



International Carriage of Perishable Foodstuffs Act 1976

1976 CHAPTER 58

General provisions as to regulation of international carriage of perishable foodstuffs

1 Regulation of standards.

- (1) The Secretary of State may make regulations as to the standards for transport equipment used or intended to be used for the international carriage of perishable foodstuffs where the journey is or is to be effected by road or rail or by a sea crossing of less than 150 kilometres or any combination thereof.
- (2) Without prejudice to the generality of subsection (1) above regulations under this section may—
 - (a) prescribe foodstuffs or classes of foodstuffs as perishable foodstuffs for the purposes of this Act;
 - (b) prescribe temperature limits for the international carriage of perishable foodstuffs;
 - (c) make different provision for different classes of perishable foodstuffs or as respects the same class in different circumstances;
 - (d) prescribe classes of transport equipment to be used for the international carriage of prescribed classes of perishable foodstuffs;
 - (e) prescribe different standards for different classes of transport equipment or as respects the same class in different circumstances;
 - (f) exempt prescribed classes of transport equipment or prescribed classes of perishable foodstuffs from all or any of the provisions of the regulations either generally or in prescribed circumstances.

Subordinate Legislation Made

- P1** S.1 power exercised by [S.I. 1991/425](#).
S. 1:s. 1 (with ss. 2(1)(5), 3 and 20) power exercised by [S.I. 1991/969](#)
S.1: ss. 1, 2(1) and 3 (with ss. 2(5) and 20) power exercised by [S.I.1991/2571](#)

Changes to legislation: There are currently no known outstanding effects for the International Carriage of Perishable Foodstuffs Act 1976, Cross Heading: General provisions as to regulation of international carriage of perishable foodstuffs. (See end of Document for details)

P2 S.1: power previously exercised by S.I. 1985/1071, 1989/1185, 1990/2033.

2 Provisions as to examination and testing.

- (1) The Secretary of State may by regulations make provision for the examination and testing of transport equipment by persons authorised in that behalf by the Secretary of State (in this Act referred to as “qualified persons”) for the purpose of ascertaining whether the prescribed standards are complied with; and—
 - (a) for the issue by such persons as may be appointed or authorised in that behalf by the Secretary of State (in this Act referred to as “certifying officers”), where it is found that the standards are complied with, of a certificate certifying that the equipment has been approved for use in the international carriage of perishable foodstuffs as equipment of the class specified in the certificate [^{F1} or of a certification plate];
 - (b) for the refusal by a certifying officer of a certificate [^{F2} or plate] where the transport equipment is found not so to comply;
 - (c) for prescribing marks (in this Act referred to as “designated marks”) to be affixed to transport equipment in respect of which a certificate under this section has been issued.
- (2) A person aggrieved by a decision of a certifying officer under this section may appeal to the Secretary of State who may make such determination as he thinks fit.
- (3) The Secretary of State may—
 - (a) provide and maintain stations where examination and testing under this Act may be carried out;
 - (b) designate premises (in this Act referred to as “designated stations”) where examination and testing under this Act may be carried out;
 - (c) provide and maintain apparatus for the carrying out of examination and testing.
- (4) Testing of transport equipment for the purposes of this section shall be carried out with such apparatus as may be approved for that purpose by the Secretary of State.
- (5) Regulations under this section may make provision for the keeping of records by designated stations, qualified persons and certifying officers authorised as such by the Secretary of State and the furnishing by them of examination and test reports and information to the Secretary of State.

Subordinate Legislation Made

P3 S.2 powers previously exercised by S.I. 1985/1071, 1989/1185, 1990/2033.

P4 S. 2(1) and (5) powers exercised by S.I. 1991/425.

S. 2:s. 1 (with ss. 2(1)(5), 3 and 20) power exercised by S.I. 1991/969

S. 2(1)(5): ss. 1, 2(1) and 3 (with ss. 2(5) and 20) power exercised by S.I.1991/2571

Textual Amendments

F1 Words added by S.I. 1983/1123, art. 3, Sch. para. 1(a)

F2 Words inserted by S.I. 1983/1123, art. 3, Sch. para. 1(b)

Changes to legislation: There are currently no known outstanding effects for the International Carriage of Perishable Foodstuffs Act 1976, Cross Heading: General provisions as to regulation of international carriage of perishable foodstuffs. (See end of Document for details)

