



International Carriage of Perishable Foodstuffs Act 1976

1976 CHAPTER 58

Offences

7 Offences as to use of transport equipment.

- (1) If any person without reasonable excuse uses or causes or permits to be used transport equipment for the international carriage of perishable foodstuffs, being equipment required to comply with regulations under this Act—
 - [^{F1}(a) without there being either a certificate of compliance in force for that equipment or a valid certification plate affixed to it in accordance with regulations under this Act,]
 - (b) without exhibiting the designated mark for that equipment, or
 - (c) in contravention of any regulations made under this Act,he shall be guilty of an offence.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding [^{F2}level 3 on the standard scale].
- (3) In any proceedings for an offence under this section, it shall be a defence for the person charged to prove that—
 - (a) he is the carrier for hire or reward of the perishable foodstuffs to which the charge relates; and
 - (b) it is a term of the contract for the carriage that he does not undertake to comply or to secure compliance with the requirements of the regulation to which the charge relates.

Textual Amendments

F1 S. 7(1)(a) substituted by S.I. 1983/1123, art. 3, **Sch. para. 4**

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

F2 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 6](#)

8 Affixing, etc. of designated marks.

- (1) Any person who, without reasonable excuse—
- (a) affixes or causes or permits to be affixed a designated mark, or
 - (b) permits a designated mark to remain affixed,
- to transport equipment at a time when there is not in force a certificate of compliance for the equipment, shall be guilty of an offence and on summary conviction liable to a fine not exceeding [^{F3}level 3 on the standard scale].
- (2) Any person who—
- (a) with intent to deceive applies to transport equipment a mark so nearly resembling a designated mark as to be calculated to deceive, or
 - (b) fails without reasonable excuse to comply with the direction of an examiner to remove to remove a mark so calculated to deceive,
- shall be guilty of an offence and on summary conviction liable to a fine not exceeding [^{F3}level 3 on the standard scale].

Textual Amendments

F3 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 6](#)

9 Forgery of certificates of compliance.

- (1) Any person who, with intent to deceive—
- (a) [^{F4}forges, or alters, or] uses or lends to, or allows to be used by, any other person, a certificate of compliance, or
 - (b) makes or has in his possession any document so closely resembling a certificate of compliance as to be calculated to deceive,
- shall be guilty of an offence and shall be liable—
- (i) on conviction on indictment to a fine or to imprisonment for a term not exceeding 2 years or to both;
 - (ii) on summary conviction, to a fine not exceeding £200.
- [^{F5}(2) Any person who, with intent to deceive—
- (a) forges, or alters, or uses or lends to, or allows to be used by, any other person, a certification plate, or
 - (b) makes or has in his possession a plate so closely resembling a certification plate as to be calculated to deceive,
- shall be guilty of an offence and shall be liable as mentioned in paragraphs (i) and (ii) of subsection (1) above.
- (3) In the application of subsection (2) above to England, Wales and Northern Ireland “forges” means makes a false plate in order that it may be used as genuine.]

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

Textual Amendments

- F4** Words repealed (E.W.) (N.I.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), **Sch. Pt. I**
- F5** [S. 9\(2\)](#) repealed by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, **Sch. Pt. I** and s. 9(2) (3) inserted by [S.I. 1983/1123](#), **art. 5**

10 False statements and withholding material information.

- (1) Any person who knowingly makes a false statement for the purpose of obtaining the issue of a certificate of compliance [^{F6}or a certification plate] under this Act to himself or any other person shall be guilty of an offence.
- (2) Any person who, in supplying information or producing documents for the purposes of regulations made under this Act, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, or produces, furnishes, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, furnishes, sends or otherwise makes use of a document which is false in a material particular shall be guilty of an offence.
- (3) A person guilty of an offence under subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding [^{F7}level 4 on the standard scale].

Textual Amendments

- F6** Words inserted by [S.I. 1983/1123](#), art. 3, **Sch. para. 6**
- F7** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**

Changes to legislation:

There are currently no known outstanding effects for the International Carriage of Perishable Foodstuffs Act 1976, Cross Heading: Offences.