

SUBSIDIARY LEGISLATION 46.01
GOLDSMITHS AND SILVERSMITHS
REGULATIONS

1st April, 2004

LEGAL NOTICE 147 of 2004, as amended by Legal Notices 181 and 186 of 2006, 407 of 2007, 105 of 2008, 426 of 2012 and Act VII of 2021.

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|---|---|
| <p>1. The title of these regulations is the Goldsmiths and Silversmiths Regulations.</p> | Title. |
| <p>2. (1) A precious metal alloy in a precious metal article must have a standard at least equal to the standard imprinted on the said alloy.</p> <p>(2) Precious metals in a precious metal article must be soldered using an alloy of the same standard of fineness and of the same precious metal as the rest of the articles except when this is not technically possible, in which case soldering can be carried out using an alloy of a lower standard of fineness or another material.</p> <p>(3) No solder may be used in a quantity that is greater than the necessary for joining and in no case shall solder be used for strengthening, weighting, filling or otherwise.</p> <p>(4) In the case of filigree, small links and other similar minute works, the standard of fineness may, taking the solder into account, reach a margin inferior to the imprinted standard by not more than ten millesims.</p> | <p>Standard of the precious metal alloy in a precious metal article.</p> |
| <p>3. Without prejudice to any of the provisions of the Goldsmiths and Silversmiths Act, hereinafter referred to as "the Act" a precious metal article weighing more than one gram may not be placed on the market without a manufacturer's or sponsor's hallmark or an office hallmark.</p> | <p>Weight of an article exempt from marking. Cap. 46.</p> |
| <p>4. (1) Office hallmarks, manufacturers' and sponsors' marks or hallmarks must be visible, legible and durable.</p> <p>(2) The minimum nominal standards for precious metal articles shall be equal to those given in the First Schedule.</p> <p>(3) An office hallmark shall comprise marks and characteristics that identify the body applying it.</p> | <p>Characteristics of marks and hallmarks.</p> |
| <p>5. (1) Any person assigned a manufacturer's mark authorised by the Consul may utilise his mark as a sponsor mark and likewise any person using a sponsor's mark authorised by the Consul may utilise this mark as a manufacturer's mark.</p> <p>(2) Manufacturers' and sponsors' marks authorised by the Consul shall correspond with those recorded in the appropriate Consul's register referred to in regulation 20 and physically imprinted in accordance with regulation 21.</p> | <p>Characteristics of manufacturer's or sponsor's marks authorised by the Consul.</p> |

Characteristics of manufacturers' or sponsors' hallmarks authorised by the Consul.

6. Without prejudice to any other regulation, manufacturers' and sponsors' hallmarks authorized by the Consul, shall exclusively consist of a manufacturer's or sponsor's mark as provided in regulation 5 and a standard mark that shall -

- (a) be a finesse mark;
- (b) correspond to one of the nominal standards set out in the Second Schedule;
- (c) have a separate surround that is specific to gold, silver, platinum and palladium respectively as indicated in the Third Schedule;
- (d) be imprinted so as to be immediately preceded by the imprint of the appropriate manufacturer's or sponsor's mark.

Application of mark and hallmark authorised by the Consul.

7. (1) The manufacturer's mark and the fineness mark in the manufacturer's hallmark authorised by the Consul shall both be imprinted by the manufacturer and the sponsor's mark and the fineness mark in the sponsor's hallmark authorised by the Consul shall likewise be both imprinted by the sponsor.

(2) No manufacturer or sponsor authorised by the Consul to imprint the manufacturer's or sponsor's mark may imprint the fineness mark referred to in the Second and Third Schedules without preceding their imprint by the imprint of the respective manufacturer's or sponsor's mark authorised by the Consul.

(3) No person may imprint a precious metal article with the manufacturer's or sponsor's mark or hallmark authorised by the Consul if such a precious metal article is already imprinted with either -

- (a) a manufacturer's or sponsor's hallmark or an office hallmark;
- (b) a standard or standard mark that differs from the standard expressed in the hallmark that the person may intend to imprint on the article;
- (c) any mark or imprint that is in contravention of the Act.

Characteristics of the Consul's office hallmark.

8. (1) The Consul's office hallmark shall only be applicable to gold and silver articles.

