
STATUTORY INSTRUMENTS

1985 No. 1071

ROAD TRAFFIC

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

<i>Made</i>	- - - -	<i>12th July 1985</i>
<i>Laid before Parliament</i>		<i>24th July 1985</i>
<i>Coming into Operation</i>		<i>15th August 1985</i>

The Secretary of State for Transport in exercise of the powers conferred by sections 1, 2(1) and (5), 3, 4(1) and (6) and 20 of the International Carriage of Perishable Foodstuffs Act 1976(1), and of all other enabling powers, hereby makes the following Regulations:—

PART I
PRELIMINARY

Commencement, citation and revocation

1.—(1) These regulations shall come into operation on 15th August 1985 and may be cited as the International Carriage of Perishable Foodstuffs Regulations 1985.

(2) The International Carriage of Perishable Foodstuffs Regulations 1979 the International Carriage of Perishable Foodstuffs (Fees) Regulations 1979 and the International Carriage of Perishable Foodstuffs (Amendment) Regulations 1981 are hereby revoked.

Interpretation and transitional provision

2.—(1) In these Regulations—

“the 1976 Act” means the International Carriage of Perishable Foodstuffs Act 1976;

“ATP” means 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(2) as amended pursuant to Article 18 of the Agreement by an amendment to Annex 3

(1) The Act is amended by section 9 of, and paragraph 4 of Schedule 2 to, the International Transport Conventions Act 1983 (c. 14) and by S.I. 1983/1123.

(2) Cmnd. 8272.

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to the Agreement which came into operation on 28th April 1981⁽³⁾, amendments to Annex 1 to the Agreement which came into operation on 22nd May 1981⁽⁴⁾, 13th February 1983⁽⁵⁾ and 15th January 1984⁽⁶⁾ and amendments to Annex 3 to the Agreement which came into operation on 20th January 1985⁽⁷⁾;

“examination”—

- (a) in relation to insulated equipment, means the procedure for checking the insulating capacity of equipment specified in ATP, Annex 1, Appendix 2, paragraph 29, and
- (b) in relation to refrigerated, mechanically refrigerated and heated equipment, means the procedures for checking the insulating capacity of equipment specified in ATP, Annex 1, Appendix 2, paragraph 29, and for verifying the efficiency of thermal appliances specified in ATP, Annex 1, Appendix 2, paragraph 49, and

“examined” shall be construed accordingly;

“K coefficient” has the same meaning as in ATP, Annex 1, Appendix 2, paragraphs 1 to 6 inclusive;

“prescribed fee” means a fee prescribed by these Regulations;

“prescribed standards” in relation to transport equipment, means the standards to be complied with by transport equipment specified in Regulation 6;

“test”—

- (a) as to measuring the K coefficient, means the procedures specified in ATP, Annex 1, Appendix 2, paragraphs 7 to 27 (inclusive), and
- (b) as to determining the efficiency of thermal appliances, means—
 - (i) in relation to refrigerated equipment, the procedure specified in paragraphs 32 to 36 (inclusive) of the said Appendix,
 - (ii) in relation to mechanically refrigerated equipment the procedure specified in paragraphs 37 to 42 (inclusive) of the said Appendix, and
 - (iii) in relation to heated equipment, the procedure specified in paragraphs 43 to 47 (inclusive) of the said Appendix; and

“tested” and “testing” shall be construed accordingly.

(2) A reference in these Regulations to a numbered Regulation is a reference to the Regulation so numbered in these Regulations.

(3) Any certificate of compliance or copy of a certificate of compliance issued, examination or test carried out, application made, notification or notice given or other thing done under the Regulations revoked by these Regulations shall not be affected by the revocation but shall have effect as if issued, carried out, made, given or done under these Regulations.

Application of Regulations

3. These Regulations apply to transport equipment used or intended to be used for the international carriage of perishable foodstuffs where the journey is, or is to be, effected by road or rail, or by a sea crossing of less than 150 kilometres, or by any combination thereof.

(3) Cmnd. 8220.

(4) Cmnd. 8221.

(5) Cmnd. 8842.

(6) Cmnd. 9110.

(7) Paragraph (b) only of the amendments to Annex 3 in Cmnd. 9145.

PART II

PERISHABLE FOODSTUFFS

Foodstuffs prescribed as perishable foodstuffs

4. The foodstuffs and classes of foodstuffs specified in ATP, Annexes 2 and 3 are hereby prescribed as perishable foodstuffs for the purpose of the 1976 Act.

Temperature limits prescribed for the carriage of perishable foodstuffs in transport equipment

5. The temperature limits for the international carriage of the various classes of perishable foodstuffs are those specified in relation to each class—

- (a) in ATP, Annex 2, where the carriage is of quick (deep) frozen or frozen foodstuffs, or
- (b) in ATP, Annex 3, where the carriage is of foodstuffs which are neither quick (deep) frozen nor frozen.

PART III

TRANSPORT EQUIPMENT

Standards prescribed for transport equipment

6. Transport equipment to which these Regulations apply shall, subject to the provisions of ATP, Annex 1, paragraph 5, comply with the standards for one of the classes (insulated, refrigerated, mechanically refrigerated or heated equipment) in paragraphs 1 to 4 (inclusive) of ATP, Annex 1 and shall be such as to ensure that throughout an international journey for the carriage of perishable foodstuffs of a particular class, the temperature limits referred to in Regulation 5 are not exceeded in respect of perishable foodstuffs of that class.

Requirements as to alterations or damage to transport equipment

7. Where transport equipment in respect of which a certificate of compliance or a certification plate is in force is so altered or damaged that its thermal efficiency may be affected, the operator of the equipment shall forthwith give notice thereof to a certifying officer.

