



Gun Barrel Proof Act 1868

1868 CHAPTER cxiii 31 and 32 Vict

121 Offences declared Misdemeanor.

[^{F1}(1)] Every Person who knowingly commits any of the following Offences shall [^{F2}be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding] Two Years; that is to say,

- (1) Every Person who forges or counterfeits any Stamp or any Part of any Stamp heretofore or now or hereafter provided or used by either of the Two Companies for marking any Barrel:
- (2) Every Person who sells or parts with the Possession of any such forged or counterfeit Stamp or Part of a Stamp:
- (3) Every Person who marks any Barrel with any such forged or counterfeit Stamp, or with any Part of any such forged or counterfeit Stamp:
- (4) Every Person who makes up any Barrel so marked:
- (5) Every Person who has in his Possession or sells or parts with the Possession of any Barrel so marked:
- (6) Every Person who forges or counterfeits or by any Means whatsoever produces upon any Barrel an Imitation of any Mark of any Stamp or any Part of any Stamp heretofore or now or hereafter provided or used by either of the Two Companies for marking any Barrel:
- (7) Every Person who sells or parts with the Possession of any such Mark:
- (8) Every Person who transposes or removes from any Barrel to any other Barrel, or from one Part of a Barrel to another Part of the same Barrel, any Mark of any Stamp or any Part of any Stamp heretofore or now or hereafter provided or used by either of the Two Companies for marking any Barrel:
- (9) Every Person who has in his Possession or who sells or parts with the Possession of any Mark so transposed or removed:
- (10) Every Person who has in his Possession any such forged or counterfeit Stamp or Part of a Stamp, or any such forged or counterfeit Mark or Imitation of a Mark, or any such transposed or removed Mark:
- (11) Every Person who cuts or severs from any Barrel any Mark of any Stamp or any Part of any Stamp heretofore or now or hereafter provided or used by either of the Two Companies for stamping any Barrel, with Intent that the

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Mark be placed upon or joined or affixed to any other Barrel or any other Part of the Barrel from which the Mark is cut or severed:

- (12) Every Person who places upon or joins or affixes to any Barrel any such Mark so cut or severed:
- (13) Every Person who, with Intent to defraud, uses any genuine Stamp or any Part of any genuine Stamp heretofore or now or hereafter provided or used by either of the Two Companies for marking any Barrel:
- (14) Every Person who, with respect to any Stamp or Mark, or any Part of any Stamp or Mark of a Foreign Country, already or hereafter registered by either of the Two Companies under the recited Act or this Act, or with respect to any Forgery, Counterfeit, or Imitation of any such Stamp or Mark or Part, or with respect to any Barrel marked with any such forged or counterfeited Stamp or Part of a Stamp, commits any such Offence as is expressed in this Section with respect to any Stamp or any Part of any Stamp heretofore or now or hereafter provided or used by either of the Two Companies for marking any Barrel, or with respect to any Mark of any such Stamp or Part of a Stamp:

Provided always, that where the Person charged with [^{F3}an offence] under this Section was at the Time at which the Offence is charged to have been committed a Gunmaker or Gun Barrel Maker, or a Maker of or Dealer in Small Arms or Barrels, or any Part thereof respectively, Knowledge on his Part shall be presumed until the contrary is shown.

[^{F4}(2) Any person who, with respect to—

- (a) any stamp or part of a stamp provided or used at any time by an official Proof House of any foreign State for impressing upon any barrel a mark which is or at any time was a convention proof mark;
- (b) any mark of any such stamp or part of a stamp;
- (c) any forgery, counterfeit or imitation of any such stamp or part of a stamp or of any such mark; or
- (d) any barrel marked with any such forged or counterfeit stamp or part of a stamp, knowingly does anything which would be an offence under subsection (1) above if done with respect to any stamp or any part of a stamp provided or used at any time by either of the Two Companies for marking any barrel, or with respect to any mark of any such stamp or part of a stamp, shall be guilty of an offence under that subsection.]

Textual Amendments

- F1** S. 121 renumbered as s. 121(1) (5.6.1980) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 3 para. 10(2)**; S.I. 1980/640, **art. 2**
- F2** Words in s. 121 substituted (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 3 para. 10(1)**; S.I. 1978/1587, **art. 2, Sch.**
- F3** Words in s. 121 substituted (1.12.1978) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 3 para. 10(1)**; S.I. 1978/1587, **art. 2, Sch.**
- F4** S. 121(2) inserted (5.6.1980) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 3 para. 10(2)**; S.I. 1980/640, **art. 2**

Modifications etc. (not altering text)

- C1** Reference to foreign country in s. 121(14) to be construed as excluding Republic of Ireland: **Ireland Act 1949 (c. 41), s. 2(1)**

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C2 S. 121(14) explained (5.6.1980) by Gun Barrel Proof Act 1978 (c. 9), s. 9(3), **Sch. 2 para. 3(2)**; S.I. 1980/640, **art. 2**

Changes to legislation:

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