



Hallmarking Act 1973

1973 CHAPTER 43

1 Prohibited descriptions of unhallmarked articles

- (1) Subject to the provisions of this Act, any person who, in the course of a trade or business—
- (a) applies to an unhallmarked article a description indicating that it is wholly or partly made of gold, silver or platinum, or
 - (b) supplies, or offers to supply, an unhallmarked article to which such a description is applied,
- shall be guilty of an offence.

- (2) Subsection (1) above shall not apply to a description which is permitted by Part I of Schedule 1 to this Act.

- (3) Subsection (1) above shall not apply to an article within Part II of the said Schedule.

- (4) Notwithstanding section 3(1) of the Trade Descriptions Act 1968 (definition of “false trade description” as one which is false to a material degree) a trade description which indicates the fineness (whether in parts per thousand or otherwise) of any precious metal shall be a false trade description if that indication is false to any extent or degree (except by understating the fineness).

The Trade Descriptions Act 1968 is in this Act referred to as “the Act of 1968”.

- (5) Part III of the said Schedule shall apply for construing descriptions relating to the fineness of precious metals.

- (6) The provisions of this section have effect subject to Part IV of the said Schedule.

- (7) For the purposes of this section—

- (a) “advertisement” includes a catalogue, a circular and a price Est,
- (b) section 4 of the Act of 1968 (which defines “applies a trade description”) shall apply to paragraphs (a) and (b) of subsection (1), for the interpretation of references to a description being applied to any article, as it applies for the interpretation of references in that Act to applying a trade description,

Status: This is the original version (as it was originally enacted).

- (c) a person exposing articles for supply, or having articles in his possession for supply, “offers to supply” them.
- (8) Where in an advertisement a description is used in relation to any class of articles, the description shall be taken as referring to all articles of the class, whether or not in existence at the -time the advertisement is published—
- (a) for the purpose of determining whether an offence has been committed under subsection (1)(a) above, and
 - (b) where articles of the class are supplied or offered to be supplied by a person publishing or displaying the advertisement, also for the purpose of determining whether an offence has been committed under subsection (1)(b) above;
- and section 5(3) of the Act of 1968 (defining goods of the class in question) shall apply for determining whether any articles are of a class to which a description used in an advertisement relates.
- (9) Section 39(2) of the Act of 1968 (descriptions in publications or broadcasts) shall apply for the purposes of (this section.