



Gun Barrel Proof Act 1868

1868 CHAPTER cxiii 31 and 32 Vict

An Act for repealing the Gun Barrel Proof Act 1855, and for making other Provisions in lieu thereof; and for altering the Constitution of the Guardians of the *Birmingham* Proof House; and for better ensuring the due Proof of Gun Barrels; and for other Purposes. [13th July 1868]

Annotations:

Modifications etc. (not altering text)

- C1** Act amended by [Gun Barrel Proof Act 1950 \(c. iii\), s. 4\(4\)](#)
- C2** Act extended (1.12.1978) to Scotland and Northern Ireland by [Gun Barrel Proof Act 1978 \(c. 9\), s. 6](#); [S.I. 1978/1587, art. 2, Sch.](#)

Charter of 14th March 1637.

Whereas by Royal Charter, dated the Fourteenth Day of *March* One thousand six hundred and thirty-seven, the Master, Wardens, and Society of the Mystery of Gunmakers of the City of *London* (in this Act called “the Gunmakers Company”) were incorporated, with Powers of searching for and proving and marking all Manner of Hand Guns, great and small Daggs and Pistols, and every Part thereof, whether made in *London* or the Suburbs or within Ten Miles thereof, or imported from Foreign Parts, or otherwise brought thither for Sale, and a Scale for Proof was thereby established, and in pursuance of their Charter the Gunmakers Company have established a Proof House near the City of *London*: And whereas by “The ^{MI}Gun Barrel Proof Act 1855,” the Acts then relating to the Guardians, Trustees, and Wardens of the Gun Barrel Proof House of the Town of *Birmingham* (in this Act called “the Guardians”) were repealed, and the Guardians were continued incorporated, but by their present Name of “the Guardians of the *Birmingham* Proof House,” and their Constitution was altered: And whereas by the said Act of 1855 (herein-after called “the recited Act”) Provision was made for the proving of the Barrels of Small Arms by the Gunmakers Company at their Proof House, and by the Guardians at the *Birmingham* Proof House, and certain Rules and Regulations and a Scale of Proof were thereby established, but subject to Alteration from Time to Time as by that Act provided, and the recited Act contains divers Provisions for securing that Barrels, not including Military Barrels, made for the Use of Her Majesty’s Forces or for the then and late Honourable *East India* Company, should be delivered to the Gunmakers Company and the Guardians (in this Act called “the Two Companies”)

Changes to legislation: There are currently no known outstanding effects for the Gun Barrel Proof Act 1868. (See end of Document for details)

respectively, to be duly proved by them at their respective Proof Houses: And whereas the Rules and Regulations and Scale of Proof have from Time to Time been altered, and the same respectively now in force under the recited Act are not applicable to every Description of Small Arm now in use, or are in other respects defective, and it is expedient that the same respectively be amended: And whereas it is expedient that the Constitution of the Guardians and the Mode of Election of Guardians elected by the *Birmingham* Gun Trade be altered and amended, and that further Provision be made with respect to the Powers and Duties of the Proof Master, Wardens, and other Officers of the Two Companies respectively: And whereas the Provisions of the recited Act have proved insufficient to prevent the forging and counterfeiting of Proof Marks of the Two Companies respectively, and to ensure that Barrels of Small Arms made in *England* be submitted to the requisite Proof, and have been found defective in other respects, and it is expedient that further Provision be made against the forging or counterfeiting of Proof Marks of the Two Companies respectively, and for ensuring that Barrels of Small Arms made in *England* be duly proved, and marked as proved, and that the Exemption of Military Barrels from such Proof be confined to Military Barrels made for the Use of Her Majesty's Forces or for the late Honourable *East India* Company while the Barrels are the Property of Her Majesty, and that the Provisions of the recited Act be amended in other respects: And whereas it is expedient that the Two Companies respectively be authorized to provide and maintain Branch Proof Houses at or near to *London* and *Birmingham* respectively: And whereas the Objects of this Act cannot be attained without the Authority of Parliament:

Annotations:

Marginal Citations

M1 1855 c. cxlviii.

