
STATUTORY INSTRUMENTS

1991 No. 1620

The Construction Products Regulations 1991

PART I

PRELIMINARY

Citation, commencement and application

1.—(1) These Regulations may be cited as the Construction Products Regulations 1991 and shall come into force on 27th December 1991.

(2) These Regulations do not apply to any construction product which was supplied for the first time in the Community before 27th December 1991.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the acknowledged rule of technology” means technical provision acknowledged by a majority of representative experts as reflecting the developed stage of technical capability at a given time as regards products, processes and services, based on the relevant consolidated findings of science, technology and experience;

“appropriate attestation procedure” means the procedure (being one of the procedures set out in paragraphs 2 and 4 of Schedule 3) indicated in relation to a construction product in the relevant technical specification or in the publication of that specification;

“approved body” means an approved laboratory, a certification body or an inspection body;

“approved laboratory” means a testing laboratory designated for the purposes of the Directive by a member State and notified by that member State to the European Commission;

“certification body” means a body designated as a certification body for the purposes of the Directive by a member State and notified by that member State to the European Commission;

“the Community” means the European Economic Community;

“construction product” means any product which is produced for incorporation in a permanent manner in works;

“the Directive” means Council Directive [89/106/EEC](#) on the approximation of laws, regulations and administrative provisions of the member States relating to construction products⁽¹⁾;

“EC certificate of conformity” means a certificate of conformity issued by a certification body in accordance with paragraphs 1 to 3 of Schedule 3 or under the Directive as implemented under the law of a member State other than the United Kingdom;

(1) OJNo. L40, 11.2.89, p. 12.

“EC declaration of conformity” means a declaration of conformity made in accordance with paragraphs 4 and 5 of Schedule 3 or under the Directive as implemented under the law of a member State other than the United Kingdom;

“EC mark” means the EC mark of conformity referred to in regulation 5 consisting of the symbol “CE” of which a form is shown for the purposes of illustration in Schedule 1;

“enforcement authority” means the Secretary of State, any other Minister of the Crown in charge of a Government department, any such department or any Northern Ireland department and any authority or council on whom functions under these Regulations are conferred by regulation 15;

“the essential requirements” means requirements applicable to works which may influence the technical characteristics of a construction product; as set out in terms of objectives in Annex I to the Directive (which is reproduced in Schedule 2) and as they may be given concrete form in documents (interpretative documents) published in the "C" series of the Official Journal of the European Communities;

“European technical approval” means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of the Directive by a body authorised by a member State to issue European technical approvals for those purposes and notified by that member State to the European Commission;

“factory production control” means the permanent internal control of production exercised by the manufacturer, whereby—

- (a) all the elements, requirements and provisions adopted by the manufacturer are documented in a systematic manner in the form of written policies and procedures, and
- (b) that documentation ensures a common understanding of quality assurance and enables the achievement of the required product characteristics and the effective operation of the production control system to be checked;

“inspection body” means a body designated as an inspection body for the purposes of the Directive by a member State and notified by that member State to the European Commission;

“level 5 on the standard scale”, in relation to Northern Ireland, means £2,000;

“magistrates' court”, in relation to Northern Ireland, means a court of summary jurisdiction within the meaning of Article 2(2) of the Magistrates' Courts (Northern Ireland) Order 1981(2);

“minor part product” means a construction product which is included in a list of products which play a minor part with respect to health and safety drawn up, managed and revised periodically by the European Commission;

“national technical specification” means a national technical specification which a member State regards as complying with the essential requirements, the text of which has been communicated by that member State to the European Commission, and reference to which is published in the Official Journal of the European Communities;

“notice to warn” means a notice under regulation 9(1)(b);

“officer”, in relation to an enforcement authority, means a person authorised in writing to assist the authority in carrying out its functions under or for the purposes of the enforcement of any of the provisions of these Regulations;

“premises” includes any place and any ship, aircraft or vehicle;

“prohibition notice” means a notice under regulation 9(1)(a);

“records” includes any books or documents and any records in non-documentary form;

“relevant national standard” means a national standard of which a reference is published—

(a) in the United Kingdom, by the Secretary of State in such manner as he considers appropriate, or

(b) in another member State,

and which corresponds to a harmonised standard the reference of which is published in the Official Journal of the European Communities;

“relevant technical specification” means a European technical approval, a national technical specification or a relevant national standard;

“supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly;

“works” means construction works, including both buildings and civil engineering works;

and other expressions used in the Directive have the same meanings as in the Directive.

(2) For the purposes of these Regulations, a mark is affixed to a construction product if it is affixed to the product, to a label attached to the product, to the packaging of the product or to any commercial document accompanying and relating to the product.

(3) Any reference in these Regulations to a numbered regulation, Part or Schedule is a reference to the regulation, Part or Schedule so numbered in these Regulations.