Draft Order laid before Parliament under section 21(5) of the Hallmarking Act 1973, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

HALLMARK

The Hallmarking Act 1973 (Application to Palladium) Order 2009

Made - - - - 2009

Coming into force in accordance with article 1

The Secretary of State for Business, Innovation and Skills makes the following Order in exercise of the powers conferred by section 17 of the Hallmarking Act 1973(**a**).

In accordance with section 21(5) of that Act a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with section 17(1) of the Hallmarking Act 1973 the Secretary of State has consulted the British Hallmarking Council.

Citation and commencement

1. This Order may be cited as the Hallmarking Act 1973 (Application to Palladium) Order 2009 and comes into force on the day after the day on which it is made.

Application of the Hallmarking Act 1973 to palladium

2.—(1) The provisions of the Hallmarking Act 1973 apply to palladium as if it were included in the definition of "precious metal" contained in section 22(1) of that Act.

(2) The Schedule to this Order (which amends that Act in connection with its application to palladium as a precious metal) has effect.

Name
Parliamentary Under Secretary of State
Department for Business, Innovation and Skills

Date

(**a**) 1973 c.43.

SCHEDULE

Article 2

AMENDMENT OF THE HALLMARKING ACT 1973

3. The Hallmarking Act 1973(**a**)is amended as follows.

4. In section 1 (prohibited descriptions of unhallmarked articles), in subsection (1)(a), for "or platinum" substitute ", platinum or palladium".

5. In section 4(3) (approved hallmarks: requirements relating to use of solder), after paragraph (b)(iii) (but before the "and" after it) insert—

"(iv) palladium, is gold, silver, platinum or palladium or a combination of two or more thereof and is of a fineness or (as the case may be) of a combined fineness not less than the standard of fineness of the article:

Provided that solder used in any article of a standard of fineness of 950 or above may be of a fineness not less than 700;".

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

(2) In subsection (4)(c)(i) for "or 0.5 grams of platinum," substitute ", 0.5 grams of platinum or 1 gram of palladium,".

(3) In subsection (5)—

(a) in paragraph (c), after "gold" insert "or palladium";

(b) before paragraph (d) insert—

"(ca) an article of palladium, if the coating is of palladium of a fineness not less than the standard of fineness of the article; or

(cb) an article of palladium, if the coating is of gold or platinum of not less than the minimum fineness; or"; and

(c) in paragraph (d), for "or platinum" substitute ", platinum or palladium,".

7. In section 22(1) (interpretation), in the definition of "minimum fineness" (contained within the definition of "fineness")—

(a) omit "and" after "800", and

(b) after "850" insert " , and for palladium the standard of 500".

8.—(1) Schedule 1 (unhallmarked articles) is amended as follows.

(2) In paragraph 1(1) of Part 1 after paragraph (c) insert—

"(d) "palladium" is permissible if qualified by the word "plated".".

(3) In paragraph 6 of Part 2 for "or silver" substitute "silver, or palladium".

(4) After paragraph 9 of Part 2 insert—

"**9A.** Any article which is wholly or partly of palladium, and which was manufactured before 1st January 2010.".

(5) In paragraph 12(1) of Part 2 after the entry for platinum insert—

"palladium .. .. 1 gram.".

(6) In paragraph 12A(2)(a) of Part 2 for "or platinum" substitute "platinum or palladium".

(7) After paragraph 12C of Part 2 insert—

"**12D.**—(1) Subject to paragraph 14AA, any article—

(a) which contains palladium of minimum fineness, and

(**a**) 1973 c.43; relevant amending instruments are S.I. 1986/1757, 1998/2978 and 2007/2943.

(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.".

9.—(1) Schedule 2 (approved hallmarks) is amended as follows.

(2) In paragraph 2 after the last entry insert—

"Palladium	500	The figures 500
Palladium	950	The figures 950
Palladium	999	The figures 999".

(3) In paragraph 3 after the last entry insert—

"Palladium	500	The head of Pallas Athene
Palladium	950	The head of Pallas Athene
Palladium	999	The head of Pallas Athene".

(4) In paragraph 13 for "or platinum" substitute ", platinum or palladium".

(5) In paragraph 14 for "or platinum" substitute ", platinum or palladium".

(6) In paragraph 15 for paragraph (a) substitute—

"(a) the ranking of precious metals (with platinum being the most precious and silver the least precious) is—

platinum

gold

palladium

silver,

and "least precious" and "less precious" shall be construed accordingly,".

(7) In paragraph 19(a) for "or platinum" substitute ", platinum or palladium".

EXPLANATORY NOTE

(This note is not part of the Order)

The Hallmarking Act ("the Act") makes provision for the composition, assaying, marking and description of articles of, or containing, precious metals. This Order applies the provisions of the Act to palladium as a precious metal and the Schedule makes a number of amendments to the Act in connection with the application of its provisions to palladium.

Paragraph 2 of the Schedule amends section 1 of the Act and provides that it is an offence to apply to an unhallmarked item a description that it is wholly or partly made of palladium.

Paragraph 5 of the Schedule amends the definition of "minimum fineness" (contained within the definition of "fineness") in section 22 of the Act to add a lowest standard of fineness for palladium.

Paragraph 6(4) amends paragraph 9 of Part 2 of the Schedule and provides that any article manufactured before 1st January 2010 and which is made wholly or partly of palladium is an exempt article and therefore the offence provision in section 1of the Act does not apply to such articles.

Paragraph 7 amends Schedule 2 of the Act. Paragraph 7(2) sets out the standard marks for palladium, paragraph 7(3) provides that the optional pictorial mark for palladium is the head of Pallas Athene and paragraph 7(6) adds palladium to the ranking of precious metals.

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 costs of business is available from the National Measurement Office and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website at www.opsi.gov.uk.

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