
Changes to legislation: There are currently no known outstanding effects for the Gun Barrel Proof Act 1978, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 8(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 In section 4 of the Act of 1868—
- (a) after the definition of “The Two Companies” there shall be inserted the following definition—
- ““the Permanent International Commission” means the Permanent International Commission for the Proof Small Arms mentioned in section 129(1) of this Act;”;
- (b) after the definition of “Mark” there shall be inserted the following definitions—
- ““convention proof mark” has the meaning given in section 129(1) of this Act ;
- “statutory maximum”, in relation to a fine on summary conviction, means—
- (a) in England and Wales, the prescribed sum within the meaning of section 28 of the Criminal Law Act 1977 (£1,000 at the passing of the Gun Barrel Prof Act 1978);
- (b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (also £1,000 at the passing of the said Act of 1978) ; and
- (c) in Northern Ireland, £1,000 ;” ; and
- (c) after the words “The Several Weights by this Act or any Schedule thereto prescribed” there shall be inserted the words “which are expressed in imperial units”.
- 2 After section 6 of the Act of 1868 there shall be inserted the following section—
- “6A Acquisition of land in Scotland.**
- For the purpose of acquiring land by agreement in Scotland the Lands Clauses Consolidation (Scotland) Act 1845 and section 6 of the Railways Clauses Consolidation (Scotland) Act 1845 so far as those enactments are applicable for the purposes of this Act shall be incorporated with it ; and accordingly in the next following section the reference to the Lands Clauses Consolidation Act 1845 shall include a reference to those enactments.”
- 3 In section 21 of the Act of 1868—
- (a) for the words “Justices for the Borough of Birmingham” there shall be substituted the words “justices for the petty sessional division of Birmingham.”;
- (b) for the words “the Council of the said Borough” (twice) there shall be substituted the words “Birmingham City Council”; and
- (c) for the words “Mayor for the Borough” there shall be substituted the words “Lord Mayor”.

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- 4 In section 28 of the Act of 1868 for the words “deemed guilty of a misdemeanour” there shall be substituted the words “guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years”.
- 5 In section 30 of the Act of 1868 for the words from “for every such offence” to “as a Guardian”, in the second place where those words occur, there shall be substituted the words “be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine” and for the words “Recovery of such Penalty” there shall be substituted the word “conviction”.
- 6 In sections 90 and 92 of the Act of 1868 for the words from “as to the Gunmakers Company” to “Birmingham” and in section 117 of that Act for the words from “ the London Gazette” to “Birmingham Newspapers respectively” there shall be substituted the words “published—
- (a) in London, Edinburgh and Belfast Gazettes;
 - (b) in a local newspaper circulating in Birmingham ;
 - (c) in daily newspapers circulating generally in England and Wales, in Scotland and in Northern Ireland respectively”.
- 7 In section 95 of the Act of 1868 for the word “Byelaws” there shall be substituted the word “rules”.
- 8 In section 106 of the Act of 1868—
- (a) for the words “The Gunmakers Company” there shall be substituted the words “The Two Companies respectively”;
 - (b) after the word “their” there shall be inserted the word “respective”; and
 - (c) after the words “by them” there shall be inserted the word “respectively”.
- 9 In section 119 of the Act of 1868 for the words from “deemed guilty” to the end there shall be substituted the words “guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years.”.
- 10 (1) In section 121 of the Act of 1868 for the words from “for every such offence” to “not more than” there shall be substituted the words “be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding” and for the words “a misdemeanour”, in the second place where they occur, there shall be substituted the words “an offence”.
- (2) The said section 121 shall be renumbered as subsection (1) of that section and after that subsection there shall be inserted the following subsection—
- “(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.”

