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STATUTORY INSTRUMENTS

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**1994 No. 3051**

**BUILDING AND BUILDINGS**

**The Construction Products (Amendment) Regulations 1994**

*Made* - - - - 30th November 1994  
*Laid before Parliament* 8th December 1994  
*Coming into force* - - 1st January 1995

The Secretary of State, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to construction products, in exercise of the powers conferred on him by the said section 2(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Construction Products (Amendment) Regulations 1994 and shall come into force on 1st January 1995.

(2) Until 1st January 1997 nothing in these Regulations shall prevent a product which bears an EC marking in accordance with the 1991 Regulations<sup>(3)</sup> from being placed on the market and brought into service.

**Interpretation**

2. In these Regulations “the 1991 Regulations” means the Construction Products Regulations 1991.

**Amendment to the Construction Products Regulations 1991**

3. In the 1991 Regulations for the words “EC mark” in each place where they occur there shall be substituted the words “CE marking”.

4. Regulation 2(1) of the 1991 Regulations (Interpretation) shall be amended as follows—

- (a) after the definition of “certification body” there shall be added the following definition—  
“CE marking” means the CE conformity marking referred to in regulation 5 consisting of the symbol “CE” in the form provided for in Schedule 1

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(1) S.I.1989/2393.  
(2) 1972 c. 68.  
(3) S.I. 1991/1620.

- (b) the definition of “EC mark” shall be omitted; and
- (c) in the definition of “the Directive”, after the words “relating to construction products” there shall be added the words “as amended by Council Directive 93/ 68/EEC relating to the CE marking of construction products<sup>(4)</sup>”.

5. For Regulation 4 of the 1991 Regulations (Products bearing the CE marking) there shall be substituted the following Regulation—

“4.—(1) Subject to paragraph (2) any construction product which bears the CE marking shall be presumed to satisfy the relevant requirement in regulation 3 unless there are reasonable grounds for suspecting that the product does not satisfy that requirement or that the CE marking has not been affixed in accordance with regulation 5.

(2) Where one or more of any other Community Directives applying to the product allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate conformity only to the Directives applied by the manufacturer.”

6. Regulation 5 of the 1991 Regulations (CE marking and other information on or accompanying products) shall be amended as follows—

- (a) in sub-paragraph (a) of paragraph (1) after the words “his agent”, in each place where they occur there shall be added the words “or authorised representative”;
- (b) in sub-paragraph (b)(ii) of paragraph 1 for the words “third possibility” substitute “second possibility”;
- (c) in paragraph 2 there shall be added the following sub-paragraph—

“(e) In a case to which regulation 4(2) applies the particulars (as published in the Official Journal of the European Communities) of the Directives which have been applied shall be given in the documents, notices or instructions required by those Directives and accompanying such products;”

- (d) for sub-paragraph (c) of paragraph (3) there shall be substituted the following sub-paragraph—

“(c) affixes to a construction product or its packaging

- (i) markings which are likely to deceive any person as to the meaning and form of the CE marking; or
- (ii) any other marking or label which reduces the visibility or legibility of the CE marking;”

- (e) for sub-paragraph (e) of paragraph (3) there shall be substituted the following sub-paragraph—

“(e) supplies, on the first occasion on which it is supplied in the Community, a construction product to which any mark has been affixed outside the Community which is likely to deceive any person as to the meaning and form of the CE marking.”

7. After regulation 7 (Requirement to give information about products which do not bear the CE marking) there shall be added the following regulation—

**“Notice of Non-Conformity**

7A. Where an enforcement authority has reasonable grounds for considering that any of the provisions of regulation 5(3)(a) to (e) have been contravened in relation to any

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(4) OJNo. L220, 30.8.93, p.1.

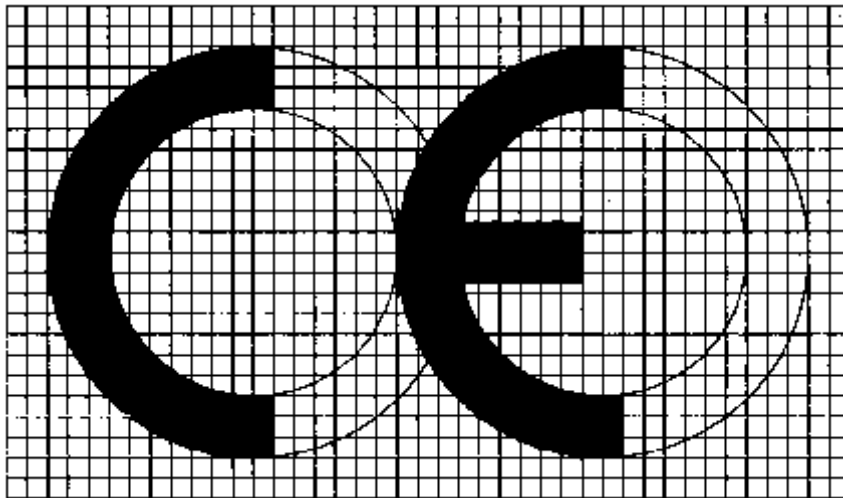
construction product and consequently that the product does not conform with the Directive, the authority may serve a notice in writing (“a notice of non-conformity”) notifying that person of the fact that the product does not conform and specifying the reasons for that opinion.”

8. For Schedule 1, (Specimen form of CE marking to be placed on or to accompany products) there shall be substituted the following Schedule—

“SCHEDULE 1

Regulation 2(1)

The CE conformity marking shall consist of the initials “CE” taking the following form:



If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected. The different elements of the CE marking should have materially the same vertical dimensions which should not be less than 5mm.”

Signed by authority of the Secretary of State

30th November 1994

*Ullswater*  
Minister of State,  
Department of the Environment

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Construction Products Regulations 1991 to give effect to Council Directive [93/68/EEC](#). This amends the CE marking provisions under a number of Directives including the Directive relating to construction products.

The term EC “conformity mark” has been replaced with the term “CE marking”.

The Regulations have been amended to provide for a transitional period and Regulation 5 (CE marking and other information on or accompanying products) has been amended to extend existing references to the manufacturer or his agent to his authorised representative.

Regulation 5 has been further amended to make any person guilty of an offence who affixes to a construction product any mark which is likely to deceive third parties as to the meaning and content of the CE marking.

Regulation 7A enables an enforcement authority where it has reasonable grounds for considering that any of the provisions of regulation 5(3)(a) to (e) have been contravened in relation to a construction product to serve a notice of non-conformity specifying the reasons for that view.

The opportunity has been taken to make a drafting amendment to regulation 5.