3 Provisions supplementary to section 2.

- (1) Without prejudice to the generality of section 2(1) of this Act, the Secretary of State may make regulations with respect to any of the following matters—
- (a) the authorisation of qualified persons and of certifying officers, the imposition of conditions to be complied with by such persons and the withdrawal of authorisations;
 - (b) the manner in which and conditions under which testing is or is to be carried out, and the inspection of premises at which and apparatus with which testing is or is to be carried out;
 - (c) the conditions to be complied with as respects designated stations and the withdrawal of approval of designated stations;
 - (d) the manner in which application may be made for examination and testing, the manner in which and time within which appeals may be brought and the fees to be paid in connection with examination and testing;
 - (e) the form of and particulars to be contained in examination and test reports;
 - (f) the form of and particulars to be contained in certificates [^{F3} and plates] issued under section 2 of this Act and notifications of the refusal or cancellation thereof;
 - (g) the issue of certified copies of certificates [^{F4} or duplicates of plates] issued under section 2 of this Act, and the fees to be paid therefor;
 - [^{F5}(gg) the position and the manner in which certification plates are to be affixed;
 - (h) the position and the manner in which designated marks are to be affixed;
 - (i) the period of validity of a certificate [^{F6} or plate] issued under section 2 of this Act;
 - (j) the carrying of a certificate issued under section 2 of this Act on transport equipment in such manner and in such place as may be prescribed;
 - (k) the circumstances in which and the conditions under which a certificate [^{F6} or plate] issued under section 2 of this Act may be renewed, cancelled, transferred or surrendered;
 - (l) the notification of alterations made to or damage suffered by transport equipment in respect of which a certificate [^{F6} or plate] has been issued under section 2 of this Act;
 - (m) the periodic examination and testing of equipment in respect of which a certificate [^{F6} or plate] has been issued under section 2 of this Act.
- (2) Regulations under this section may exempt prescribed classes of transport equipment from all or any of the provisions of the regulations either generally or in prescribed circumstances; and different provision may be made by the regulations for different cases or classes of case.
- (3) Regulations under this section may also make provision for the recognition of prescribed documents [^{F7} or plates] issued outside the United Kingdom or issued by such bodies as may be authorised in that behalf by the Secretary of State.

Subordinate Legislation Made

P5 S. 3 power exercised by S.I. 1991/425.

S. 3:s. 1 (with ss. 2(1)(5), 3 and 20) power exercised by S.I. 1991/969

S. 3: ss. 1, 2(1) and 3 (with ss. 2(5) and 20) power exercised by S.I. 1991/2571

P6 S.3: power previously exercised by S.I. 1985/1071, 1987/1066, 1989/1185, 1990/2033.

Changes to legislation: There are currently no known outstanding effects for the International Carriage of Perishable Foodstuffs Act 1976, Cross Heading: General provisions as to regulation of international carriage of perishable foodstuffs. (See end of Document for details)

Textual Amendments

- F3** Words inserted by S.I. 1983/1123, art. 3, **Sch. para. 2(a)(i)**
- F4** Words inserted by S.I. 1983/1123, art. 3, **Sch. para. 2(a)(ii)**
- F5** S. 3(1)(gg) inserted by S.I. 1983/1123, art. 3, **Sch. para. 2(iii)**
- F6** Words inserted by S.I. 1983/1123, art. 3, **Sch. para. 2(a)(iv)**
- F7** Words inserted by S.I. 1983/1123, art. 3, **Sch. para. 2(b)**

4 Approval of type equipment.

- (1) Where the Secretary of State is satisfied in respect of a vehicle of a particular class, that the prescribed standards are complied with in respect of that vehicle, he may, on payment of the prescribed fee, approve that vehicle as a type vehicle of that class (in this section referred to as a “type vehicle”).
- (2) The Secretary of State shall not approve a vehicle as a type vehicle unless he is satisfied that adequate arrangements have been made to secure that other vehicles purporting to conform with that vehicle as respects the prescribed standards will so conform.
- (3) Where a type vehicle has been approved under this section, a certifying officer may, if he is satisfied, after examination if he thinks fit, that any other vehicle conforms with the type vehicle, issue a certificate certifying that that vehicle does so conform and such a certificate shall for the purposes of this Act be deemed to be a certificate issued under section 2 of this Act and shall have effect accordingly.
- (4) The Secretary of State may at any time withdraw approval given under this section.
- (5) Any person aggrieved by the determination of a certifying officer under this section may appeal to the Secretary of State who may make such determination as he thinks fit.
- (6) The Secretary of State may make regulations specifying the manner in which and time within which appeals may be brought under subsection (5) above.
- (7) In this section “vehicle” means a goods vehicle, railway wagon or container.

Changes to legislation:

There are currently no known outstanding effects for the International Carriage of Perishable Foodstuffs Act 1976, Cross Heading: General provisions as to regulation of international carriage of perishable foodstuffs.