

Status: Point in time view as at 22/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Hallmarking Act 1973, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

UNHALLMARKED ARTICLES

PART I

PERMISSIBLE DESCRIPTIONS

- 1 (1) Subject to the provisions of this paragraph—
 - (a) “gold” is permissible if qualified by the word “plated” or “rolled”;
 - (b) “silver” is permissible if qualified by the word “plated”;
 - (c) “platinum” is permissible if qualified by the word “plated”.
 - [^{F1}(d) “palladium” is permissible if qualified by the word “plated”.]
- (2) If the description is in writing the lettering of “plated” or “rolled” is to be at least as large as any other lettering in the description.
- (3) This paragraph does not apply if the description is false or is applied to an article for which the description is inappropriate.

Textual Amendments

- F1** Sch. 1 Pt. 1 para. 1(1)(d) inserted (22.7.2009) by [The Hallmarking Act 1973 \(Application to Palladium\) Order 2009 \(S.I. 2009/2040\)](#), art. 1, [Sch. para. 6\(2\)](#)

- 2 A description is permissible if it is implicitly or in express terms confined to the colour of the article.

PART II

EXEMPTED ARTICLES

- 1 An article which is intended for despatch to a destination outside the United Kingdom.
- 2 An article which is outside the United Kingdom, or which is in course of consignment from outside the United Kingdom to an assay office in the United Kingdom.
- 3 Any coin which is, or was formerly at any time, current coin of the United Kingdom or any other territory.
- 4 Any article which has been used, or is intended to be used, for medical, dental, veterinary, scientific or industrial purposes.
- [^{F25} Any battered article fit only to be remanufactured.]

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Textual Amendments

F2 Sch. 1 Pt. II para. 5 substituted by [S.I. 1975/1883](#), **Sch. para. 1**

6 Any article of gold [^{F3}silver, or palladium] thread.

Textual Amendments

F3 Words in Sch. 1 para. 6 substituted (22.7.2009) by [Hallmarking Act 1973 \(Application to Palladium\) Order 2009 \(S.I. 2009/2040\)](#), art. 1, **Sch. para. 6(3)**

7 Any raw material (including any bar, plate, sheet, foil, rod, wire, strip or tube) or bullion.

8 Any manufactured article which is not substantially complete, and which is intended for further manufacture.

9 Any article which is wholly or mainly of platinum, and which was manufactured before 1st January 1975.

[^{F4}9A. Any article which is wholly or partly of palladium, and which was manufactured before 1st January 2010.]

Textual Amendments

F4 [Sch. 1 para. 9A](#) inserted (22.7.2009) by [Hallmarking Act 1973 \(Application to Palladium\) Order 2009 \(S.I. 2009/2040\)](#), art. 1, **Sch. para. 6(4)**

Articles exempt if of minimum fineness

[^{F5}10 Any article which—

- (a) is wholly or mainly of gold or of silver or of gold and silver assaying in all its gold parts not less than 375 parts per thousand and in all its silver parts less than 800 parts per thousand; and
- (b) was manufactured before the year [^{F6}1950] and has not since the beginning of the year [^{F6}1950] been the subject of any alteration which would be an improper alteration if the article had previously borne approved hallmarks.]

Textual Amendments

F5 Para. 10 substituted by [S.I. 1975/1883](#), **Sch. para. 2**

F6 Sch. 1 Pt. 2: words in para. 10(b) substituted (6.4.2007) by [The Hallmarking Act 1973 \(Exemption\) \(Amendment\) Order 2007 \(S.I. 2007/880\)](#), **art. 2(2)**

11 [^{F7}Subject to paragraph 14AA below,] any musical instrument, where the description is applied to the mouthpiece, and the mouthpiece is of minimum fineness.

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Textual Amendments

F7 Words inserted by [S.I. 1986/1758, art. 2\(a\)](#)

[^{F8}12 (1) [^{F9}Subject to paragraph 14AA and]] subject to the provisions of this paragraph, any article containing only one precious metal, being a metal of minimum fineness and of a weightless than that specified in the following table:

gold	1 gram
silver	7.78 grams
platinum	0.5 gram
[^{F10} palladium	1 gram.]