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- 11 In section 122 of the Act of 1868—
- (a) for the words “for every such offence be subject to a Penalty as follows” there shall be substituted the words “be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine” ;
 - (b) for the word “England”, wherever occurring, there shall be substituted the words “the United Kingdom” ;
 - (c) in paragraphs (1) to (3) and (5) to (7) the words from “shall for every” to the end shall be omitted ; and
 - (d) in paragraph (4) the words from “shall for every neglect” to “Twenty Pounds”, in the second place where those words occur, shall be omitted.
- 12 In section 123 of the Act of 1868 for the words from “deemed guilty” to the end there shall be substituted the words “guilty of an offence and liable on conviction on indictment to imprisonment for life”
- 13 In section 124 of the Act of 1868 for the words from “and any Penalty” to the end there shall be substituted the words “and proceedings for any offence under this Act which is punishable on summary conviction may be taken at any time not later than six months after the time when either of the Two Companies had, or with reasonable diligence might have had, notice that the offence had been committed”.
- 14 In section 127 of the Act of 1868 for the word “England”, wherever occurring, there shall be substituted the words “the United Kingdom”.
- 15 (1) In section 138 of the Act of 1868—
- (a) for the words from the beginning to “Possession of” there shall be substituted the words “If either of the Two Companies have reasonable cause to suspect that there is in any premises or place”; and
 - (b) for the words from “The Company may apply” to the end there shall be substituted the words “the Company may apply to a justice for a search warrant under subsection (2) below or, in Scotland, make report of their suspicion and the grounds therefor to the Crown Agent in the Crown Office in Edinburgh for such investigation and for such proceedings as he may consider necessary having regard to Part II of the Criminal Procedure (Scotland) Act 1975” .
- (2) The said section 138 shall be renumbered as subsection (1) of that section and after that subsection there shall be inserted the following subsections—
- “(2) If on an application under subsection (1) above a justice is satisfied by information on oath that there is reasonable ground for any such suspicion as is mentioned in that subsection, he may grant a search warrant authorising any officer of either of the Two Companies together with a constable—
- (a) to enter at any time any premises or place specified in the warrant, if necessary by force, and to search the premises or place and every person found there and
 - (b) to seize and detain—
 - (i) any stamp or part of a stamp which he suspects to be a forgery or counterfeit of a stamp or part of a stamp provided or used at any time by either of the Two Companies ; and
 - (ii) any barrel which he suspects to be a barrel to which subsection (1) above applies and any small arm or part of a small arm of which any such barrel forms part,

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- (3) Subsection (1) above shall apply in relation to—
- (a) any barrel bearing any forged or counterfeit mark or part of a mark, or imitation of a mark or part of a mark, which is or at any time was a convention proof mark; and
 - (b) any small arm or part of a small arm of which any such barrels forms part,
- as it applies in relation to any such barrel as is mentioned in any of paragraphs (2) to (9) of that subsection and any small arm or part of a small arm of which any such barrel forms part.”

16 For section 139 of the Act of 1868 there shall be substituted the following section—

“139 Detention of barrels with forged etc. marks brought to proof house.

Where a barrel bearing—

- (a) a mark of a forgery or counterfeit of a stamp or part of a stamp which is or at any time was provided or used by either of the Two Companies or which is or at any time was a convention proof mark ; or
- (b) a forged or counterfeit mark or imitation of a mark of any such stamp or part of a stamp,

is brought to the proof house or any branch proof house of either of the Two Companies, the Company shall detain the barrel and any small arm or part of a small arm of which the barrel forms part.”

17 For section 140 of the Act of 1868 there shall be substituted the following section—

“140 Disposal of detained stamps, barrels and small arms.

- (1) Where a person is charged with an offence under this Act in relation to—
- (a) any stamp, part of a stamp, barrel, small arm or part of a small arm which has been seized and detained under, or in pursuance of a report made under, section 138 of this Act ; or
 - (b) any barrel, small arm or part of a small arm which has been detained under section 139 of this Act,
- the court before which he is charged may order that the stamp, part of a stamp, barrel, small arm or part of a small arm shall become the property of the Company whose officer detained it or, as the case may be, the Company which made the report under section 138 of this Act.
- (2) As soon as practicable after the making of any such order, the company shall—
- (a) destroy any stamp or part of a stamp to which the order relates; and
 - (b) prove any barrel to which the order relates and—
 - (i) if it is found of proof, mark it as proved ; or
 - (ii) if it is not found of proof, break and destroy it.”

18 In section 141 of the Act of 1868 for the words from “for every such offence” to “not more than” there shall be substituted the words “be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding”.

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19 In section 143 of the Act of 1868 for the words “for every such offence forfeit not exceeding Fifty Pounds” there shall be substituted the words “be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine”.

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Textual Amendments

F1 [Sch. 3 para. 20](#) repealed (15.7.1996) by [S.I. 1996/1576](#), [art. 3\(2\)\(b\)](#)

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