
STATUTORY INSTRUMENTS

2013 No. 1387

The Construction Products Regulations 2013

PART 2

REQUIREMENTS RELATING TO CONSTRUCTION PRODUCTS

CHAPTER 3

Prohibition notices and notices to warn

Prohibition notices

11.—(1) The Secretary of State may serve on any person a notice (“a prohibition notice”) prohibiting that person, except with the consent of the Secretary of State, from supplying any construction products which are described in the notice and in relation to which the Secretary of State —

- (a) has reasonable grounds for suspecting that an offence under regulation 4 or 5 has been committed; or
- (b) considers that there are grounds for the service of a prohibition notice in accordance with Schedule 1 (grounds for service of notices in relation to the 2008 Regulation and the 2011 Regulation).

(2) A prohibition notice may include a requirement that any construction products to which it relates that have been made available on the market be recalled.

(3) A consent given by the Secretary of State for the purposes of a prohibition notice may impose such conditions on the doing of anything for which the consent is required as the Secretary of State considers appropriate.

(4) Schedule 3 shall have effect with respect to prohibition notices.

(5) A person who contravenes a prohibition notice shall be guilty of an offence and 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.

Notices to warn

12.—(1) The Secretary of State may serve on any person a notice (“a notice to warn”) requiring that person, at that person’s own expense, to publish, in a form and manner and on occasions specified in the notice, a warning about any construction products which that person supplies or has supplied which are described in the notice and in respect of which the Secretary of State —

- (a) has reasonable grounds for suspecting that any offence under regulation 4 or 5 has been committed; or
- (b) considers that there are grounds for the service of a notice to warn in accordance with Schedule 1 (grounds for service of notices in relation to the 2008 Regulation and the 2011 Regulation).

(2) Schedule 4 shall have effect with respect to notices to warn.

(3) A person who contravenes a notice to warn shall be guilty of an offence and 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.

Power to obtain information

13.—(1) If the Secretary of State considers that, for the purpose of deciding whether—

- (a) to serve, vary or revoke a prohibition notice; or
- (b) to serve or revoke a notice to warn,

information is required which another person is likely to be able to provide, the Secretary of State may serve on the other person a notice under this regulation.

(2) A notice served on any person under this regulation may require that person—

- (a) to provide to the Secretary of State such information as is specified in the notice, within a period so specified;
- (b) to produce such records as are specified in the notice at a time and place so specified and to permit a person appointed by the Secretary of State for the purpose to take copies of the records at that time and place.

(3) A person shall be guilty of an offence if the person—

- (a) fails, without reasonable cause, to comply with a notice served on that person under this regulation; or
- (b) in purporting to comply with a requirement which by virtue of paragraph (2)(a) is contained in such a notice—
 - (i) provides information which the person knows is false in a material particular, or
 - (ii) recklessly provides information which is false in a material particular.

(4) A person guilty of an offence under paragraph (3) shall—

- (a) in the case of an offence under sub-paragraph (a) of that paragraph, be liable on summary conviction to a fine not exceeding level 5 on the standard scale;
- (b) in the case of an offence under sub-paragraph (b) of that paragraph be liable—
 - (i) on conviction on indictment, to a fine,
 - (ii) on summary conviction, to a fine not exceeding level 5 on the standard scale.