[^{F11}(2) This paragraph does not apply—

- (a) to an article which is manufactured on or after 1st January 2008, or
- (b) to an article containing materials other than precious metal, unless the article satisfies the conditions for hallmarking of Part 3 of Schedule 2 to this Act as they had effect immediately before 6th April 2007 (the date of the coming into force of the Hallmarking Act 1973 (Amendment) Regulations 2007).]

(3) ^{F12}

Textual Amendments

F8 Para. 12 substituted by [S.I. 1982/256, art. 2](#)

F9 Words inserted by [S.I. 1986/1758, art. 2\(b\)](#)

F10 Words in Sch. 1 Pt. 2 para. 12(1) inserted (22.7.2009) by [Hallmarking Act 1973 \(Application to Palladium\) Order 2009 \(S.I. 2009/2040\), art. 1, Sch. para. 6\(5\)](#)

F11 Sch. 1 Pt. 2 para. 12(2) substituted (1.10.2007) by [The Hallmarking Act 1973 \(Exemption\) \(Amendment No. 2\) Order 2007 \(S.I. 2007/2493\), art. 2\(2\)](#)

F12 Sch. 1 Pt. 2 para. 12(3) repealed (1.10.2007) by [The Hallmarking Act 1973 \(Exemption\) \(Amendment No. 2\) Order 2007 \(S.I. 2007/2493\), art. 2\(3\)](#)

[^{F13}12A(1) Subject to paragraph 14AA, any article—

- (a) which contains silver of minimum fineness, and
- (b) in which the total weight of the metal is less than 7.78 grams.

(2) This paragraph does not apply to any article—

- (a) which contains gold, [^{F14}platinum or palladium], of the minimum fineness,
- (b) which contains any precious metal that is not of the minimum fineness, or
- (c) which contains materials other than precious metal, unless the article satisfies the conditions for hallmarking of Part 3 of Schedule 2 to this Act.

Textual Amendments

F13 Sch. 1 Pt. 2 paras. 12A-12C inserted (1.10.2007) by [The Hallmarking Act 1973 \(Exemption\) \(Amendment No. 2\) Order 2007 \(S.I. 2007/2493\), art. 2\(4\)](#)

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F14 Words in Sch. 1 Pt. 2 para. 12A(2)(a) substituted (22.7.2009) by [Hallmarking Act 1973 \(Application to Palladium\) Order 2009 \(S.I. 2009/2040\)](#), art. 1, [Sch. para. 6\(6\)](#)

- 12B (1) Subject to paragraph 14AA, any article—
- (a) which contains gold of minimum fineness, and
 - (b) in which the total weight of the metal is less than 1 gram.
- (2) This paragraph does not apply to any article—
- (a) which contains platinum of the minimum fineness, or
 - (b) which contains any precious metal that is not of the minimum fineness, or
 - (c) which contains materials other than precious metal, unless the article satisfies the conditions for hallmarking of Part 3 of Schedule 2 to this Act.

Textual Amendments

F13 Sch. 1 Pt. 2 paras. 12A-12C inserted (1.10.2007) by [The Hallmarking Act 1973 \(Exemption\) \(Amendment No. 2\) Order 2007 \(S.I. 2007/2493\)](#), [art. 2\(4\)](#)

- 12C (1) Subject to paragraph 14AA, any article—
- (a) which contains platinum of minimum fineness, and
 - (b) in which the total weight of the metal is less than 0.5 gram.
- (2) This paragraph does not apply to any article—
- (a) which contains any precious metal that is not of the minimum fineness, or
 - (b) which contains materials other than precious metal, unless the article satisfies the conditions for hallmarking of Part 3 of Schedule 2 to this Act.]

