

STATUTORY INSTRUMENTS

1983 No. 1123

ROAD TRAFFIC

**The International Carriage of Perishable Foodstuffs Act 1976
(Amendment) Order 1983***Laid before Parliament in draft**Made - - - - - 27th July 1983**Coming into operation in accordance with Article 1*

At the Court at Buckingham Palace, the 27th day of July 1983

Present,

The Queen's Most Excellent Majesty in Council

Whereas it appears to Her Majesty in Council that Her Majesty's Government in the United Kingdom have agreed to certain alterations of the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP)(a):

And whereas a draft of this Order has been laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 16(1) of the International Carriage of Perishable Foodstuffs Act 1976(b), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and Commencement

1. This Order may be cited as the International Carriage of Perishable Foodstuffs Act 1976 (Amendment) Order 1983 and shall come into operation on the day after the day on which it is made.

(a) Cmnd. 8272.

(b) 1976 c. 58; sections 6(3) and (4), 7(2), 8(1) and (2), 9(1), 10(3) and 11(5) are modified by Parts III and IV of the Criminal Justice Act 1982 (c. 48); section 9 is modified by section 289B(2) of the Criminal Procedure (Scotland) Act 1975 (c. 21) (inserted by section 63 of, and paragraph 5 of Schedule 11 to, the Criminal Law Act 1977 (c. 45)) and by section 32(2) of the Magistrates' Courts Act 1980 (c. 43), and repealed in part by section 30 of, Part I of the Schedule to, the Forgery and Counterfeiting Act 1981 (c. 45); section 16 is amended by section 9 of, and paragraph 4 of Schedule 2 to, the International Transport Conventions Act 1983 (c. 14).

Interpretation

2. In this Order the "1976 Act" means the International Carriage of Perishable Foodstuffs Act 1976.

Amendment of the 1976 Act

3. The 1976 Act shall be amended in accordance with the Schedule to this Order.

N. E. Leigh,
Clerk of the Privy Council.

Article 3

SCHEDULE

AMENDMENTS OF THE 1976 ACT.

1. In section 2 (provisions as to examination and testing), in subsection (1)—
 - (a) in paragraph (a) there shall be added at the end "or of a certification plate"; and
 - (b) in paragraph (b) after "certificate" there shall be inserted "or plate".
2. In section 3 (provisions supplementary to section 2)—
 - (a) in subsection (1)—
 - (i) in paragraph (f) after "certificates" there shall be inserted "and plates";
 - (ii) in paragraph (g) after "certificates" there shall be inserted "or duplicates of plates";
 - (iii) after paragraph (g) there shall be inserted—

“(gg) the position and the manner in which certification plates are to be affixed;” and
 - (iv) in paragraphs (i), (k), (l) and (m) after "certificate" there shall be inserted "or plate"; and
 - (b) in subsection (3) after "documents" there shall be inserted "or plates".
3. In section 6 (powers of entry and inspection)—
 - (a) in subsection (2)(b) after "certificate of compliance" there shall be inserted "or certification plate"; and
 - (b) after subsection (2) there shall be inserted—

“(2A) Subsection (2)(c) above shall not apply in relation to any vehicle or container to which a valid certification plate is affixed in accordance with regulations under this Act; but an examiner may, at any time and on production if so required of his authority, detain any such vehicle or container for the purpose of inspecting the plate and copying the particulars contained in it.”.

4. In section 7 (offences as to use of transport equipment) for subsection (1)(a) there shall be substituted—

“(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,”.

5. In section 9 (forgery of certificates of compliance) after subsection (1) there shall be inserted the following subsections—

“(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.”.

6. In section 10 (false statements and withholding material information in subsection (1) after “certificate of compliance” there shall be inserted “or a certification plate”.

7. In section 11 (power to prohibit driving of foreign goods vehicles) for subsection (1)(a) there shall be substituted—

(a) the vehicle is required to comply with regulations under this Act and—

(i) there is not produced to him in respect of the vehicle a certificate of compliance, and

(ii) no valid certification plate is affixed to it in accordance with regulations under this Act; or”.

8. In section 19 (Interpretation) in subsection (1) after the definition of “certificate of compliance” there shall be inserted—

“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;”.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the International Carriage of Perishable Foodstuffs Act 1976 in consequence of alterations of the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP) concluded in Geneva on 1st September 1970.

The alterations are made to Annex I to the Agreement and are published in Cmnd. 8842.

The alterations provide for the introduction of a certification plate as an alternative to a certificate of compliance as evidence of the compliance of transport equipment with ATP standards for the international carriage of perishable foodstuffs.

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