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SCHEDULES

SCHEDULE 4

Section 13.

THE BRITISH HALLMARKING COUNCIL

Constitution

- 1 The Council shall consist of not less than sixteen nor more than nineteen members.
- 2 (1) Ten of the members of the Council shall be appointed by the Secretary of State.
- (2) Three of the members appointed by the Secretary of State shall be persons appearing to him to be suitably qualified by virtue of their knowledge of, and experience in, organisations established, or activities carried on, for the protection of the consumer.
- (3) Four of the members appointed by the Secretary of State, but not more than four, shall be persons appearing to him to be suitably qualified by virtue of their engagement wholly or mainly in trading in, or manufacture of, articles of precious metal.
- (4) Before making any appointment under sub-paragraph (3) of this paragraph the Secretary of State shall consult the assay offices and such bodies representing persons engaged wholly or mainly in trading in, or manufacture of, articles of precious metal as he thinks appropriate.
- 3 (1) Six of the members of the Council shall be appointed by the assay offices as follows, that is to say—
- (a) two of those members shall be appointed by the London Assay Office;
- (b) one of those members shall be appointed by the Edinburgh Assay Office;
- (c) two of those members shall be appointed by the Birmingham Assay Office;
- and
- (d) one of those members shall be appointed by the Sheffield Assay Office.
- (2) Any person appointed under this paragraph shall be a person appearing to the assay office appointing him to be suitably qualified by virtue of his knowledge and experience of hallmarking.
- (3) A person engaged wholly or mainly in trading in, or in articles manufactured of, precious metal shall not be appointed under this paragraph.
- 4 Members shall be appointed under the preceding provisions of this Schedule to take office on 1st January in the year 1974, and in each third succeeding year, and members so appointed shall hold office for a term of three years.
- 5 (1) Not more than two members of the Council may be persons appointed by the Council as co-opted members.
- (2) A co-opted member shall hold office in accordance with the terms of his appointment.
- 6 A person wholly or mainly employed by an assay office, other than the clerk to an assay office, shall not be eligible for membership of the Council.

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- 7 The first meeting of the Council shall be held on such day and at such time and place as may be appointed by the Clerk to the Birmingham Assay Office and the said Clerk shall make arrangements for notice of the meeting to be sent by post to each member of the Council not less than fourteen days before the day so appointed.
- 8 (1) A member of the Council may at any time, by notice in writing to the secretary of the Council, resign his office.
- (2) When a member of the Council other than a co-opted member ceases to hold office otherwise than upon expiration of his period of office, his place shall be taken by a person appointed in the same manner as the member in question.
- (3) A person taking office by virtue of sub-paragraph (2) above shall retire when the person whose place he takes would normally have retired.
- 9 (1) The Council shall elect a person to serve as chairman from among the members of the Council and notice of his election shall, as soon as is reasonably practicable, be given in writing to the Secretary of State by the secretary or other person for the time being authorised by the Council in that behalf.
- (2) The chairman of the Council shall hold office as such until the expiration of the period of his office as a member current at his election as chairman or until he resigns office as chairman or until he ceases to be a member of the Council, whichever first occurs.
- (3) If any member appointed by an assay office is elected as chairman of the Council, paragraph 8(2) of this Schedule shall have effect as if that member had ceased to hold office otherwise than upon the expiration of his period of office.
- 10 A person retiring from or resigning office as the chairman or as a member of the Council shall be eligible to hold that office again.
- 11 The powers of the Council or any committee thereof may be exercised notwithstanding any vacancy in its membership, and no proceedings of such a body shall be invalidated by any defect in the selection of a person to be a member of that body.
- 12 Questions arising at any meeting of the Council or of any committee thereof shall be determined by a majority of votes of the members present in person or by proxy:
- Provided that in the event of an equality of votes the chairman, or in his absence the person acting as chairman, shall have a second or casting vote.
- 13 The chief executive of an assay office and any other employee authorised by them in that behalf may attend and speak at meetings of the Council.
- 14 (1) The Council may in any standing orders made by them pursuant to paragraph 16 of this Schedule make such provision as they think fit as to the giving of votes by proxy at meetings of the Council, including provision as to the form of appointment of any proxy, the submission of any completed proxy in due time before any meeting and as to all matters related to voting by proxy.
- (2) A proxy for a member of the Council or of any committee of the Council need not be a member of the Council or that committee as the case may be.

