



## Trade Descriptions (Articles Made of Precious Metals) Regulations 1994\*

### TABLE OF CONTENTS

	<i>Page</i>
Citation and Commencement.....	1
Interpretation.....	1
Trade Description in Relation to Standard of Fineness.....	1
Standard of Fineness to be Marked on Article .....	2
Marking of Article which Consists of Parts of Different Standards of Fineness.....	2
Marking of Article Made of Two or More Precious Metals.....	2
Soldering of Article.....	3
False Trade Description .....	3
Receipt.....	3
Plated Article .....	4
Exemption.....	4
Offences.....	4
First Schedule .....	5
Second Schedule .....	5

IN exercise of the powers conferred by paragraph 38A (e) of the Trade Descriptions Act 1972, the Minister makes the following regulations:

### Citation and Commencement

1. These regulations may be cited as the **Trade Descriptions (Articles made of Precious Metals) Regulations 1994** and shall come into force on the 1<sup>st</sup> August 1995.

### Interpretation

2. In these Regulations, unless the context otherwise requires—

“marked” includes engraved and stamped;

“precious metal” means gold, silver or platinum in its fine form or gold, silver or platinum alloy; and

“standard of fineness”, in relation to articles made of precious metals, means the number of parts by weight of fine gold, silver or platinum in one thousand parts by weight of precious metal.

### Trade Description in Relation to Standard of Fineness

3.—(1) A trade description used in the course of trade or business in relation to the standard of fineness of an article made of precious metal shall be as follows:



- (a) in relation to gold, it shall only be as that specified in Part I of the First Schedule;
- (b) in relation to silver, it shall only be as that specified in Part II of the First Schedule;
- and
- (c) in relation to platinum, it shall only be as that specified in Part III of the First Schedule.

(2) Where an article made of precious metal is of a fineness higher than a standard of fineness specified for that precious metal in the First Schedule but lower than the next higher standard, the standard of fineness of such article shall be the nearest lower standard as specified in that Schedule.

(3) An article of a standard of fineness less than that of the minimum standard of fineness as specified in the First Schedule shall not be referred to by the name of gold, silver or platinum.

#### **Standard of Fineness to be Marked on Article**

4.—(1) Every article made of precious metal that is supplied or offered for supply by any person in the course of trade or business shall clearly and indelibly be marked in Arabic numerals indicating the standard of fineness of the precious metal content as specified in the First Schedule.

(2) Notwithstanding subregulation (1) and the provisions of regulation 3, and article made of precious metal of gold of a standard of fineness of 916.6 shall be marked as 916 only.

(3) Each numerical mark specified in subregulation (1) shall not be smaller than 0.6 millimetre in height and breadth.

(4) This regulation shall not apply to any article which is less than 1.5 grammes in weight and is of a size which is so small or thin as to render the marking thereof impracticable.

#### **Marking of Article which Consists of Parts of Different Standards of Fineness**

5. Where an article made of precious metal of gold or silver consists of parts which are of different standards of fineness, each part shall be marked as required under these Regulations as if it was a separate article.

#### **Marking of Article Made of Two or More Precious Metals**

6.—(1) Where an article is made of two or more precious metals and more than fifty per cent by weight of the article is of one precious metal—

(a) the standard of fineness of that predominant precious metal shall be marked on the article; and

(b) the other part or parts shall be described in the receipt issued under regulation 9.

(2) The provisions of paragraph (1)(b) shall not in any manner derogate from, and shall be without prejudice to any other requirements set out under regulation 9.

### **Soldering of Article**

7.—(1) The use of solder in respect of an article made of precious metal of gold shall be as follows:

(a) if an article is of a standard of fineness of 999, the fineness of the solder used shall not be less than 950 parts per thousand;

(b) if an article is of a standard of fineness of 950, the fineness of the solder used shall not be less than 875 parts per thousand;

(c) if an article is of a standard of fineness of 916.6, 875 or 835, the fineness of the solder used shall not be less than 835 parts per thousand; and

(d) if an article is of a standard of fineness below 835, the fineness of the solder used shall be of the same standard of fineness as the article.

(2) If an article is made of precious metal of silver, the fineness of the solder used shall not be less than 650 parts per thousand.

(3) If an article is made of precious metal of platinum, the fineness of the solder used shall be at least 995 parts per thousand of a combination of gold, silver, platinum or palladium subject to a minimum gold content of not less than 450 parts per thousand.

### **False Trade Description**

8. A trade description which indicates the standard of fineness of articles made of precious metals shall be a false trade description if that indication is false to any extent or degree, except as otherwise allowed by these Regulations.

### **Receipt**

9.—(1) Any person who in the course of trade or business supplies or offer to supply any article made of precious metal shall, at the time of the supply, deliver to the person to whom the article is supplied a receipt which shall contain the following particulars:

(a) the full name and address of the supplier;

(b) the date of purchase;

(c) the name and type of the article;

(d) the standard of fineness of the article;

(e) the price of the precious metal per gramme;

(f) the weight of the article;



- (g) the price of the article;
- (h) the cost of workmanship (if any);
- (i) the signature of the sales personnel; and
- (j) a description of the parts of the article consisting of a precious metal of different standards of fineness, if appropriate.

(2) Where an article comprises parts made of precious metal and some others of which are made of other metal, the receipt shall also contain a description of the parts of the article made of precious metal and a further description of the parts comprising the other metal.

(3) The Particulars required under subregulation (1) shall be in the national language.

(4) A supplier shall retain a copy of the receipt issued under this regulation for a period of one year after the date of its issuance.

#### **Plated Article**

**10.**—(1) Where an article is plated with gold, silver or platinum, the word “gold”, “silver” or “platinum” shall not be used on that article unless the word “plated” is used together with the word “gold”, “silver” or “platinum”.

(2) The word “plated” referred to in subregulation (1) shall be at least as large as the word “gold”, “silver” or “platinum”, as the case may be.

(3) The plated articles shall not bear any of the markings mentioned in regulation 4.

#### **Exemption**

**11.** These Regulations shall not apply to the following:

- (a) articles listed in the Second Schedule; and
- (b) articles made of precious metals manufactured for the purpose of export.

#### **Offences**

**12.** Any person who contravenes or fails to comply with any provisions of these Regulations shall be guilty of an offence.



FIRST SCHEDULE

(Regulations 3)

STANDARD OF FINENESS OF PRECIOUS METALS

PART I

GOLD/GOLD ALLOY

999  
950  
916.6  
875  
835  
750  
585  
375

PART II

SILVER/SILVER ALLOY

958.4  
925  
830  
800

PART III

PLATINUM/PLATINUM ALLOY

950

SECOND SCHEDULE

(Paragraph 11(a))

ARTICLES TO WHICH THESE REGULATIONS  
DO NOT APPLY

1. Any coin made of precious metal which is or was formerly at any time the current coin of Malaysia or of any other country.
2. Any article made of precious metal which has been used or is intended to be used for medical, dental, veterinary, scientific or industrial purpose.
3. Any gold thread.



4. Any raw material of precious metals (including any bar, ingot, plate, sheet, foil, wire, strip, or tube) or bullion.

5. Any article made of precious metal manufactured before the date of coming into force of these Regulations.

---

\* Published as PU(A) 292/94.