

SCHEDULE 2

PART 1

Suspension notices

1. A suspension notice served by an enforcement authority in respect of any construction products must—

- (a) describe the products in a manner sufficient to identify them;
- (b) set out the reasons why the authority considers the grounds described in regulation 7(1) to be made out;
- (c) specify any requirement under regulation 7(2) to keep the authority informed of the whereabouts of any of the products;
- (d) where the construction products are to be recalled, state the terms of the recall;
- (e) specify the day on which the notice is to come into force, and the duration of the notice; and
- (f) state that, and set out the manner in which, the person on whom the notice is served may appeal against the notice under Part 2 of this Schedule.

2. A notice that is based on the ground in paragraph 6(a) of Schedule 1 must, in order to allow the enforcement authority to comply with Article 21 of the 2008 Regulation, state that it shall not have effect until the end of the period of ten days beginning on the day after it is served, but this requirement does not apply if the circumstances leading to the issue of the notice are such that paragraph (3) of that Article permits a measure to be taken without a period of consultation.

3. Where an enforcement authority serves a suspension notice in respect of any construction products, the authority shall be liable to pay compensation to any person having an interest in the products in respect of any loss or damage caused by reason of the service of the notice if—

- (a) no offence under regulation 4, 5 or 6 has been committed in relation to the products;
- (b) none of the grounds for service of a suspension notice in Schedule 1 has been made out in relation to the products; and
- (c) the exercise of the power is not attributable to any neglect or default by that person.

4. Any disputed question as to the right to, or the amount of, any compensation payable under paragraph 3 shall be determined by arbitration or, in Scotland, by a single arbiter appointed, failing agreement between the parties, by the sheriff.