(2) Notwithstanding any other provision in these regulations the Consul's office hallmark for gold and silver articles shall be as follows:

- (a) in the case of gold articles having a standard of fineness of 916 or 750, the said hallmark shall consist in the impression of the mural crown with sally port embattlements turreted by eight octagonal turrets, and for gold articles having a standard of fineness of 585 or 375, said hallmark shall consist of the impression of the shield of Malta; these impressions shall moreover be immediately followed by adjacent numerals representing that appropriate standard of fineness of the gold alloy;

- (b) the imprint for silver articles shall be the impression of a Maltese cross immediately followed by an adjacent number 959, 925, 830 or 800 as the case may be representing the standard of fineness of the silver alloy;
- (c) a mark indicating the period of the imprinting of the gold or silver article may also be affixed. This imprint may bear such combination of two letters of the alphabet in small cursive script as may from time to time be determined by the Consul;
- (d) the impression referred to in paragraphs (a) and (b) shall be as given in the Fourth Schedule.

9. (1) Only manufacturers or sponsors in possession of a manufacturer's or sponsor's mark or their respective delegated representatives may present precious metal articles to the Consul for imprinting.

Presentation to the Consul for imprinting.

(2) Unless the manufacturers' or sponsors' marks referred to in sub-regulation (1) hereof are authorised by the Consul, documentary evidence shall be furnished indicating due authorization.

(3) Only precious metal articles shall be accepted by the Consul for imprinting with the Consul's Office hallmark.

(4) No precious metal article shall be accepted for imprinting by the Consul if -

- (a) it is already marked in accordance with the marks indicated in article 4(iii) of the Act;
- (b) it is exempted from imprinting under the provisions of article 5 of the Act;
- (c) it does not bear the manufacturer's or the sponsor's mark of the manufacturer or sponsor submitting the articles;
- (d) the said articles bear a standard mark that differs from the standard as indicated in Form S referred to in the Fifth Schedule or from the prescribed standards of the Consul's office hallmark;
- (e) it is in any way in contravention of any of the provisions of the Act.

(5) A manufacturer or sponsor may for the purpose of this regulation delegates in writing a person approved by the Consul, to attend on the Consul, provided also that the Consul does not require the personal attendance of the manufacturer or sponsor.

(6) The person submitting precious metal articles to the Consul for imprinting shall at the same time submit in duplicate a ticket in the form set out in aforementioned Form S in the Fifth Schedule signed by the manufacturer or the sponsor and where appropriate by their respective representatives. This form shall contain a declaration by the manufacturer or sponsor submitting the precious metal article in which the said manufacturer or sponsor assumes

responsibility for the homogeneity of the precious metal articles.

(7) The Consul may, in writing and subject to any such limitation as he may think fit, delegate any of the duties referred to in this regulation to any officer serving in the Consul's office.

(8) The Consul or any public officer whom he delegates, on receiving the articles in accordance with sub-regulation (6), shall verify their weight and number, shall append his signature to the tickets and shall deliver one copy to the person presenting said articles.

Extraction of samples.

10. (1) The Consul shall carry out as many assays as he deems necessary for the purpose of ascertaining the standard of the precious metal articles presented for imprinting.

(2) The Consul may at his discretion extract from one or more parts of any article or any group of articles presented for imprinting any such quantity of metal as is required and should take care to cause least the possible damage by the said extraction.

(3) The Consul shall extract samples for assaying either by a random selection of one or more specific articles or by a process of extraction of small quantities of metal from several articles as he deems appropriate.

(4) The Consul shall return the article in the state it is found after the assay. No compensation will be due for any damage resulting from the extraction of the sample in accordance with the provisions of this legislation.

Assay procedure.

11. (1) The assay of gold alloys shall be carried out by the cupellation process and the assay of silver alloys shall be carried out by a chemical process.

(2) In cases where the Consul deems that it is not technically possible to extract sufficient sample to carry out an assay, testing of precious metal articles or groups thereof, shall be made by the use of the touchstone and gold or silver points of standard known to the Consul.

Assays to be registered by the Consul.

12. (1) The Consul shall keep a register in which he shall enter the relevant particulars stated in the Form S in the Fifth Schedule presented with the article to be imprinted. When the assay is completed, the Consul shall register his declaration of this result and the date of such declaration.

