

In the Name of Allah, the Gracious, the Merciful

The Precious Metals and Gems Act, 2008

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The Precious Metals and Gems Act, 2008

(24/6/2008)

Chapter I

Preliminary Provisions

Title

1. This Act may be cited as the " Precious Metals and Gems Act 2008 ",

Repeal and saving

2. The Hallmarking of Gold and Silver Articles Act, 1972 shall be repealed; provided that all regulations and orders made thereunder shall be in force until revoked or amended in accordance with the provisions of this Act .

Interpretation

3. In this Act unless the context otherwise requires:-

" Precious Gems " mean Diamonds, Corundums, Emeralds,
 Olivines, Pearls, Marginto, Alexandrites,
 and half Precious Gems different
 therefrom in their physical properties;

“Half Precious Gems” mean artificial or unnatural Gems;

" Administration "	means the Hallmarking and Control of Precious Metals and Gems Administration subordinate to the Corporation ;
" Hallmarking ",	means marking and numbering of jewelry and other articles with specific emblems and symbols by the Administration or mark of a foreign state recognized by a decision of the Minister;
" Register ",	means the register of goldsmiths and analysts of precious metals and Gems, established under the provisions of section 23;
" Part ",	means one part out of 1,000 grams;
" Goldsmith ",	means every person, who practices the industry of smithery of precious metals, or Gems, or deals in the same by sale and purchase;
"Court",	means First Criminal Court;
" Article of lower carat",	means every mixed article, containing not less than 375 parts of pure gold or not less than 600 parts of pure silver, or less than 850 parts of pure platinum ;
" Plated article "	means every jewelry of metal plated with pure gold, silver or platinum ;

" Alloy ",	means every precious metal bullion in shape of currency, or every mixed bullion of more than one precious metal ;
"Covered Article ",	means every jewelry of metal covered with a thin strap of precious metal;
"General Manager ",	means the General Manager of the Sudanese Standards and Metrology;
"Director ",	means the Director of the Administration Hallmarking and Control of Precious Metals and Gems;
"Registrar",	means the Goldsmiths appointed under section 23 ;
"Platinum article",	means every article containing not less than 850 parts of pure platinum ;
"Gold article",	means every article containing not less than 375 parts of pure gold;
"Silver article",	means every article containing not less than 600 parts of pure silver;
"Articles",	mean every article of precious metals prepared to be used for the purposes of ornament or other purposes of beauty;
"Precious Metals",	mean gold, silver and platinum formed in shape of ingots, or completely or incompletely wrought jewelries or gold currency or mixed with other metals;

"Corporation", means the Sudanese Standards and Metrology;

"Minister", means the Minister to be specified by the President of the Republic.

Chapter II

Possession or sale of

jewelry and precious metals prohibited

- 4. No dealing in, or possession for the purpose of sale, or sale of gold or silver wrought articles, or offer thereof for sale shall be made, unless they are hallmarked.**

Possession or sale of articles

of lower carat

- 5. (1) No possession for the purpose of sale, or sale of articles of lower carat shall made, unless they are hallmarked, save where they:-**
- (a) are numbered with a number showing the percentage of the precious metal they contain by parts;**
 - (b) show the type thereof, whether gold, silver or platinum.**
- (2) Where the size of the article does not allow its numbering, by a number setting forth the percentage of the pure metal it contains, it shall be accompanied by a card, wherein there is**

inscribed the data mentioned in paragraphs(a) and (b), in addition to the name of the owner of the shop.

Sale of covered and plated articles

6. (1) No covered, or plated article shall be sold or possessed with intent to sell unless it is hallmarked with the word, “covered”, or “plated”.
- (2) Where the size of the article does not allow placing the hallmark thereon, there shall accompany the same, a card bearing the name of the owner of the shop, and the word, “covered”, or “plated” .

Chapter III

Legal Calibers of Precious Metals

Legal Calibers of wrought gold articles

7. The legal Caliber of wrought gold articles shall be as follows:-
- (a) caliber 23,5 carats, i.e. 979, 16 parts of pure gold ,
 - (b) caliber 21 carats, i.e. 875 parts of pure gold ,
 - (c) 18 carats, means 750 parts of pure gold,
 - (d) caliber 14 carats, i.e. 583 , 33 parts of pure gold,
 - (e) caliber 12 carats, i.e. 500 parts of pure gold,
 - (f) caliber 9 carats, i.e. 375 parts of pure gold.

