



# Birmingham Assay Office Act 1995

## 1995 CHAPTER vi

An Act to amend section 16 of the Hallmarking Act 1973 in its application to the Birmingham Assay Office; to extend the functions of the Office; and for other purposes incidental thereto. [19th July 1995]

### WHEREAS—

- (1) By the Plate Assay (Sheffield and Birmingham) Act 1772 (hereinafter called “the Act of 1772”) a corporate body, to be known as The Guardians of the Standard of Wrought Plate, within the Town of Birmingham, was established for the assaying and marking of wrought silver plate:
- (2) By the Birmingham Assay Office Act 1824 (hereinafter called “the Act of 1824”) the Act of 1772 was repealed so far as it related to the town of Birmingham, and within 20 miles thereof, and the present Birmingham Assay Office (hereinafter called “the Company”), of which the full name is The Guardians of the Standard of Wrought Plate in Birmingham, was established as a corporate body for receiving and assaying wrought gold and silver plate:
- (3) By the Birmingham Assay Office Act 1902 (hereinafter called “the Act of 1902”) certain further powers were conferred upon the Company:
- (4) Certain of the provisions of the Act of 1824 were repealed by the Hallmarking Act 1973 (hereinafter called “the Act of 1973”) which (inter alia) made fresh provision as to assay offices including provision that their functions should extend to the assaying of gold, silver, platinum and any other metal which might be prescribed under the provisions of section 17 of that Act:
- (5) Section 16 of the Act of 1973 authorised the Secretary of State to make orders (inter alia) for constituting and conferring powers on assay offices; and in exercise of that power the Secretary of State made the Birmingham Assay Office Order 1989 (hereinafter called “the Order of 1989”), altering the constitution of the Company, conferring further powers upon it and making other provisions in relation to it:
- (6) The Order of 1989 repealed certain of the remaining provisions of the Act of 1824, repealed certain provisions of the Act of 1902 and made certain amendments to both Acts; and it provided that the Act of 1824, the Act of 1902 and the Order itself might be cited together as the Birmingham Assay Office Acts and Order 1824 to 1989:
- (7) The assaying of precious metals is believed to have been the earliest and, for a long time, the only form of consumer protection in the United Kingdom:

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (8) It would be of public advantage if the Company could extend its activities to the independent and objective testing, examination, investigation and evaluation of materials and articles of any kind, and of firms, corporations, systems, programmes and procedures:
- (9) For those reasons, and in order that it may respond to changed market conditions resulting from the Single European Market, the Company wishes to have power to carry on, in addition to the business of an assay office, the other activities described in this Act, and to have, in relation to those activities, the ancillary powers so described:
- (10) Doubts have arisen as to the extent to which the making of the Order of 1989 was within the powers conferred upon the Secretary of State by section 16 of the Act of 1973, and it is desirable to set those doubts at rest, and to clarify the position for the future, by means of a retrospective amendment of that section in its application to the Company:
- (11) It is expedient that such provisions should be enacted as are contained in this Act:
- (12) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## **1 Citation**

This Act may be cited as the Birmingham Assay Office Act 1995; and the Birmingham Assay Office Acts and Order 1824 to 1989 and this Act may be cited together as the Birmingham Assay Office Acts and Order 1824 to 1995.

## **2 Interpretation**

In this Act, unless the subject or context otherwise requires—

“the Act of 1902” means the Birmingham Assay Office Act 1902;

“the Act of 1973” means the Hallmarking Act 1973;

“the Company” means the Birmingham Assay Office, of which the full name is The Guardians of the Standard of Wrought Plate in Birmingham;

“materials” includes liquids, gases, dusts, wastes and tangible and intangible substances of any kind; and

“the Order of 1989” means the Birmingham Assay Office Order 1989.

## **3 Section 16 of Hallmarking Act 1973**

In its application to the Company, the Act of 1973 shall have effect, and be deemed always to have had effect, as if in section 16 (1) (c)—

(a) “confer” were omitted;

(b) for “under” there were substituted “by”; and

(c) there were added at the end thereof—

“; or, on such an application, impose new duties or confer new powers on, or make alterations or additions to or omissions from the constitution of, the assay office.”.