PART IV

DESIGNATED STATIONS

Conditions to be complied with as respects designated stations

8.—(1) Every designated station, and all the apparatus thereat for carrying out tests of transport equipment, shall, on due notice being given, make provision and be available for carrying out—

- (a) tests of such classes and types of transport equipment as are specified in the designation of the premises as a designated station, and
- (b) such examinations of transport equipment as the Secretary of State may from time to time require to be carried out.

(2) The Secretary of State may at any time withdraw his approval of a designated station by notice in writing to the operator of the station and thereupon the station shall cease to be a designated station for the purposes of the 1976 Act and these Regulations.

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.

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.

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;

- (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.

PART VII

APPEALS

Appeals to the Secretary of State in respect of decisions by certifying officers

23. Where a certifying officer decides—

- (a) in pursuance of section 2 of the 1976 Act and Regulation 12, to refuse to issue a certificate of compliance or a certification plate; or
- (b) in pursuance of section 4 of that Act, that a vehicle does not conform with a type vehicle; or
- (c) in pursuance of Regulation 20, to cancel a certificate of compliance or a certification plate,

he shall notify the applicant for the certificate or plate, or for the certificate of conformity under section 4 of the Act of 1976 or the person who was the operator of the transport equipment immediately before the certificate or plate was cancelled, as the case may be, and a person aggrieved by any such decision may, within a period of six weeks from the date of such notification, appeal to the Secretary of State by notice in writing to the address specified in the notification, and the Secretary of State may make such determination on the appeal as he thinks fit.

PART VIII

FEES

Fees payable in respect of testing, type approval and examinations of transport equipment

24.—(1) The fees specified in Part I of the Schedule to these Regulations are to be paid in connection with the testing of a unit of transport equipment.

(2) The fees specified in Part II of that Schedule are to be paid in connection with the testing and approval of a unit of transport equipment as a type vehicle for the certification of a type vehicle and for the certification of a vehicle which a certifying officer is satisfied conforms with a type vehicle.

(3) The fees specified in Part III of that Schedule are to be paid in connection with the examination of a unit of transport equipment.

Fees payable for certified copy of certificate of compliance or duplicate of certification plate

25. The fee of £5 is to be paid for the issue of a certified copy of a certificate of compliance or a duplicate of a certification plate.

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12th July 1985

Nicholas Ridley
Secretary of State for Transport

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SCHEDULE

(See Regulation 24)

Part I Testing)

1. Fee for the testing of a unit of transport equipment	£250
2. Fee for the use of the facilities of a designated station for each day, or part of a day, in which such facilities are used for the purpose of the testing of a unit of transport equipment	£220
3. Fee for the certification of a unit of transport equipment which has been tested	£55

Part II (Type Approval)

1. Fee for the testing of a unit of transport equipment as a type vehicle and the inspection of arrangements for ensuring conformity of production	£750
2. Fee for the use of the facilities of a designated station for each day, or part of a day, in which such facilities are used for the purpose of the testing of a unit of transport equipment as a type vehicle	£220
3. Fee for the certification of a type vehicle	£325
4. Fee for the certification of a vehicle which a certifying officer is satisfied conforms with a type vehicle	£60

Part III (Examination)

1. Fee for the examination at the Refrigerated Vehicle Test Centre of a unit of transport equipment	£55
2. Fees for examination at a place other than the Refrigerated Vehicle Test Centre of a unit of transport equipment—	
(a) for up to four units presented at the same time for examination, for each unit	£160
(b) for each unit in addition	£40
3. Fee for the certification of a unit of transport equipment which has been examined	£55

EXPLANATORY NOTE

These Regulations consolidate with amendments the International Carriage of Perishable Foodstuffs Regulations 1979, the International Carriage of Perishable Foodstuffs (Fees) Regulations 1979 and the International Carriage of Perishable Foodstuffs (Amendment) Regulations 1981.

The principal changes are as follows:—

- (a) The Regulations take account of the amendments made to the International Carriage of Perishable Foodstuffs Act 1976 by the International Carriage of Perishable Foodstuffs (Amendment) Order 1983 which introduces 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.
- (b) The period of validity of a certificate of compliance is changed so that it may be issued for any period of validity up to six years where the equipment has passed a test or complies with an approved type, or three years where the equipment has passed an examination. (Regulation 14).
- (c) The fees payable in respect of testing, type approval and examinations of transport equipment are changed (Regulation 24 and the Schedule). The changes are:—

<i>TESTING</i>	<i>OLD FEE</i>	<i>NEW FEE</i>
1. Fee for testing of unit of equipment	£480	£250
2. Fee for use of facilities of designated station for each day, or part of a day, in which used for testing unit of equipment	£160	£220
3. Fee for certification of unit of equipment which has been tested	£25	£55
<i>TYPE APPROVAL</i>		
1. Fee for testing of unit of equipment as a type vehicle and the inspection of arrangements for ensuring conformity of production	£550	£750
2. Fee for use of facilities of designated station for each day, or part of a day, in which used for the purpose of testing unit of equipment as type vehicle	£160	£220
3. Fee for certification of type vehicle	£25	£325
4. Fee for certification of vehicle which certifying officer is satisfied conforms with type vehicle	£28	£60

EXAMINATION

Under the Regulations revoked by these Regulations the fee for an examination of a unit of transport equipment was between £28 and £112 depending upon where the unit was examined and the number of units presented for examination at the same time. Under these Regulations the fees are £55 for examinations at the Refrigerated Vehicle Test Centre and, for examinations carried out elsewhere, £160 per unit for up to four units presented at the same time, and £40 for each additional unit. The

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fee for certification of a unit of transport equipment which has been examined is increased from £25 to £55.