Legal calibers of silver articles

8. The legal calibers of wrought silver articles shall be as follows :-

- (1) caliber 90 carats, contains 900 parts, of silver ;
- (2) caliber 80 carats, contains 800 parts, of silver ;
- (3) caliber 60 carats, contains 600 parts, of silver.

Legal calibers of platinum

9. The legal calibers of platinum shall be of a minimum of 850 parts.

Chapter IV

Hallmarking, Admission and Examination

Conditions of Wrought articles

Hallmarking of wrought articles

10. The Administration or anybody authorized to hallmark wrought articles shall hallmark wrought articles, subject to that the amount of pure metal shall be equivalent to one of the legal caliber, set out in sections (7, 8 and 9) hereof.

Conditions of Admission of wrought articles for hallmarking

11. There shall be required for Admission of a wrought article for hallmarking:-
- (a) the application shall be presented accompanied by a declaration from the owner of the wrought article, the ingot,

or his agent setting forth that the presented article is of one of the legal calibers, set out in sections (7,8 and 9).

- (b) the article or ingot shall be completely wrought, as the regulations may specify.

Wrought articles presented for examination

12. Manufacturers of wrought articles, or ingots of gold, silver or platinum, or dealers therein, shall present the same to the Administration, for examination and specifying the calibers thereof, and hallmarking them, in pursuance of the provisions of this Act .

Private wrought articles hallmarked

13. (1) The General Manager, or whoever he may authorize shall have the right to summon whoever is in possession of gold, silver or platinum wrought articles or ingots present the same, within two weeks to the Administration to verify their conformity, or examine and hallmark them, in pursuance of the provisions of this Act .
- (2) Summons, may be made by any of the available means of notification.
- (3) In case of refusal of the summons, the General Manager, or whoever he may authorize, may take the necessary legal proceedings.

**Manner of hallmarking wrought articles inconsistent
with the declaration**

14. (1) No gold or silver or platinum wrought articles shall be possessed with intent to sell, sold, or offered for sale unless they are hallmarked .
- (2) Where it transpires, after examining the wrought articles, composed of many welded parts that some of their parts are of lower caliber than the caliber, set forth in the declaration, they shall be broken and returned to their owner, after payment of the prescribed fees, without compensation.
- (3) Where it transpires in all cases that the wrought article is less calibers, the wrought article shall be broken and delivered to its owner, after payment of prescribed fees, without compensation.

Application to review

15. The owner of wrought articles, which the test proves that their calibers are less than the legal calibers, may apply, before the wrought articles are broken, to the Administration for re-examination, after payment of the fees prescribed for examination, and in this case the Director shall form a committee of three

technicians, from the Administration to re-examine and specify the caliber; provided that its decision shall be final .

Examination of articles to assess

weight and value

16. (1) The Director, upon an application presented thereto accompanied by or written declaration specifying the caliber of the metal, intended to be specified, by examining the unwrought articles, and also any precious metal mixed with dusts and otherwise, and the sample of welding used in precious metals, or those adorned with Gems, and otherwise of metals plated with gold, silver or platinum, and article shall be hallmarked with a number setting forth the amount of pure metal contained therein, whenever that is possible, and a certificate of the same shall be granted, after payment of the prescribed fees.
- (2) The Director may examine precious gems, upon an application, presented thereto, accompanied by a written declaration setting forth the type of gem to be examined.
- (3) The certificate referred to in sub-sections (1) and (2) shall be granted for one piece; and nevertheless the certificate may include data for more than one piece, in consideration of payment of the fees prescribed for each piece.

Administration decisions final

17. The Director's decision shall be final with respect to specification the type of the article, the results of laboratory examinations of articles of the precious metals and gems.