Committees

- 15 The Council may appoint a technical committee and one or more other committees to carry out on their behalf such of the functions of the Council as they may

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determine, and any such committee shall be comprised of such persons appointed on such terms as the Council may determine.

Standing Orders

- 16 The Council may make standing orders for regulating the proceedings (including quorum) of the Council or any committee thereof, as the Council from time to time think fit.

Incorporation, etc.

- 17 (1) The Council shall be a body corporate with perpetual succession and a common seal and with power to hold and dispose of land.
- (2) Every instrument to which the common seal is affixed shall be signed by a member and counter-signed by the secretary of the Council or by a second such member.

Expenses and Accounts

- 18 (1) The expenses of the Council (which may include reasonable provision for reserves) for the year then current shall, unless otherwise resolved by the Council, be estimated and determined upon at the first meeting of the Council in any year and shall be defrayed out of contributions paid in accordance with this paragraph by each of the assay offices.
- (2) The contribution so to be paid by any assay office shall be ascertained by applying to the amount of the said expenses of the Council that percentage (which for purposes of practical calculation may be adjusted by the Council by not more than one half of one per cent. or by any greater percentage with the agreement of that assay office) of the aggregate of the gross revenues of all the assay offices from charges for assaying and hallmarking precious metals under this Act (being revenue ascertained in manner for the time being determined by the Council), which is represented by the like gross revenue of that assay office alone and so ascertained.
- (3) Unless otherwise determined by the Council, every contribution payable under this paragraph shall be paid within three months after any such meeting of the Council as is referred to in sub-paragraph (1) of this paragraph.
- 19 (1) The Council shall keep proper accounts of all sums received or paid by them ^{F1}. . .
- [^{F2}(1A) Their accounts for each year ending on or before 31st December 2002 shall be audited by the auditors appointed by the Council.
- (1B) The Council shall send their accounts for each subsequent year to the Comptroller and Auditor General as soon as reasonably practicable after the end of the year to which the accounts relate.
- (1C) The Comptroller and Auditor General shall examine, certify and report on any accounts sent to him under sub-paragraph (1B).
- (1D) The Comptroller and Auditor General shall lay before each House of Parliament a copy of any accounts sent to him under sub-paragraph (1B), together with his report on them.]
- [^{F3}(2) No person shall be appointed as auditor under this paragraph unless he is eligible for appointment as a [^{F4}statutory auditor under Part 42 of the Companies Act 2006] .]

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Textual Amendments

- F1** Words in Sch. 4 para. 19(1) omitted (23.5.2003) by virtue of [The Government Resources and Accounts Act 2000 \(Audit of Public Bodies\) Order 2003 \(S.I. 2003/1326\)](#), **art. 8(2)**
- F2** Sch. 4 para. 19(1A)-(1D) inserted (23.5.2003) by [The Government Resources and Accounts Act 2000 \(Audit of Public Bodies\) Order 2003 \(S.I. 2003/1326\)](#), **art. 8(3)**
- F3** Schedule 4 para. 19(2) substituted (1. 10. 1991) by S.I. 1991/1997, regs. 2, 4, **Sch. para.22**
- F4** Words in Sch 4 para. 19(2) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), arts. 2(2), 3(1), **Sch. 1 para. 1(I)** (with arts. 6, 11, 12)

- 20 The Council may pay to the chairman of the Council such remuneration and expenses as they see fit and to any other of their members, or to any member of a committee appointed by them, travelling, subsistence or other allowances.

Officers and Servants

- 21 The Council shall appoint a secretary and such other officers and servants on such terms as to remuneration, pensions or otherwise as the Council may determine.

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