(2) The Consul's entries referred to in sub-regulation (1) shall not be accessible to the public.

(3) The Consul shall be responsible for damages if it shall be proved that articles imprinted by him are found to be inferior by more than three millesims, to the standard of fineness required for the imprinting in accordance with regulation 2.

Application of the Consul's assay result.

13. (1) The result of the assay carried out by the Consul on a precious metal article or on a group of such articles carried out in accordance with these regulations shall be considered as applicable to all the items referred to in Form S in the Fifth Schedule.

- (2) Subject to the provisions of regulation 2(4) -
- (a) the Consul shall imprint an article with a fineness mark equal to or immediately inferior to the standard found as a result of the assay;
 - (b) precious metal articles found to be inferior in standard to the lowest standard prescribed for the Consul's office hallmark shall be destroyed;
 - (c) precious metal articles imprinted with a standard mark before being submitted to the Consul and found by the Consul to be inferior to the said standard, shall be destroyed;
 - (d) the imprinting of a precious metal article with a standard inferior to that claimed in Form S of the Fifth Schedule or the breaking up of said article shall not take place prior to the lapse of ten working days from the date on which the declaration of the Consul to such effect shall be communicated to the manufacturer or sponsor or their authorized representatives as the case may be;
 - (e) the provisions referred to in paragraph (d) may be put into effect before the lapse of such ten working days provided the manufacturer or sponsor or their authorised representative so agrees.

14. (1) If the manufacturer or the sponsor or the authorised representative, as the case may be, is not satisfied with the Consul's decision that the submitted precious metal article is inferior in standard either to -

- (a) the standard claimed in Form S of the Fifth Schedule; or
- (b) any of the standards prescribed for the Consul's office hallmark; or
- (c) any standard that may be imprinted on the said article prior to submission to the Consul for imprinting,

Executive
contestation of the
Consul's assaying
result.
Amended by:
L.N. 407 of 2007;
VII. 2021.11.

he may, within not more than seven days from the day on which the decision of the Consul is communicated to him, request the Minister responsible for the Authority for the carrying out of a second assay provided he deposits in the office of the Consul two hundred and thirty euro (230).

(2) When a request and deposit for a second assay is made, the Minister responsible for the Authority shall direct the Consul to further suspend the imprinting or breaking of any article as the case may be until the lapse of eight days, from the date on which the result of the second assay has been communicated to the person who shall have asked for the second assay.

(3) The second assay shall be carried out in the presence of the person applying for it, if he so requires, and it shall be conducted by a Board made up of a professor of Chemistry in the University of Malta or some other expert designated by the Minister responsible for the Authority, in either case assisted by the Consul and by an experienced

artificer also appointed by the Minister responsible for the Authority.

(4) The result of the second assay shall be entered in the Consul's register and shall be signed by all the members of the Board and by the Consul.

(5) When the result of the second assay which is carried out by the Board in accordance with sub-regulation (3) shows that the Consul's assay result was erroneous, the Minister responsible for the Authority shall direct the Consul to reimburse the deposit of two hundred and thirty euro (230) indicated in sub-regulation (1) and shall furthermore direct the Consul to proceed with the imprinting of the said article in accordance with the result of the second assay.

Judicial
contestation of the
second assay.
Amended by:
L.N. 181 of 2006;
L.N. 186 of 2006;
VII. 2021.12.

15. The result of the second assay carried out in accordance with the provisions of these regulations shall be final unless such a result is challenged by a sworn application before the competent Court within eight days from the date on which the result of the second assay shall have been communicated to the person asking for such a second assay, in which case the Minister responsible for the Authority shall again direct the Consul to suspend the imprinting or the breaking of the article as the case may be until the Court judgement on such a challenge becomes final.

Criminal
proceedings in
accordance with
article 12 of the
Act.

16. When criminal proceedings are instituted against a manufacturer or sponsor in accordance with article 12 of the Act, the breaking up of the article found to conceal extraneous substances or not found to be of a homogenous substance shall not take place before the judgement of the Court in such proceedings has become final.

Tariff of the
Consul's Office
Hallmark.

17. The imprinting of the Consul's Office Hallmark shall be subject to the fees given in the Eighth Schedule.

Authorisation of
manufacturer's or
sponsor's mark by
the Consul.

