



Notification Number: 2011/618/UK

## The Legislative Reform (Hallmarking) Order 2012.

Date received : 01/12/2011

End of Standstill : 02/03/2012

Issue of comments by : France

### Message

Message 001

Communication from the Commission - SG(2011) D/52865

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pietiekums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2011/0618/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201102865.EN)

#### 1. Structured Information Line

MSG 001 IND 2011 0618 UK EN 01-12-2011 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Innovation and Skills  
Knowledge & Innovation Group  
1 Victoria Street, London, SW1H 0ET.

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#### 3. Originating Department

National Measurement Office, an Executive Agency of the Department for Business, Innovation and Skills



#### 4. Notification Number

2011/0618/UK - X10M

#### 5. Title

The Legislative Reform (Hallmarking) Order 2012.

#### 6. Products Concerned

The hallmarking of articles of precious metal (for example, jewellery) has existed in the UK for some 700 years. Hallmarks are distinguishing marks struck on articles made of gold, silver, platinum and palladium. The marks guarantee the purity of the precious metal content of articles and are an indication that they have been independently tested. The assaying (testing) and striking of hallmarks is carried out by one of the four UK Assay Offices located at London, Birmingham, Sheffield and Edinburgh.

In the UK the system of hallmarking is governed by The Hallmarking Act 1973 and various subordinate legislation. The Act is so worded as to permit the Assay offices to hallmark articles within the territory of the UK but not in overseas locations. It is not possible at this juncture to say why the Act was drafted in such a limited way but the net result is that as worded the legislation geographically restricts the operations of the UK Assay Offices. This is significant given that, since the Act was originally implemented, there has been a global expansion in the manufacturing and marketing of articles of precious metal, most notably in the Far East. In order to be able to take commercial advantage of this expanded market it is vital that the UK Assay Offices be afforded the opportunity to establish overseas hallmarking operations.

#### 7. Notification Under Another Act

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#### 8. Main Content

The draft LRO contains several provisions, some of a tidying up nature. However, the key provision will amend the Hallmarking Act 1973 so as to widen the scope of the hallmarking operations of the UK Assay Offices to enable the setting up of overseas operations. The Offices will thus have the opportunity, currently denied them, to hallmark in locations other than in the UK.

The relevant part of the Act is at section 2(1)(a) which defines as approved hallmarks:

(a) "...marks struck by an Assay Office in the UK, whether before or after the commencement of the Act, under the law for the time being in force".

We are therefore proposing to amend section 2(1) of the Hallmarking Act which defines the meaning of approved hallmarks by adding a further alternative in relation to marks struck outside the United Kingdom by an Assay Office. These marks are to be struck in the same manner as if carried out in the UK but with an assay office mark approved by the BHC. This will enable the Assay offices to mark offshore if they so wish.

At the same time, we are proposing to make related changes to the Hallmarking Act as follows:

- providing sponsors and manufacturers with a wider choice of sponsors' marks than the 1973 Act currently allows (Section 3(3)) ;
- permitting articles of silver, gold and platinum to be coated with platinum without having to obtain the consent in writing of the relevant Assay Office (Section 5(5));
- making provision for the British Hallmarking Council to authorise an Assay Office to carry on its business outside the UK (Section 13(2)(e)).



## 9. Brief Statement of Grounds

The problem which the proposed Legislative Reform Order (LRO) is designed to address is one of competitiveness. Specifically, the inability of the UK Assay Offices to compete on level terms with some of their European counterparts. While UK hallmarking law imposes geographical limitations on the hallmarking operations of the UK Assay Offices, the hallmarking law of some other EU Member States permits the setting up of overseas hallmarking facilities.

## 10. Reference Documents - Basic Texts

No Basic Text exists

## 11. Invocation of the Emergency Procedure

No

## 12. Grounds for the Emergency

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## 13. Confidentiality

No

## 14. Fiscal measures

No

## 15. Impact assessment

Yes

## 16. TBT and SPS aspects

TBT aspect

Yes

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

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