
STATUTORY INSTRUMENTS

1985 No. 1071

**The International Carriage of
Perishable Foodstuffs Regulations 1985**

PART VI

**CERTIFICATES OF COMPLIANCE, CERTIFICATION
PLATES AND DESIGNATED MARKS**

Issue of certificate of compliance or certification plate

12.—(1) A certificate of compliance or a certification plate shall be issued by a certifying officer.

(2) A certifying officer shall issue a certificate of compliance or a certification plate in respect of a particular class of transport equipment—

- (a) if as a result of a test the transport equipment is found by a qualified person to comply with the prescribed standards for the class of transport equipment in respect of which the application for a test was made or, at the request of the applicant, if the equipment tested is found to comply with the prescribed standards for another class of transport equipment; or
- (b) in the case of equipment already in service, if as a result of an examination of the transport equipment a qualified person concludes that it complies with the prescribed standards for the class of transport equipment in respect of which the application for an examination was made or, where the qualified person concludes that the equipment does not comply, if any repairs to the equipment specified by the qualified person which will bring the equipment into compliance with such standards have been carried out to the satisfaction of the qualified person; or
- (c) if he is satisfied in accordance with section 4 of the 1976 Act that the equipment conforms to a type approved in accordance with that section,

and in any other case he shall refuse to issue a certificate of compliance or a certification plate.

Form of, and particulars to be contained in, certificate of compliance and certification plate

13. A certificate of compliance and a certification plate shall be in the form, and shall contain the particulars specified, in ATP, Annex 1, Appendix 3.

Duration of certificate of compliance and certification plate

14. A certificate of compliance and a certification plate shall, unless previously cancelled or surrendered, be valid—

- (a) if it is issued as a result of a test of the transport equipment to which it relates, for a period not exceeding six years from the date on which it is issued;
- (b) if it is issued as a result of an examination of the transport equipment to which it relates, for a period not exceeding three years from the date on which it is issued;

- (c) if it is issued on the basis of compliance with an approved type, for a period not exceeding six years from the date on which it is issued.

Custody of certificate of compliance

15.—(1) Where perishable foodstuffs are being carried in transport equipment on an international journey which is to be effected entirely by road, or entirely by road and by sea crossing, and there is to be no transloading during such journey, any certificate of compliance in force in respect of that equipment shall be carried—

- (a) if the transport equipment is a motor vehicle or a container borne on a motor vehicle, by the driver of the motor vehicle,
- (b) if the transport equipment is a trailer or a container borne on a trailer, by the driver of the motor vehicle by which the trailer is drawn.

(2) Where perishable foodstuffs are being carried in transport equipment on an international journey which is to be effected by any means other than those specified in paragraph (1) above any certificate of compliance in force in respect of that equipment shall be in the custody of the operator of that equipment.

Position and manner in which certification plate to be affixed

16. A certification plate issued in respect of transport equipment shall be affixed to the equipment in the position and in the manner specified in ATP, Annex 1, Appendix 3.

Issue of certified copy of certificate of compliance or duplicate of certification plate

17.—(1) If a certificate of compliance or a certification plate has been lost, destroyed or defaced, the operator of the transport equipment shall forthwith in writing inform a certifying officer of the loss, destruction or defacement.

(2) If—

- (a) a certifying officer is satisfied that a certificate of compliance or a certification plate has been lost, destroyed or defaced during the currency thereof and,
- (b) in the case of any such certificate or plate which has been defaced, it is surrendered to a certifying officer

the certifying officer shall, on receipt of the prescribed fee, issue a copy of such certificate or a duplicate of such plate.

(3) Where a certificate of compliance or a certification plate has been lost and after a copy or duplicate has been issued the lost certificate or plate is found and comes into the possession of the operator of the transport equipment, such operator shall forthwith return to a certifying officer the certificate or plate which has been found.

(4) In the event of any person to whom a certificate of compliance has been issued—

- (a) requesting a certifying officer to issue a copy of that certificate and
- (b) paying the prescribed fee

a certifying officer shall issue a copy of that certificate to such person.

(5) Every copy of a certificate of compliance issued in accordance with this Regulation shall—

- (a) be certified, by the certifying officer by whom it is issued, as a copy, and
- (b) have effect as the certificate of which it is a copy.

(6) Every duplicate of a certification plate issued in accordance with this Regulation shall be marked as a duplicate and shall have effect as the certification plate of which it is a duplicate.

Transfer of certificate of compliance or certification plate

18. On the application of a person to whom a certificate of compliance or a certification plate has been issued for the transfer of the certificate or plate to another person who has become the owner or operator of the transport equipment to which the certificate or plate relates, and on receipt of the certificate or plate, a certifying officer may transfer the certificate or plate to the new owner or operator of the equipment.

Surrender of certificate of compliance or certification plate

19. A person to whom a certificate of compliance or a certification plate has been issued may surrender it by submitting it to a certifying officer with a written statement to the effect that he wishes to surrender the certificate or plate.

Cancellation of certificate of compliance or certification plate

20.—(1) A certifying officer who, following an examination of transport equipment in respect of which a certificate of compliance or a certification plate issued in the United Kingdom is in force, is satisfied that the equipment does not comply with the prescribed standard for the class of equipment to which the certificate or plate relates may cancel the certificate or plate.

(2) Where a certifying officer cancels a certificate or plate he shall notify the holder of the certificate or plate in writing that it is cancelled and thereupon the holder shall return the certificate or plate to the certifying officer.

Recognition of documents and plates

21. The following documents or plates shall, during the period for which they are in force, or in the case of document or plate which has not been issued for a period, during the period from the date of its issue until the third anniversary of that date or the earlier cancellation of the document or plate, be recognised as certificates of compliance or certification plates pursuant to section 3(3) of the 1976 Act:—

- (a) a certificate or plate issued by the competent authority of a Contracting Party to ATP other than the United Kingdom, or a Member State of the European Economic Community;
- (b) a certificate or plate issued by the competent authority of a State with which Her Majesty's Government has made an agreement or arrangement for the mutual recognition of such certificates or plates;
- (c) a certificate issued, before the 1st October 1979, by the Shipowners Refrigerated Cargo Research Association in respect of insulated, refrigerated, mechanically refrigerated, or heated transport equipment used for the international carriage of perishable foodstuffs by land;
- (d) a certificate issued, before the 1st October 1979, by Lloyd's Register of Shipping in respect of transport equipment consisting of an insulated, refrigerated, mechanically refrigerated or heated container;
- (e) a certificate or plate issued at any time in respect of transport equipment by any of the following organisations—
 - (i) Transfrigoroute Europe,
 - (ii) Interfrigo, and
 - (iii) Transfesa;

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more***

- (f) a copy of a certificate or duplicate of a plate issued by any authority or body referred to in sub-paragraphs (a) to (e) (inclusive) above and certified by that authority or body as a copy or duplicate of a certificate or plate issued by it.

Form of, and particulars to be contained in, designated marks

22. Markings in the form and of the colour and size specified in ATP, Annex 1, Appendix 4 are hereby prescribed as designated marks to be affixed to transport equipment in respect of which there exists a certificate of compliance, such markings to be appropriate to the class of equipment to which the certificate relates.