18. (1) The Consul shall assign a manufacturer's or sponsor's mark to any citizen of Malta or of a Member State of European Union provided that such a person -

- (a) submits a written application for such a mark;
- (b) is eighteen years old, of good conduct and can read and write;
- (c) satisfies the Consul that he has knowledge of the alloying of metal;
- (d) passes any interviews and or test and furnishes any qualifications that the Consul may deem necessary in order to establish the requirements of paragraph (c);
- (e) furnishes the address of the location where he intends to manufacture or imprint precious metal articles and undertakes to inform the Consul in writing of any changes in the aforementioned location;
- (f) furnish any documents or information as may be required for the purposes of this Act.

(2) The assignment of an authorised manufacturer's or sponsor's mark by the Consul shall -

- (a) not authorise the manufacturer or sponsor to imprint the manufacturer's or sponsor's hallmark;
- (b) not be subject to any fee;
- (c) be without prejudice to any manufacturing, sponsoring or patenting legislation.

19. (1) The Consul shall authorise any person to imprint the manufacturer's or sponsor's hallmark provided that such a person:

Authorisation of manufacturers' or sponsors' Hallmarks by the Consul.

- (a) submits a written application for such authorisation;
- (b) is in possession of a manufacturer's or sponsor's mark assigned by the Consul as provided in regulation 18;
- (c) signs a declaration stating that he is aware of his responsibility under the Act;
- (d) declares, where applicable, the location where manufacturing, imprinting and storage of hallmarked items is to take place and undertakes to inform the Consul in writing of any changes in these locations;
- (e) furnishes any documents or information as may be required for the purposes of these regulations.

(2) The Consul's authorisation for the imprinting of a manufacturer's or sponsor's hallmark shall:

- (a) be subject to a fee as per the Eighth Schedule;
- (b) be without prejudice to any manufacturing, sponsoring or patenting legislation;
- (c) be without prejudice to the manufacturer's or sponsor's right to submit his product to the Consul for imprinting with the Consul Office Hallmark in accordance with the provisions of these regulations.

(3) Authorisation for the imprinting of the manufacturer's or sponsor's hallmark may be suspended pending the competent Court decision should the Consul determine that the manufacturer or sponsor concerned is in breach of any of the provision of the Act. Furthermore, should the competent Court awards against the manufacturer or sponsor concerned, the Consul may further permanently revoke the said authorisation or suspend it for a period of not less than three months as from the date of the Court's decision.

20. The Consul shall keep a register which shall contain:

Registration of mark and hallmark authorised by the Consul.

- (a) an exact description of the form and content of the manufacturer's and sponsor's mark authorised and assigned by the Consul;
- (b) the particulars of the person authorised to use the marks referred to in paragraph (a) and the date of such authorisation;
- (c) where applicable, an indication that the registered person in paragraphs (a) and (b) is further authorised to use a manufacturer's or sponsor's hallmark authorised by the Consul, the date of such

authorisation and its current status.

First impression of certain marking tools.

21. No person may make use of any imprinting tools that apply an imprint of the manufacturer's or sponsor's mark authorised by the Consul before physically depositing the first impression of this tool on an appropriate metal plate held in the custody of the Consul.

Authorisation of marks previously assigned by the Consul.

22. Manufacturers' marks assigned by the Consul in accordance with the provisions of the Ordinance as in force before the coming into force of the Act shall be deemed to be manufacturers' or sponsors' marks authorised by the Consul and subject to the same provisions of the Act provided that their imprint is deposited with the Consul on or after the coming into force of the Act and provided also that this imprint and use thereof is in conformity with all the provisions of the Act.

Collection procedure in Consul's inspection.

23. (1) The Consul shall not collect any articles during the course of an inspection unless accompanied by a witnessing officer.

(2) The witnessing officer referred to in sub-regulation (1) shall be any person authorised by the Consul for this purpose.

(3) Prior to collection of any items during an inspection, the Consul must compile Form C set out in the Sixth Schedule. Such a form shall be completed in duplicate and a copy thereof shall be handed over to the custodian of the collected articles at the locality of collection and the original form shall be retained by the Consul.

Examination of sample collected during inspection.

