
STATUTORY INSTRUMENTS

1998 No. 2978

HALLMARK

**The Hallmarking (Hallmarking Act
Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>3rd December 1998</i>
<i>Laid before Parliament</i>		<i>4th December 1998</i>
<i>Coming into force</i>	- -	<i>1st January 1999</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to articles made of, comprising or resembling precious metals, in exercise of the powers conferred on him by that section and, having consulted the British Hallmarking Council and such other persons as he thinks fit, in exercise of his powers under section 4(7) of the Hallmarking Act 1973⁽³⁾, hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Hallmarking (Hallmarking Act Amendment) Regulations 1998 and shall come into force on 1st January 1999.

Amendment of the Hallmarking Act 1973

2.—(1) The Hallmarking Act 1973 shall be amended as follows.

(2) In section 2, there shall be inserted after the words “United Kingdom is a party” in paragraph (c) of subsection (1), the words—

“, or

- (d) marks struck in an EEA State other than the United Kingdom, being marks which—
 - (i) have been struck by an independent body in accordance with the law of that State; and
 - (ii) provide information which is equivalent to the information provided by the marks mentioned in section 4(1)(a)(i) and (ii) of this Act and which is intelligible to consumers in the United Kingdom.”

(1) S.I. 1995/2983.
(2) 1972 c. 68.
(3) 1973 c. 43.

- (3) In section 2, there shall be inserted at the end of subsection (2), the words—
“, and marks within subsection (1)(d) above are in this Act called “EEA hallmarks”.”
- (4) In section 2, after subsection (2), there shall be inserted—
“(2A) In this section “EEA State” means a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.”
- (5) In section 2, for the words “such convention or treaty” in subsection (3) there shall be substituted “convention or treaty falling within subsection (1)(c) above”.
- (6) In section 2, after the words “bears a convention hallmark” in subsection (5)(c) there shall be inserted the words “or an EEA hallmark”.
- (7) In section 4, in subsection (1)(a), for sub-paragraph (iii), and the word “and” immediately preceding it, there shall be substituted—
“(iii) the pictorial mark, or one of the pictorial marks, specified in paragraph 3 of the said Schedule as respects an article of the precious metal specified opposite thereto in column (1) of the said paragraph assaying to a standard of fineness specified in column (2) of the said paragraph and also so opposite;
(iv) the date letter directed pursuant to paragraph 4 of the said Schedule; and
(v) the mark (if any) directed pursuant to paragraph 5 of the said Schedule;”.
- (8) In section 4, for subsections (1A) and (2) there shall be substituted—
“(2) Each of the approved hallmarks mentioned in subsection (1)(a)(iii), (iv) and (v) above shall be struck by an assay office on an article only if a request to that effect is made by the person who submits the article to the assay office; but the absence of any such approved hallmark on an article by virtue of this subsection shall not in itself render the article unhallmarked for the purposes of this Act.”
- (9) In section 4, after the figure “916.6” in subsection (3)(b)(i)(a), there shall be inserted the words “or above”.
- (10) In section 4, for the figure “950” in subsection (3)(b)(iii) there shall be substituted “the standard of fineness of the article”.
- (11) In section 4, subsection (4) shall be omitted.
- (12) In section 22(1), there shall be inserted after the definition of “dealer”—
““EEA hallmark” has the meaning given by section 2 of this Act;”.
- (13) In section 22(1), in the definition of “minimum fineness” (contained within the definition of “fineness”), for the figure “925” there shall be substituted the figure “800” and for the figure “950” there shall be substituted the figure “850”.
- (14) In section 22(1), in the definition of “sponsor’s mark” there shall be inserted after the words “as a sponsor’s mark for the purposes of this Act” in paragraph b(ii)—
“; or
(c) a mark struck on an article in an EEA State which indicates the manufacturer or sponsor of the article;”.
- (15) For Part I of Schedule 2 there shall be substituted—

“PART I

ARTICLES COMPRISED OF A SINGLE PRECIOUS METAL

1. Assay office mark

<i>Assay office</i> (1)	<i>Assay office mark</i> (2)
London...	A leopard’s head
Edinburgh...	A castle
Birmingham...	An anchor
Sheffield...	A rose

2. Standard mark

<i>Precious metal</i> (1)	<i>Standard of fineness</i> (2)	<i>Standard mark</i> (3)
Gold	375	The figures 375
Gold	585	The figures 585
Gold	750	The figures 750
Gold	916.6	The figures 916
Gold	990	The figures 990
Gold	999	The figures 999
Silver	800	The figures 800
Silver	925	The figures 925
Silver	958.4	The figures 958
Silver	999	The figures 999
Platinum	850	The figures 850
Platinum	900	The figures 900
Platinum	950	The figures 950
Platinum	999	The figures 999

3. Optional pictorial mark

<i>Precious metal</i> (1)	<i>Standard of fineness</i> (2)	<i>Pictorial mark</i> (3)
Gold	375	A crown
Gold	585	A crown
Gold	750	A crown
Gold	916.6	A crown
Gold	990	A crown