Annotations:

Marginal Citations

M1 1855 c. cxlviii.

1 Short Title.

This Act may for all Purposes be cited as “The Gun Barrel Proof Act 1868.”

2 Commencement of Act.

This Act shall commence and have Effect on and after the Second *Monday* next after the passing of this Act.

3 Reserving Power for Crown to establish public Proof Houses.

This Act shall not in any way interfere with the Power of Her Majesty, Her Heirs and Successors, from Time to Time to establish public Proof Houses in such Places and under such Regulations as to the Care and Management thereof as to Her Majesty, Her Heirs and Successors, may seem fit.

Changes to legislation: There are currently no known outstanding effects for the Gun Barrel Proof Act 1868. (See end of Document for details)

4 Interpretation of Terms.

In the Construction of this Act the following Words and Expressions have the following Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction; to wit,

“The Gunmakers Company” means “the Master, Wardens, and Society of the Mystery of Gunmakers of the City of *London*.”

“The Guardians” means “the Guardians of the *Birmingham* Proof House” as incorporated under the recited Act and as continued and constituted under this Act:

“The Two Companies” means and includes the Gunmakers Company and the Guardians:

[^{F1} “The Permanent International Commission” means the Permanent International Commission for the Proof of Small Arms mentioned in section 129(1) of this Act]

“Small Arms” includes Small Arms of every Description, and whether of present Use or of future Invention, respectively adapted for the Discharge of Bullets, Shots, or other Projectiles, either by means of the Explosion, Ignition, or other Action of Gunpowder, Gun Cotton, Fulminating Powder, or other Substance, whether of present Use or of future Invention or Application, or by means of the Expansion of Steam or Gas, or by any other Means not being merely mechanical Means, except Air Guns as at present manufactured:

“Barrel” includes every Barrel of every Small Arm, and every Breech of every Small Arm, and every Part of every Small Arm which would in the User of the Small Arm contain all or any Part of the Charge of the Small Arm, and every Part of every Small Arm in, from, or through which Part in the User of the Small Arm all or any Part of the Charge thereof would be exploded or discharged:

“Barrel” also includes every Barrel welded, forged, or cast, finished or unfinished, or in any other progressive State of Manufacture, and any and every Part of a Barrel:

“Double Barrel” includes every Barrel of or constructed for every Small Arm having any Number of Barrels more than One:

“Provisional Proof” means Proof of a Barrel liable in any subsequent Stage of Manufacture to be reduced in Strength before it forms Part of a Small Arm in a finished State:

“Definitive Proof” means Proof of a Barrel not liable in any subsequent Stage of Manufacture to be reduced in Strength before it forms Part of a Small Arm in a finished State:

“Proof” means provisional Proof and definitive Proof, or, as the Case requires, provisional Proof or definitive Proof:

“Stamp” includes every Stamp, Die, Punch, Tool, and other Instrument whatsoever by means whereof any Mark can be made on any Metal whatsoever:

“Mark” includes every Mark and other Impression of and made with any Stamp, or produced by any other Means whatsoever, on any Metal whatsoever:

[^{F2} “convention proof mark” has the meaning given in section 129(1) of this Act;

^{F3} . . .]

The several Weights by this Act or any Schedule thereto prescribed [^{F4}which are expressed in imperial units] are Avoirdupois Weight.

Changes to legislation: There are currently no known outstanding effects for the Gun Barrel Proof Act 1868. (See end of Document for details)

Annotations:

Amendments (Textual)

- F1** Definition in s. 4 inserted (5.6.1980) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 1\(a\)](#); [S.I. 1980/640](#), [art. 2](#)
- F2** Definitions in s. 4 inserted (1.12.1978 as to definition of "statutory maximum" and 5.6.1980 as to definition of "convention proof mark") by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 1\(b\)](#); [S.I. 1978/1587](#), [art. 2](#), [Sch.](#); [S.I. 1980/640](#), [art. 2](#)
- F3** Definition in s. 4 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIV](#) Group2.
- F4** Words in s. 4 inserted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 1\(c\)](#); [S.I. 1978/1587](#), [art. 2](#), [Sch.](#)

5 10 & 11 Vict. c. 16. incorporated.