24. (1) The Consul shall examine the collected articles in order to determine compliance with the Act. This examination may include the extraction of a sample or samples for the carrying out of any assay by the Consul, which extraction may result in the partial or complete destruction of the collected items under examination.

(2) The Consul shall keep a register showing a record of all articles collected during inspection and a signed statement indicating the compliance or non-compliance of such collection with the provisions of the Act. In cases where the Consul determines that the aforementioned items are not in compliance with the provisions of the Act, the Consul shall enter the reason for this non-compliance.

(3) Articles referred to in sub-regulation (1) that have been found by the Consul to be in compliance with the Act shall be returned to their custodian or owner in the state in which they have been found after any assay that may have been carried out.

(4) Articles referred to in sub-regulation (1) found by the Consul not to be in compliance with this Act, shall be delivered to the Commissioner of Police in the state in which they have been found after the examinations referred to in sub-regulation (1) together with a report indicating any reason for the aforementioned non-compliance.

Price of precious metals.
Amended by:
L.N. 105 of 2008.
Substituted by:
VII. 2021.13.

25. The official prices of gold and silver shall be based on the latest international prices as officially published by the Central Bank of Malta and converted from troy ounces to grams using the conversion rate established in Directive 80/181/EEC.

26. (1) The Consul shall value gold or silver precious metal articles and shall base the valuation on the price of gold and silver referred to in regulation 25. Valuation.

(2) The Consul shall value approximately gold or silver precious metal articles containing diamonds or other precious stones and shall base his valuation on the price of gold and silver referred to in regulation 26 and on the market price prevailing on the date of the valuation.

(3) Before making any valuation the Consul shall weigh the precious metal article and test the fineness of the metal. If any gold or silver articles presented for valuation contain or are attached to stones and other materials which cannot be detached without considerable damage the Consul may calculate the approximate weight of precious metal and issue an approximate valuation.

(4) When a precious metal article has been valued the Consul shall issue, from a counterfoil book, a ticket in the form set out in the Seventh Schedule, which ticket may contain any further particulars that the Consul may consider necessary for the purposes of the valuation.

(5) The Consul shall be responsible for the accuracy of the weight and value stated in the ticket referred to in sub-regulation (4).

(6) The Consul's valuation shall be subject to the fee indicated in the Eighth Schedule.

FIRST SCHEDULE

The minimum nominal standards referred to in regulation 4(2) shall be equal to the standards of fineness shown below:

<u>Precious Metal</u>	<u>Minimum Standard of Fineness</u>
Gold	333
Silver	800
Platinum	850
Palladium	500

SECOND SCHEDULE

NOMINAL STANDARDS OF FINENESS IN THE MANUFACTURER'S OR
SPONSOR'S HALLMARK AUTHORISED BY THE CONSUL

<u>Precious metals and their alloys</u>	<u>Nominal Standard of Fineness (parts per thousand)</u>
Gold	333
	375
	417
	500
	585
	750
	800
	840
	916
	990
	999
Silver	800
	835
	925
	999
Platinum	850
	900
	950
	999
Palladium	500
	950
	999

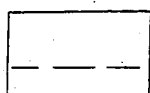
THIRD SCHEDULE

FINENESS MARK SURROUNDS IN MANUFACTURERS' OR SPONSORS'
HALLMARKS AUTHORISED BY THE CONSUL

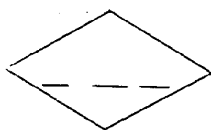
1. The surround specific to each precious metal referred to in regulation 6(c) and which must surround the standards of fineness of the precious metals referred to in the Second Schedule are indicated below:



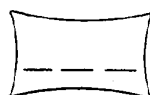
Gold



Silver



Platinum



Palladium

2. The standard of fineness must be indicated within these surrounds along the axis of the dashes.
3. The imprint of these surrounds must be immediately preceded by an adjacent appropriate manufacturer's or sponsor's mark set in an independent surround.
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FOURTH SCHEDULE

The impressions in the Consul's Office Hallmark

The impressions in the Consul's Office Hallmark shall be as reproduced hereunder:

(1)



For Gold Articles - Standard of Fineness 916, 750

(2)



For Gold Articles - Standard of Fineness 585, 375

(3)



For Silver Articles - Standard of Fineness 959, 925, 830, 800

FIFTH SCHEDULE

Form of ticket to be filled in under regulation 9(6)

Form S

Amended by:
L.N. 426 of 2012.