Textual Amendments

F13 Sch. 1 Pt. 2 paras. 12A-12C inserted (1.10.2007) by [The Hallmarking Act 1973 \(Exemption\) \(Amendment No. 2\) Order 2007 \(S.I. 2007/2493\)](#), [art. 2\(4\)](#)

- [^{F15}12D] (1) Subject to paragraph 14AA, any article—
- (a) which contains palladium of minimum fineness, and
 - (b) in which the total weight of the metal is less than 1 gram.
- (2) This paragraph does not apply to any article—
- (a) which contains gold, or platinum, of the minimum fineness,
 - (b) which contains any precious metal that is not of the minimum fineness, or
 - (c) which contains materials other than precious metal, unless the article satisfies the conditions for hallmarking of Part 3 of Schedule 2 to this Act.]

Textual Amendments

F15 Sch. 1 para. 12D inserted (22.7.2009) by [Hallmarking Act 1973 \(Application to Palladium\) Order 2009 \(S.I. 2009/2040\)](#), art. 1, [Sch. para. 6\(7\)](#)

- [^{F16}13] [^{F17}Subject to paragraph 14AA below,]] any article [^{F18}, except an article made of chainwork,] which is wholly of one or more precious metals of minimum fineness and which is so small or thin that it cannot be hallmarked.

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Textual Amendments

- F16** Para. 13 substituted by [S.I. 1975/1883](#), [Sch. para. 4](#)
- F17** Words inserted by [S.I. 1986/1758](#), [art. 2\(a\)\(c\)](#)
- F18** Words added by [S.I. 1986/1758](#), [art. 2\(a\)\(c\)](#)

14 ^[F19]Subject to paragraph 14AA below,] any article which is of minimum fineness and which is imported temporarily (whether as a trade sample, or as intended for exhibition otherwise) and for the time being remains under the control of the Commissioners of Customs and Excise.

Textual Amendments

- F19** Words inserted by [S.I. 1986/1758](#), [art. 2\(a\)](#)

^[F20]14A⁽¹⁾ ^[F21]Subject to paragraph 14AA and]] subject to the provisions of this paragraph, any article, any precious metal in which is of minimum fineness, and which either—

- (a) contains gold and platinum but not silver, and the weight of the gold parts of which exceeds 50 per cent. of the total weight of the precious metals in the article, that total weight being less than 1 gram; or
- (b) contains silver and either gold or platinum or both gold and platinum, and the weight of the silver parts of which exceeds 50 per cent. of the total weight of the precious metals in the article, that total weight being less than 7·78 gra

^[F22](2) This paragraph does not apply—

- (a) to an article which is manufactured on or after 1st January 2008, or
- (b) to an article containing materials other than precious metal, unless the article satisfies the conditions for hallmarking of Part 3 of Schedule 2 to this Act as they had effect immediately before 6th April 2007 (the date of the coming into force of the Hallmarking Act 1973 (Amendment) Regulations 2007).]

(3) ^{F23}

Textual Amendments

- F20** Para. 14A substituted by [S.I. 1982/256](#), [art. 2](#)
- F21** Words inserted by [S.I. 1986/1758](#), [art. 2\(b\)](#)
- F22** Sch. 1 para. 14A(2) substituted (1.10.2007) by [The Hallmarking Act 1973 \(Exemption\) \(Amendment No. 2\) Order 2007 \(S.I. 2007/2493\)](#), [art. 2\(5\)](#)
- F23** Sch. 1 para. 14A(3) repealed (1.10.2007) by [The Hallmarking Act 1973 \(Exemption\) \(Amendment No. 2\) Order 2007 \(S.I. 2007/2493\)](#), [art. 2\(6\)](#)

^{F24}^[F25]14AA Paragraphs 11 to 14A above do not apply to any article in which solder containing precious metal is used unless the solder is of a standard of fineness equivalent to that which would be required under section 4(3) of this Act if the article were submitted to an assay office for hallmarking.]

