



International Carriage of Perishable Foodstuffs Act 1976

1976 CHAPTER 58

Miscellaneous and supplementary

16 Amendment of ATP.

[^{F1}(1) If at any time it appears to Her Majesty in Council that Her Majesty's Government in the United Kingdom have agreed to any revision of the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP) Her Majesty may by Order in Council make such amendments of this Act as Her Majesty considers appropriate in consequence of the revision.

(1A) In subsection (1) above “revision” means an omission from, addition to or alteration of that Agreement and includes replacement of that Agreement or part of it by another agreement.]

(2) No recommendation shall be made to Her Majesty in Council to make an order under this section unless a draft thereof has been laid before and approved by each House of Parliament.

Textual Amendments

F1 S. 16(1)(1A) substituted for s. 16(1) by [International Transport Conventions Act 1983 \(c. 14, SIF 102\)](#), s. 9, [Sch. 2 para. 4](#)

17 Application to the Bailiwick of Jersey.

(1) Her Majesty may, by Order in Council, direct that this Act shall extend, subject to such exceptions, adaptations and modifications as may be specified in the Order, to the Bailiwick of Jersey.

Changes to legislation: There are currently no known outstanding effects for the International Carriage of Perishable Foodstuffs Act 1976, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)

- (2) An Order in Council made under this section may contain such transitional and supplementary provisions as appear to Her Majesty to be expedient and may be varied or revoked by a subsequent Order in Council made under this section.

18 Financial provisions.

- (1) There shall be paid out of moneys provided by Parliament—
- (a) any expenses of the Secretary of State under this Act;
 - (b) such remuneration and such salaries or allowances to certifying officers and examiners as the Secretary of State may, with the consent of the Minister for the Civil Service, determine; and
 - (c) any sums required by the Secretary of State for making loans under section 5 of this Act.
- (2) There shall be paid into the Consolidated Fund any sums received by the Secretary of State under this Act.

19 Interpretation.

- (1) In this Act, unless the context otherwise requires—
- “Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP)”, means the agreement of that name concluded in Geneva on 1 September 1970;
- “certificate of compliance” means a valid certificate issued under section 2 of this Act and includes a certified copy issued under section 3 of this Act and a document recognised under that section;
- [^{F2}“certification plate” means a plate issued under section 2 of this Act, and includes a duplicate plate issued under section 3 of this Act and a plate recognised under that section;]
- “container” means an article of equipment having a minimum volume of 8 cubic metres, designed and constructed for repeated use for the inter-modal carriage of goods by road, rail and water and for interchange between these forms of transport;
- “driver”—
- (a) in relation to a motor vehicle, includes any person who is in charge of the vehicle and, if a separate person acts as steersman, includes that person as well as any other person in charge of the vehicle or engaged in the driving of it, and
 - (b) in relation to a trailer, means any person who (in accordance with the preceding paragraph) is the driver of the motor vehicle by which the trailer is drawn;
- “enactment” includes an enactment of the Parliament of Northern Ireland or of the Northern Ireland Assembly, and an Order in Council having the same effect as such an enactment;
- “foreign goods vehicle” means a goods vehicle which has been brought into the United Kingdom and which, if a motor vehicle, is not registered in the United Kingdom or, if a trailer, is drawn by a motor vehicle not registered in the United Kingdom which has been brought into the United Kingdom;

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“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage or haulage of goods or burden of any description, or a trailer so constructed or adapted;

“international carriage” means carriage either between a place in the United Kingdom and a place outside the United Kingdom, the Channel Islands and the Isle of Man or, if the journey passes through any part of the United Kingdom, between places both of which are outside the United Kingdom, the Channel Islands and the Isle of Man;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“perishable foodstuffs” means foodstuffs prescribed as such;

“prescribed” means prescribed by regulations made by the Secretary of State;

“trailer” means a vehicle drawn by a motor vehicle;

“transport equipment” means goods vehicles, railway wagons and containers.

- (2) In this Act any reference to driving a vehicle shall, in relation to a trailer be construed as a reference to driving a motor vehicle by which the trailer is drawn.
- (3) In this Act any reference to a motor vehicle drawing a trailer, or to a motor vehicle by which a trailer is drawn, shall be construed as a reference to a motor vehicle to which a trailer is attached for the purpose of being drawn by it; and where, for the purpose of being drawn by a motor vehicle, two or more trailers (one of which is attached to the motor vehicle) are attached to each other, the motor vehicle shall for the purposes of this Act be treated as drawing each of those trailers.
- (4) For the purposes of this Act a motor vehicle which does not for the time being have exhibited on it a licence or trade plates [^{F3}issued under the Vehicle Excise and Registration Act 1994 shall] be presumed, unless the contrary is proved, not to be registered in the United Kingdom. shall be presumed, unless the contrary is proved, not to be registered in the United Kingdom.
- (5) Where, in accordance with subsection (4) of this section, a motor vehicle is presumed not to be registered in the United Kingdom, but is subsequently proved to have been so registered, anything which—
 - (a) has been done in relation to the vehicle, or in relation to a trailer drawn by it, by a person relying in good faith on that presumption and purporting to act by virtue of any provision of this Act, and
 - (b) would have been lawfully done by virtue of that provision if the vehicle had not been registered in the United Kingdom,shall be treated as having been lawfully done by virtue of that provision.
- (6) Any reference in this Act to an enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

Textual Amendments

F2 Definition inserted by S.I. 1983/1123, art. 3, Sch. para. 8.

F3 Words in s. 19(4) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), Sch. 3 para. 9 (with s. 57(4))

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20 Regulations.

- (1) Any power conferred by this Act on the Secretary of State to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any regulations made under this Act may contain such incidental and supplementary provisions as the Secretary of State considers expedient for the purposes of the regulations.

Subordinate Legislation Made

- P1** S.20 power exercised by [S.I. 1991/425](#).
S. 20:s. 1 (with ss. 2(1)(5), 3 and 20) power exercised by [S.I. 1991/969](#)
S. 20: ss. 1, 2(1) and 3 (with ss. 2(5) and 20) power exercised by [S.I.1991/2571](#)
- P2** S.20 power previously exercised by [S.I. 1985/1071](#), 1989/1185, 1990/2033.

21 Short title, commencement and extent.

- (1) This Act may be cited as the International Carriage of Perishable Foodstuffs Act 1976.
- (2) This Act shall come into force on a day appointed by the Secretary of State by order made by statutory instrument; and different days may be appointed under this subsection for different provisions of this Act or for different provisions of this Act so far as they apply to such cases or classes of cases as may be specified in the order.
- (3) The power to make an order under this section includes power to vary or revoke a previous order before the day appointed thereby.
- (4) This Act extends to Northern Ireland.

Modifications etc. (not altering text)

- C1** 1.10.1979 appointed under s. 21(2) by [S.I. 1979/413](#)

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