No.

Note of articles presented today by the undersigned to the Consul for verification of fineness and for stamping in accordance with the Goldsmiths and Silversmiths Act.

- (1) Description of articles
.....
.....
- (2) Type of Precious Metal
- (3) Weight
- (4) No. of articles
- (5) Fineness Standard requested
- (6) Description of extraneous non precious metal material, if any
.....
.....
- (7) Declaration by manufacturer or sponsor
I hereby declare that I am responsible for the homogeneity of the precious metal alloy making up these articles in accordance with the Act and that I am aware of all the consequences to which, according to law, I may be liable if this declaration is found to be incorrect.
- (8) Name of manufacturer/sponsor
- (9) Address of manufacturer/sponsor
.....
.....
- (10) Description of manufacturer's/sponsor's mark
- (11) Body authorising manufacturer's/sponsor's mark
- (12) Authorisation of Representative
I hereby authorise
Legally valid identification document number or Passport Number to act on my behalf with respect to any and all provisions in the Act and regulations thereunder.
.....
.....
Signature of Manufacturer/Sponsor Date
- (13) Particulars of Manufacturer/Sponsor/Authorised Representative submitting the articles to the Consul's Office.
Name
Legally valid identification document number or Passport No.

Signature Date

(14) Receipt by Consul's Office

I have today received the above articles for imprinting by the Consul's Office hallmark

.....

Receiving Officer Date

(15) Collected from Consul's Office

I have today collected the above articles from the Consul's Office

Name

Legally Valid Identification Document or Passport No.

Signature Date

SIXTH SCHEDULE



FORM C

No

Note of articles collected by the Consul in pursuance of the Goldsmiths and Silversmiths Act.

Address of trading, manufacturing or imprinting locality from where articles have been collected

Particulars of custodian of collected articles

Description of articles including stones (if any)

.....
.....
.....
.....
.....
.....

Date

.....

Signature of Consul

.....

Signature of Witnessing Officer

Substituted by:
L.N. 407 of 2007.

SEVENTH SCHEDULE

FORM OF TICKET TO BE ISSUED BY THE CONSUL ON WIEGHING AND
VALUING OF JEWELLERY UNDER REGULATION 26(4) OF THE
GOLDSMITHS AND SILVERSMITHS ACT



OFFICE OF THE CONSUL FOR
GOLDSMITHS AND SILVERSMITHS
46, Merchants Street, Valletta

No.
Date

Name

Address
.....

I, the undersigned, Consul for Goldsmiths and Silversmiths, do hereby declare to have this day weighed and valued the following articles, under the provisions of the Goldsmiths and Silversmiths Act.

Description of Articles:
.....
.....
.....

QUALITY STANDARD OF METAL

WEIGHT OF METAL: EXACT/APPROX/GROSS GRAMMES

VALUE

L	

..... euro cents

FEE PAID

Consul for Goldsmiths and Silversmiths

EIGHTH SCHEDULE

*Substituted by:
L.N. 407 of 2007.*

FEES

(1) For the imprinting of precious metal articles with the Consul's Office Hallmark:

Gold Articles: 1% of the value of the precious metal content as established in accordance with article 14 of the Act.

Silver articles: 5% of the value of the precious metal content as established in accordance with article 14 of the Act or L0.02 per article, whichever is the greatest.

(2) (a) For the Consul's authorisation for the use of manufacturers' or sponsors' Hallmarks: L230 on the day of registration and on each anniversary thereafter unless the manufacturer or sponsor informs the Consul in writing within thirty days prior to the date of renewal of his renunciation of the Consul's authorization to apply the aforementioned hallmark.

(b) In default of payment of the fee referred to in subparagraph (a) hereof within three months from the date such fee falls due may entail prosecution under article 17 of the Act and, or suspension of the Consul's authorisation to apply the manufacturer's or sponsor's hallmark concerned.

(3) For the valuation of precious metal articles by the Consul:

(a) For valuations up to L120 L1.15

(b) For valuations of L121 up to L235 L2.30

(c) For valuations of and above L236 1% of the valuation.

(4) For the carrying out of an industrial assay on an unworked homogenous gold or silver alloy: L6.95 per submitted sample.
