

2013 No. 251

HALLMARK

The Legislative Reform (Hallmarking) Order 2013

Made - - - - *7th February 2013*

Coming into force in accordance with article 1

The Secretary of State for Business Innovation and Skills (“the Secretary of State”) makes the following Order, in exercise of the powers conferred by section 1 of the Legislative and Regulatory Reform Act 2006(a) (“the 2006 Act”).

For the purposes of section 3(1) of the 2006 Act, the Secretary of State considers that the conditions under section 3(2), where relevant, are satisfied.

The Secretary of State has consulted in accordance with section 13(1) of the 2006 Act.

The Secretary of State laid a draft Order and an explanatory document before Parliament in accordance with section 14(1) of the 2006 Act.

Pursuant to section 15 of the 2006 Act, the affirmative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

In accordance with section 17(2) of the 2006 Act, the draft has been approved by resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

Citation, commencement and extent

- 1.—(1) This Order may be cited as the Legislative Reform (Hallmarking) Order 2013.
- (2) This Order comes into force on the day after the day on which it is made.
- (3) This Order extends to the whole of the United Kingdom.

Amendments to the Hallmarking Act 1973

2. The Hallmarking Act 1973(b) is amended as follows.
3. After section 2(1)(a) insert—
 “(aa) marks struck outside the United Kingdom by an assay office under this Act, or”.

(a) 2006 c.51; section 13(1) has been amended by the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1338), Schedule 1, paragraph 147; see section 32 for the definition of “Minister of the Crown”.

(b) 1973 c.43; relevant amending instruments are S.I. 1986/1757, 1998/2978, 2007/2493 and 2009/2040.

4. In section 3 (sponsors' marks), in subsection (3)(a) omit "include the initial letters of the name or names of the manufacturer or sponsor and shall".

5. After section 4 insert—

"4A Assay office carrying on business outside the United Kingdom

(1) This Act applies with the following modifications in relation to business carried on outside the United Kingdom by an assay office.

(2) Subsection (1) of section 4 has effect as if for "shall be struck" there were substituted "may be struck" and as if for paragraph (a)(i) there were substituted—

“(i) the mark approved by the Council for use outside the United Kingdom by the assay office;”.

(3) Schedule 2 has effect as if—

(a) paragraph 1 were omitted;

(b) in paragraph 7(a) for "assay office mark", there were substituted "mark approved for use outside the United Kingdom by the assay office pursuant to section 4(1)(a)(i)";

(c) in paragraph 10(3) and (4)(c) for "assay office mark" there were substituted "mark mentioned in paragraph 7(a)"; and

(d) paragraph 15(b) were omitted.

(4) Schedule 5 has effect as if in paragraph 2(1) for "the assay office shall examine" there were substituted "the assay office may examine".

6. Section 5(5) (Alterations to hallmarked articles) is amended as follows—

(a) after paragraph (a) insert—

“(aa) an article of gold, if the coating is of platinum of not less than the minimum fineness; or”;

(b) in paragraph (c) after "gold" insert "or platinum"; and

(c) after paragraph (c) add—

“(cc) an article of platinum, if the coating is of platinum of a fineness not less than the standard of fineness of the article; or”.

7. In section 13 (The British Hallmarking Council), in subsection (2)(e) after the word "place", where first appearing, insert ", whether in the United Kingdom or elsewhere,".

7th February 2013

David Willetts
Minister of State for Universities and Science
Department for Business Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

The Hallmarking Act 1973 (c. 43) (the “1973 Act”) makes provision in relation to the composition, assaying, marking and description of articles of, or containing, precious metals. This Order is made under section 1 of the Legislative and Regulatory Reform Act 2006 (c.51) (the “2006 Act”). It makes a number of amendments to the 1973 Act.

Articles 3, 5, and 7 make amendments to the 1973 Act to enable assay offices to strike hallmarks outside the United Kingdom and for items bearing those hallmarks to be treated in the same way as items bearing hallmarks struck in the United Kingdom.

Article 4 amends section 3 of the 1973 Act by removing the requirement that a manufacturer’s or sponsor’s mark registered under that section must include the initial letters of the name or names of the manufacturer or sponsor.

Article 6 amends section 5 of the 1973 Act by allowing articles of silver, gold or platinum bearing a hallmark, to be coated with platinum without having to first obtain the written consent of an assay office.

This Order was notified in draft to the European Commission in accordance with Directive 98/34/EC of the Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ No L204, 21.7.98, p 37) as amended by Directive 98/48/EC (OJ No L217, 5.8.98, p 18).

A full impact assessment of the effect that this Order will have on the cost of business is available from the National Measurement Office and is annexed to the Explanatory Document which is available alongside the instrument on the Legislation UK website at www.legislation.gov.uk.

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STATUTORY INSTRUMENTS

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