Imported wrought articles

18. (1) Every person, who imports wrought articles which, are not hallmarked shall have the option either to re-export them or present them for hallmarking. In the latter case the wrought articles shall be weighed after payment of customs duties, sealed with lead and sent sealed with the seals of the importer and Customs Police, to the Administration, at the expense of the importer provided that the same shall be under supervision and custody of the Customs Police .
- (2) Imported wrought articles shall not be withdrawn from the Customs unless they are hallmarked by a foreign body internationally validated and recognized on part of the Corporation.
- (3) There shall apply to imported wrought articles, which are presented for hallmarking, in accordance with sub-section (1), all the provisions, pertaining to other wrought articles of the type thereof, provided for in this Act, in accordance with the written declaration, presented by the importer. Where such wrought articles do not satisfy the calibers, set out in any of sections 7, 8 and 9, they may be re-exported, according to

rules organizing the same. In case of impossibility of exporting, they shall be broken, without compensation, and delivered to their owner, after payment of fees and other expenses, as may be specified by the regulations.

**Practice of the profession of analysis of
precious metals and gems prohibited**

19. No person shall practise the profession of analysis of precious metals and gems for the purpose of specifying the caliber or assessing the value thereof, save after registration of his name in accordance with section 23 (1).

**Import and export of precious metals and gems
without hallmarking prohibited**

20. (1) No export, or export for the purpose of manufacturing, or return back of any of the precious metals and gems, shall be made, whether in the form of ingots, or wrought articles, without hallmarking the same by the Administration, as the regulations may specify .
- (2) No Import, or import for the purpose of manufacturing or return back of any of the precious metals and gems, whether in the form of ingots, or wrought articles shall be made, save upon the approval of the Administration, and they shall be analyzed and hallmarked, unless there is an agreement of

exchanged recognition with the state from which import is made.

Chapter V

General Provisions

Responsibility of owner of the place and employees thereat

21. Every person, who is licensed to trade or manufacture in the field of precious metals and gems, shall be responsible for every contravention of the provisions of this Act.

Inspection and control of precious metals and gems

22. The Administration shall have the right to conduct periodical inspection of goldsmiths shops, factories, workshops, stores and places prepared for display, to verify insurance of application of the provisions of this Act; and shall take any legal proceedings, in case of existence of any contravention.

Register of goldsmiths

23. (1) The Administration shall keep a register containing all persons practicing the profession of analysis of precious

metals, goldsmiths and employees in this field setting forth their addresses, qualifications and every other information, as the Registrar may deem necessary .

- (2) The persons referred to in sub-section (1) shall notify the Administration of any amendments, as may occur in the registered information.
- (3) The Director shall appoint a Registrar, from those possessed of experience and competence, to be responsible for keeping the register, and issue of certificates of registration, in accordance with the provisions of this Act.

Practice of the profession of goldsmith

- 24. No person shall practise the profession of goldsmiths, save after obtaining a registration certificate, in accordance with the provisions of section 23.

Contraventions and penalties

- 25. There shall be deemed to have committed a contravention of the provisions of this Act, whoever:-
 - (a) affects on a wrought article of gold, silver, or platinum after hallmarking, a change or amendment, by way of addition, substitution or any other way which makes such wrought article in nonconformity with the hallmarked caliber shall be punished, with imprisonment, for a term, not less than one

year, in addition to confiscation of the wrought articles subject of contravention and withdrawal of the licence, and shall as well be punished, with the same penalty whoever sells or possesses such wrought article with intent to sell, or deals in any other way with the same;

- (b) sells or possesses with intent to sell or deal in every way with un hallmarked wrought articles shall be punished with fine to be specified by the court or imprisonment for a period not less than six months and not exceed one year or with both ;
- (c) work in the field of precious metal and gems, sells, or possesses with intent to sell any un hallmarked wrought article, or deals therein in any other way, shall be punished, with fine, to be specified by the court, or with imprisonment, for a term not less than six months, and not exceeding one year, or with both;
- (d) prevent the Administration to perform its duties, in accordance with the provisions of section 22, shall be punished, with fine, to be specified by the court, or imprisonment, for a term not less than six months, and not exceeding one year, or with both;

making regulations and orders

26. The Minister may, make such regulations and orders, as may be necessary for implementation of the provisions of this Act.