



Hallmarking Act 1973

1973 CHAPTER 43

5 Alterations to hallmarked articles.

- (1) Subject to subsections (3) to (5) below, it shall be an offence for any person to make an addition, alteration or repair to an article bearing approved hallmarks, except in accordance with the written consent of an assay office.
- (2) Subject to subsection (3) below, it shall be an offence for any person to remove, alter or deface any mark struck on an article, except in accordance with the written consent of an assay office.

For the purposes of this subsection “mark” means a sponsor’s mark, any approved hallmark, the word “filled”, the word “metal” or any other word for the time being prescribed by or under section 4 of, or Schedule 2 to, this Act.

- (3) It shall not be an offence under subsection (1) or (2) above to batter an article so as to render it fit only for remanufacture.
- (4) It shall not be an offence under subsection (1) above to make an addition to an article which is not a new ware if the character of the article, and the purposes for which it can be used, remain unaltered and—
 - (a) the addition is of the same precious metal as that of the article;
 - (b) the metal added to the article is of a fineness not less than the standard of fineness of the article; and
 - (c) the amount of metal added does not exceed the lesser of—
 - (i) 1 gram of gold, 5 grams of silver [^{F1}, 0.5 grams of platinum or 1 gram of palladium,] as the case may be; and
 - (ii) 50 per cent. of the weight of the article immediately before the addition was made.
- (5) It shall not be an offence under subsection (1) above to add a coating, of a thickness not exceeding 2 micrometres at any point, to the whole or any part of—
 - (a) an article of gold, if the coating is of gold of a fineness not less than the standard of fineness of the article; or
 - [^{F2}(aa) an article of gold, if the coating is of platinum of not less than the minimum fineness; or]

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- (b) an article of silver, if the coating is of silver of a fineness not less than the standard of fineness of the article; or
 - (c) an article of silver, if the coating is of gold [^{F3}or platinum][^{F4}or palladium] of not less than the minimum fineness; or
 - ^{F5}(ca) an article of palladium, if the coating is of palladium of a fineness not less than the standard of fineness of the article; or
 - (cb) an article of palladium, if the coating is of gold or platinum of not less than the minimum fineness; or]
 - ^{F6}(cc) an article of platinum, if the coating is of platinum of a fineness not less than the standard of fineness of the article; or]
 - (d) an article of gold, silver [^{F7}, platinum or palladium,] if the coating is of rhodium.
- (6) In giving any consent for the purposes of subsection (1) or (2) above, an assay office may make it a condition of the consent that the article concerned, or any addition made to it, be further assayed and struck with—
- (a) the sponsor's mark; and
 - (b) such of the approved hallmarks as may be specified in directions issued by the Council for the purposes of this subsection or, in the absence of any such directions, such of the approved hallmarks as may be determined by the assay office.
- (7) If—
- (a) an application for consent under subsection (1) or (2) above has been refused by an assay office; and
 - (b) the applicant has referred the matter to the Council, in writing;
- the Council shall consider the case and, if they are of the opinion that the assay office were acting unreasonably in withholding the consent applied for, they shall direct the assay office to grant the consent.
- (8) Without prejudice to subsection (6) above, it shall be the duty of an assay office to whom a direction has been given under subsection (7) above to comply with the direction.

Textual Amendments

- F1** Words in s. 5(4)(c)(i) substituted (22.7.2009) by [Hallmarking Act 1973 \(Application to Palladium\) Order 2009 \(S.I. 2009/2040\)](#), art. 1, [Sch. para. 4\(2\)](#)
- F2** S. 5(5)(aa) inserted (8.2.2013) by [The Legislative Reform \(Hallmarking\) Order 2013 \(S.I. 2013/251\)](#), arts. 1(2), [6\(a\)](#)
- F3** Words in s. 5(5)(c) inserted (8.2.2013) by [The Legislative Reform \(Hallmarking\) Order 2013 \(S.I. 2013/251\)](#), arts. 1(2), [6\(b\)](#)
- F4** Words in s. 5(5)(c) inserted (22.7.2009) by [Hallmarking Act 1973 \(Application to Palladium\) Order 2009 \(S.I. 2009/2040\)](#), art. 1, [Sch. para. 4\(3\)\(a\)](#)
- F5** S. 5(5)(ca)(cb) inserted (22.7.2009) by [Hallmarking Act 1973 \(Application to Palladium\) Order 2009 \(S.I. 2009/2040\)](#), art. 1, [Sch. para. 4\(3\)\(b\)](#)
- F6** S. 5(5)(cc) added (8.2.2013) by [The Legislative Reform \(Hallmarking\) Order 2013 \(S.I. 2013/251\)](#), arts. 1(2), [6\(c\)](#)
- F7** Words in s. 5(5)(d) substituted (22.7.2009) by [Hallmarking Act 1973 \(Application to Palladium\) Order 2009 \(S.I. 2009/2040\)](#), art. 1, [Sch. para. 4\(3\)\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Hallmarking Act 1973, Section 5.