
STATUTORY INSTRUMENTS

1985 No. 1071

The International Carriage of Perishable Foodstuffs Regulations 1985

PART V

TESTS AND EXAMINATIONS

Tests and examinations of transport equipment

9.—(1) Any person wishing to have transport equipment tested shall, at least 28 days before the date on which such person proposes that the test should take place, make an application for that purpose to a qualified person, and any person wishing to have transport equipment examined shall, at least 14 days before such person proposes that the examination should take place, make an application for that purpose to a qualified person.

(2) Every such application shall be made on a form approved by the Secretary of State, and shall contain the particulars required by that form.

(3) Every test of transport equipment shall be carried out at a designated station by or under the direction of a qualified person and in accordance with the relevant provisions of ATP, Annex 1, Appendix 2.

(4) Every examination of transport equipment shall be carried out by or under the direction of a qualified person at a place (whether a designated station or not) approved for that purpose by that person and in accordance with the relevant provisions of ATP, Annex 1, Appendix 2.

Results of tests

10.—(1) On completion of a test of transport equipment the qualified person shall complete a Test Report in accordance with ATP, Annex 1, Appendix 2, paragraph 48.

(2) Subject to paragraph (3) below, the qualified person shall notify the applicant in writing whether or not as a result of the test the transport equipment is found to comply with the prescribed standards for the class of equipment in respect of which the application was made and if the equipment is found not to comply of the respects in which it is found not to comply.

(3) If as a result of a test, transport equipment is found not to comply with the prescribed standards for the class of equipment in respect of which the application was made but the equipment is found to comply with the prescribed standards for another class, the qualified person shall comply with paragraph (2) above and also in writing inform the applicant that the equipment does comply with the prescribed standard for that other class.

(4) In this Regulation “the qualified person” means the qualified person by whom or under whose direction the test is carried out.

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Results of examinations

11.—(1) Subject to paragraph (2) below, the qualified person shall notify the applicant in writing whether or not as a result of the examination he concludes that the transport equipment complies with the prescribed standards for the class of equipment in respect of which the application was made.

(2) If as a result of an examination the qualified person does not conclude that the transport equipment complies with the prescribed standards for the class of equipment in respect of which the application was made, he shall notify the applicant in writing—

(i) of his reasons and,

(ii) that a certificate or plate cannot be issued unless either any repairs to the equipment specified by him which will bring the equipment into compliance with such standards are carried out to his satisfaction or the equipment is subjected to a test and it is found on the test that the equipment does comply with the prescribed standards for that class or another class of transport equipment.

(3) In this Regulation “the qualified person” means the qualified person by whom or under whose direction the examination is carried out.