Textual Amendments

- F24** Sch. 1 Pt. II para. 14AA inserted by [S.I. 1986/1758](#), [art. 2\(d\)](#)

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F25 Sch. 1 Pt. II para. 14AA inserted by [S.I. 1986/1758, art. 2\(d\)](#)

14B **F26**

Textual Amendments

F26 Sch. 1 Pt. II para. 14B repealed by [S.I. 1982/256, art. 3](#)

Existing exemptions

- 15 The following articles of gold, if manufactured before 1st January 1975 and (except in the case of articles mentioned in sub-paragraph (d) below) of minimum fineness—
- (a) rings, except wedding rings, pencil cases, lockets, watch chains and thimbles,
 - (b) articles consisting entirely of filigree work,
 - (c) articles so heavily engraved or set with stones that it is impossible to mark them without damage,
 - (d) jewellers works, that is the actual setting only in which stones or other jewels are set, and jointed sleeper earrings.
- 16 (1) Subject to the exceptions below, the following articles of silver, if manufactured before 1st January 1975, and (except in the case of articles mentioned in paragraph (e) below) of minimum fineness:
- (a) lockets, watch chains and stamped medals,
 - (b) mounts the weight of which is less than 15·55 grams.,
 - (c) articles consisting entirely of filigree work,
 - (d) silver articles the weight of which is less than 7·78 grams.,
 - (e) jewellers works, that is the actual setting only in which stones or other jewels are set.
- (2) The following articles are not exempt under sub-paragraph (1) above—
- (a) necks and collars for bottles on cruet stands,
 - (b) buttons and studs, seals, wine labels, shoe clasps, buckles, or patch boxes,
 - (c) salt spoons, shovels or ladles, teaspoons, tea strainers, caddy ladles or spoons,
 - (d) ornaments for cabinets, knife cases, tea caddies, bridles, stands or frames.
- 17 Articles of gold or silver manufactured before 1st January 1975, other than articles mentioned in paragraphs 15 or 16 above, and being of such descriptions as, under any enactment in force immediately before the passing of this Act, to be specifically exempt from hallmarking.

Articles manufactured before a given date

- 18 Where under this Part of this Schedule an exemption depends on the date of manufacture, or the date of any alteration, the manufacture or alteration shall be presumed to be after that date until the contrary is proved.

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PART III

USE OF THE WORDS “CARATS”, “STERLING” AND “BRITANNIA”

- 1 This Part of this Schedule applies for the purposes of section 1 of this Act, this Schedule [F27, the Business Protection from Misleading Marketing Regulations 2008 and the Consumer Protection from Unfair Trading Regulations 2008].

Textual Amendments

F27 Words in Sch. 1 Pt. 3 substituted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 30(1), Sch. 2 para. 16(4) (with reg. 28(2)(3))

- 2 (1) A description indicating that an article, or the metal in an article, is of so many carats is to be presumed to be an indication that the article or metal is of gold, and that its fineness is that specified in the following table for that number of carats.
- (2) This paragraph shall not apply if (as in a case where the article is a precious stone) the word ‘carat’ is used as a measure of weight for precious stones, and not as a measure of fineness.

and so in proportion for any other number of carats.

TABLE

<i>Number of carats</i>	<i>indicates gold of a standard of fineness of</i>
9	375 parts per thousand
12	500 parts per thousand
14	585 parts per thousand
15	625 parts per thousand
18	750 parts per thousand
22	916·6 parts per thousand

- 3 (1) A description of an article, or of the metal in an article, as “sterling” or (except in the phrase “Britannia metal”) “Britannia” is to be presumed to be an indication that the article, or the metal, is of silver.
- (2) If “sterling” is the word used, the description is to be presumed to be an indication that the silver is of a standard of fineness of 925.
- (3) If the word used is “Britannia” the description is to be presumed to be an indication that the silver is of a standard of fineness of 958·4.

PART IV

POWER TO AMEND

- 1 (1) The Secretary of State may by order—

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- (a) prescribe any cases or circumstances in which subsection (1) of section 1 of this Act is, or is not, to apply, and
 - (b) add to, amend or repeal all or any of the provisions of Part I, Part II or Part III of this Schedule, and
 - (c) make any consequential amendments in section 1 of this Act.
- (2) An order under this paragraph—
- (a) may contain such supplemental or incidental provisions as appear to the Secretary of State to be expedient or necessary, and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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