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<i>Precious metal (1)</i>	<i>Standard of fineness (2)</i>	<i>Pictorial mark (3)</i>
Gold	999	A crown
Silver	925	A lion passant. In the case of an article struck by the Edinburgh Assay Office, the reference to a lion passant shall be treated as a reference to a lion rampant.
Silver	958.4	The figure of Britannia or a lion passant. In the case of an article struck by the Edinburgh Assay Office, the reference to a lion passant shall be treated as a reference to a lion rampant.
Silver	999	The figure of Britannia or a lion passant. In the case of an article struck by the Edinburgh Assay Office, the reference to a lion passant shall be treated as a reference to a lion rampant.
Platinum	950	An orb surmounted by a cross
Platinum	999	An orb surmounted by a cross

4. Optional date letter

Such distinct variable letter of the alphabet to denote the year in which the article is marked as may be for the time being directed in writing by the Council.

5. Optional additional mark

Such mark (if any) as may be for the time being directed in writing by the Council.”

Consequential Amendments

3. The Schedule to this Order which contains consequential amendments to The Hallmarking (International Convention) Order 1976⁽⁴⁾ has effect.

3rd December 1998

Kim Howells
Parliamentary Under-Secretary of State for
Competition and Consumer Affairs,
Department of Trade and Industry

(4) S.I. 1976/730.

SCHEDULE

CONSEQUENTIAL AMENDMENTS TO THE HALLMARKING (INTER NATIONAL CONVENTION) ORDER 1976

1. In article 3(1)(a), before “925” in paragraph (ii) there shall be inserted “800 or”.
2. In article 5(2), for sub-paragraph (d) there shall be substituted—
“(d) in subsection (2) the reference to subsection (1)(a)(iii) were omitted;”.
3. In article 5(2), in sub-paragraph (e), for “950” there shall be substituted “the standard of fineness of the article”.
4. In article 6(1), “800 or” shall be omitted.
5. In article 6(2), in sub-paragraph (a), for “numbers 800 and 830” there shall be substituted “number 830”.
6. In article 6(2), sub-paragraph (b) shall be omitted.
7. In article 6(3), “800 or” shall be omitted.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Hallmarking Act 1973 (“the 1973 Act”). In regulation 2, paragraphs (2), (3), (4), (5), (6), (11), (12) and (14) are made under section 2(2) of the European Communities Act 1972 (the 1972 Act) regulation 2 paragraphs (7), (8), (9), (10), (13) and (15) are made under section 4(7) of the 1973 Act.

The amendments made under the 1972 Act are made for the purpose of making the provisions of the 1973 Act consistent with Article 30 of the E.C. Treaty as explained, in relation to the importation by one Member State of articles made of or comprising precious metals from another Member State, by the European Court of Justice in the case of *Houtwipper* (Case C-293/93) ([1994] ECR I—4249). The Judgment of the Court was delivered on 15th September 1994.

The definition of “approved hallmarks” in section 2(1) of the 1973 Act is expanded by the addition of a new paragraph (d). This encompasses marks struck by an independent body in another Member State, which have been struck in accordance with the law of that State and which contain information which is equivalent to that provided by the assay office mark and the standard mark which may be struck under the 1973 Act and which is intelligible to consumers in the United Kingdom (regulation 2(2)).

Articles may, on request to the assay office, be struck with any of three optional marks—a date letter, in accordance with such distinct, variable date letter as directed, in writing, by the British Hallmarking Council (the date letter was previously a mandatory requirement), the relevant pictorial mark denoting the standard of fineness of an article of precious metal (also previously mandatory) and such other mark as may be directed by the British Hallmarking Council (regulation 2(7)). Provision is made to the effect that failure to mark an article of precious metal with any of the three optional marks will not render an article unhallmarked (regulation 2(8)).

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In accordance with the amendments to Part I of Schedule 2, the offence relating to provision of information in respect of origin is omitted (regulation 2(11)).

Part I of Schedule 2 is substituted by a new Part. The amendments remove the distinction previously drawn in the Schedule between the assay office mark and standard mark to be affixed to articles made in the United Kingdom and those marks to be affixed to articles made elsewhere. Provision is made for additional finenesses to be struck in the United Kingdom. Part I of Schedule 2 also sets out the three optional marks and provides that in the case of gold, the optional mark may be struck alongside all millesimal fineness marks which United Kingdom assay offices can strike, whilst in the case of silver and platinum, the relevant optional mark may be struck alongside millesimal finenesses over 925 and 950 respectively (regulation 2(15)).

Consequential amendments are made to the Hallmarking (International Convention) Order 1976 (regulation 3).

The Regulations will come into force on 1 January 1999. A Regulatory Impact Assessment has been drawn up by the Department of Trade and Industry and is available from Consumer Affairs Directorate 1e, Bay 464, 1 Victoria Street, London SW1H 0ET (Tel: 0171 215 0328). Copies have been placed in the libraries of both Houses of Parliament.