"The Commissioners Clauses Act 1847," is, except where varied by this Act incorporated with this Act, except the following Clauses thereof; that is to say, the Clauses—

With respect to the Qualification of Commissioners;

With respect to the Election and Rotation of the Commissioners where the Commissioners are to be elected by the Ratepayers or other like Class of Electors;

With respect to the Appointment and Accountability of the Officers of the Commissioners;

With respect to the Mortgages to be executed by the Commissioners;

With respect to the Accounts to be kept by the Commissioners;

With respect to the making of Byelaws;

And for the Purposes of this Act the Expression "the Commissioners" in that Act means the Guardians, and the Expression "the Clerk to the Commissioners" means the Law Clerk to the Guardians.

6 8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

"The Lands Clauses Consolidation Act 1845," and "The Lands Clauses Consolidation Acts Amendment Act 1860," are incorporated with this Act, but not so as to authorize the purchasing of any Lands otherwise than by Agreement.

[^{F5}6A Acquisition of land in Scotland.

For the purpose of acquiring land by agreement in Scotland the ^{M2}Lands Clauses Consolidation (Scotland) Act 1845 and section 6 of the ^{M3}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.]

Annotations:

Amendments (Textual)

- F5** [S. 6A](#) inserted (1.12.1978) by [Gun Barrel Proof Act 1978 \(c. 9\)](#), s. 9(3), [Sch. 3 para. 2](#); [S.I. 1978/1587](#), [art. 2](#), [Sch.](#)

Changes to legislation: There are currently no known outstanding effects for the Gun Barrel Proof Act 1868. (See end of Document for details)

Marginal Citations

M2 1845 c. 19.

M3 1845 c. 20.

7 Above-named Acts in Sect. 6. not to apply to Gunmakers Company. 10 & 11 Vict. c. 16. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

Provided always, that, except for the Interpretation of Words and Expressions in this Act, the Clauses and Provisions incorporated with this Act of “The Commissioners Clauses Act 1847,” “The Lands Clauses Consolidation Act 1845,” and “The Lands Clauses Consolidation Acts Amendment Act 1860,” respectively, do not extend or apply to the Gunmakers Company, or any of the Officers or Servants thereof.

8 Same Meanings to Words in incorporated Acts as in this Act and in Schedules.

The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, and the several Words and Expressions to which by this Act Meanings are assigned have in the Schedules to this Act annexed the same respective Meanings, unless in any such Case there be in the Subject or Context something repugnant to or inconsistent with such Construction.

9 Recited Act repealed.

The recited Act is by this Act repealed.

10 Saving Rights of Gunmakers Company.

Provided always, that, except as is by this Act otherwise expressly provided, such Repeal, or this Act, or anything contained in this Act, shall not take away, lessen, alter, or prejudice any of the Estates, Franchises, Ordinances, Rules, Regulations, Rights, Powers, or Privileges of the Gunmakers Company, and this Act or anything therein shall not in any Manner derogate from or affect the Charter of the same Company.

11 General Saving of Rights under recited Act.

Notwithstanding such Repeal, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by the recited Act shall be as valid as if this Act were not passed, and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened and this Act were not passed, would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively; and all such Rights, Liabilities, Claims, and Demands shall be enforceable and recoverable by, for, or against the Two Companies respectively in the same Manner and to the same Extent as they would have been enforceable and recoverable by, for, or against them respectively in case this Act had not passed: Provided always, that the Generality of the preceding Provision shall not be affected by the Particularity of any of the other Provisions of this Act.