



International Carriage of Perishable Foodstuffs Act 1976

1976 CHAPTER 58

Foreign goods vehicles

11 Power to prohibit driving of foreign goods vehicles.

- (1) An examiner may prohibit for the purpose of the international carriage of perishable foodstuffs the driving on a road of a foreign goods vehicle if—
 - [^{F1}(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]
 - (b) the vehicle or any container carried by it is required by regulations under this Act to be marked with a designated mark and the vehicle or container is not so marked; or
 - (c) it appears to the examiner that the vehicle is being used otherwise than in accordance with any conditions specified in the certificate of compliance; or
 - (d) the vehicle, or any container being carried by it is being used otherwise than in accordance with regulations under this Act.
- (2) Where an examiner prohibits the driving of a vehicle under this section, he may also direct the driver of the vehicle to remove the vehicle (and if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to that removal.
- (3) Where an examiner prohibits the driving of a vehicle, under subsection (1) above, he shall forthwith give notice in writing to the driver, specifying the circumstances as mentioned in subsection (1)(a), (b), (c) or (d) above in consequence of which the prohibition is imposed and any direction given under subsection (2) above may be given either in that notice or in a separate notice in writing given to the driver.

Status: Point in time view as at 01/02/1991.

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

- (4) An examiner may remove a prohibition if he is satisfied that appropriate action has been taken to remove or remedy the circumstances in consequence of which the prohibition was imposed; and on doing so shall forthwith give notice in writing of the removal of the prohibition to the driver.
- (5) Any person who—
- (a) drives a vehicle on a road in contravention of a prohibition imposed under subsection (1) above; or
 - (b) causes or permits a vehicle to be driven on a road in contravention of such a prohibition; or
 - (c) refuses, neglects or otherwise fails to comply within a reasonable time, with a direction given under subsection (2) above,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F2}level 4 on the standard scale].
- (6) ^{F3}
- (7) In the exercise of his functions under this section an examiner shall act in accordance with any general directions given by the Secretary of State.
- (8) In this section—
- (a) “road” means any highway and any other road to which the public has access, and includes bridges over which a road passes, and includes any land which forms part of a harbour or which is adjacent to a harbour and occupied wholly or partly for the purposes of harbour operations; and
 - (b) “harbour” and “harbour operations” have in England, Wales and Scotland the meanings assigned to them by section 57(1) of the ^{M1}Harbours Act 1964; and in Northern Ireland, the meanings assigned to them by section 38(1) of the ^{M2}Harbours Act (Northern Ireland) 1970.

Textual Amendments

- F1** S. 11(1)(a) substituted by S.I. 1983/1123, art. 3, **Sch. para. 7**
- 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**
- F3** S. 11(6) repealed (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. I** and by S.I. 1989/1341 (N.I. 12), art. 90(2)(3), **Sch. 7 Part I**

Marginal Citations

- M1** 1964 c. 40.
- M2** 1970 c. 1 (N.I.)

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