking Act 1973(1) (prohibited descriptions of unhallmarked articles) is amended as follows.

(2) Subsection (4) is omitted.

(3) Before subsection (5) insert—

“(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).

(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).”.

(4) In Part 3 of Schedule 1 (use of the words “carats”, etc), in paragraph 1, for “and the Act of 1968” substitute “, the Business Protection from Misleading Marketing Regulations 2008 and the Consumer Protection from Unfair Trading Regulations 2008”.

(1) 1973 c.43.