



# Hallmarking Act 1973

## 1973 CHAPTER 43

### **7 Treatment by assay offices of unauthorised marks.**

- (1) Subject to subsection (2) of this section, an assay office may at their discretion cancel, or obliterate any mark of the character of a hallmark (whether appearing to be an approved hallmark or to be a mark which in the opinion of the assay office is likely to be confused with such a hallmark) which an article coming into their custody or possession bears and which the assay office are satisfied—
  - (a) has not been struck thereon by an assay office according to law; or
  - (b) is not a true description because the article appears to have been the subject of an improper alteration.
- (2) Notwithstanding anything in any enactment, an assay office shall not, otherwise than by leave of the owner or other person appearing to have the control of any article, obliterate any ancient mark but shall cancel the same in a manner authorised under subsection (3) of this section.
- (3) The Council may issue directions to assay offices as to the manner in which an ancient mark may be cancelled under the last foregoing subsection.
- (4) If it be proved that an assay office have—
  - (a) cancelled, or obliterated any mark (as described in subsection (1) of this section), which has been struck by an assay office according to law on an article which has not been the subject of an improper alteration; or
  - (b) obliterated any ancient mark upon an article,the assay office (but not any other person) shall be liable in damages to any person interested in the article.
- (5) In any action brought against an assay office in pursuance of subsection (4) of this section it shall be a defence for them to prove that they had reasonable cause to believe that the circumstances specified respectively in paragraphs (a) or (b) of that subsection did not exist.
- (6) It shall be an offence for any person knowingly or any dealer to supply or offer to supply any article bearing any mark of the character of a hallmark and which under subsection (1) of this section may, if the article is in the possession of an assay office,

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*Status: Point in time view as at 08/02/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Hallmarking Act 1973, Section 7. (See end of Document for details)*

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be cancelled, obliterated or defaced, unless the article has been first submitted to an assay office to enable them at their discretion so to cancel, obliterate or deface that mark.

- (7) In this section “ancient mark” means a mark of the character of a hallmark appearing to an assay office to have been struck or incorporated before 22nd December 1854 (whether or not by an assay office according to law at the time of its marking or incorporation) upon or into an article which has not since been the subject of any improper alteration.

**Status:**

Point in time view as at 08/02/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the Hallmarking Act 1973, Section 7.