
STATUTORY INSTRUMENTS

2013 No. 1387

The Construction Products Regulations 2013

PART 2

REQUIREMENTS RELATING TO CONSTRUCTION PRODUCTS

CHAPTER 1

Offences in relation to the 2011 Regulation

Prohibition on supply etc.

4.—(1) A person who supplies a construction product that is covered by a harmonised standard or conforms to a European Technical Assessment that has been issued for it shall be guilty of an offence unless—

- (a) there is supplied with the product in accordance with Article 7 of the 2011 Regulation a declaration of performance for the product drawn up in accordance with Articles 4 and 6 of the 2011 Regulation; and
- (b) the product has affixed to it the CE marking in accordance with Article 8(2) of the 2011 Regulation.

(2) Paragraph (1) does not apply in the case of a product that is subject to one or more of the derogations in Article 5 of the 2011 Regulation.

(3) A person who supplies a construction product to which the CE marking has been affixed in breach of any provision of Article 8 or 9 of the 2011 Regulation shall be guilty of an offence.

(4) A person guilty of an offence under this regulation shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.

Breaches of duty by economic operators

5.—(1) A person to whom paragraph (2) applies shall be guilty of an offence.

(2) This paragraph applies to the following persons—

- (a) a manufacturer who fails to comply with any requirement of Article 11(7) (manufacturer's duty to take necessary corrective measures etc. and in case of risk provide information to the competent authority) of the 2011 Regulation;
- (b) an importer who fails to comply with any requirement of the second sub-paragraph of Article 13(2) (importer's duty not to place non-conforming or non-compliant product on the market etc. and in case of risk to provide information to the manufacturer and market surveillance authorities) of the 2011 Regulation;
- (c) an importer who fails to comply with any requirement of Article 13(7) (importer's duty to take necessary corrective measures etc. and in case of risk provide information to the competent authority) of the 2011 Regulation;

- (d) a distributor who fails to comply with any requirement of the second sub-paragraph of Article 14(2) (distributor's duty not to make non-conforming or non-compliant product available etc. and in case of risk to provide information to manufacturer or importer and market surveillance authorities) of the 2011 Regulation; and
- (e) a distributor who fails to comply with any requirement of Article 14(4) (distributor's duty to take necessary corrective measures etc. and in case of risk provide information to the competent authority) of the 2011 Regulation.

(3) For the purposes of compliance with the provisions of the 2011 Regulation mentioned in paragraph (2) a reference to the competent authority or, as the case may be, the market surveillance authorities is a reference to the enforcement authority for the area in which the person is established.

(4) A person guilty of an offence under this regulation shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.

Other breaches of the 2011 Regulation

- 6.—(1) A person who supplies a construction product in respect of which—
- (a) there has been a failure to comply with any requirement in a provision of the 2011 Regulation specified in paragraph (2); and
 - (b) the instructions or information to which the requirement in question relates is not provided with the product at the time of supply,

shall be guilty of an offence.

- (2) The provisions of the 2011 Regulation referred to in paragraph (1)(a) are—
- (a) Article 11(4) (manufacturer's duty to provide product identification);
 - (b) Article 11(5) (manufacturer's duty to provide contact information etc.);
 - (c) Article 11(6) (manufacturer's duty to provide instructions and safety information);
 - (d) Article 13(3) (importer's duty to provide contact information etc.);
 - (e) Article 13(4) (importer's duty to provide instructions and safety information);
 - (f) the duties in Article 14(2) (obligations of distributors) first sub-paragraph to ensure that a product is accompanied by instructions and safety information, and that the manufacturer and importer have complied with Articles 11(4) and (5) and 13(3) respectively; and
 - (g) Article 15 (cases in which obligations of manufacturers apply to importers and distributors), insofar as it imposes duties in relation to Article 11(4) to (6).

(3) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.