

**2022 No. 712**

**BUILDING AND BUILDINGS**

**CONSTRUCTION**

**MARKET STANDARDS**

**The Construction Products (Amendment) Regulations 2022**

*Made* - - - - at 1.15 p.m. on 28th June 2022

*Laid before Parliament* at 4.30 p.m. on 28th June 2022

*Coming into force* 20th July 2022

The Secretary of State makes these Regulations in exercise of the powers conferred by paragraphs 1, 15(1), 20(1)(b) and 21(1)(a) of Schedule 11 to the Building Safety Act 2022<sup>(a)</sup>.

**Citation, extent, and commencement**

**1.**—(1) These Regulations may be cited as the Construction Products (Amendment) Regulations 2022.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(3) These Regulations come into force on 20th July 2022.

**Amendments to the Construction Products Regulations 2013**

**2.**—(1) The Construction Products Regulations 2013<sup>(b)</sup> are amended in accordance with the following paragraphs.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) in the definition of “enforcement authority” after “local weights and measures authority” insert “or the Secretary of State”;

(b) in paragraph (2) omit “to the Secretary of State or”.

(3) In regulation 3(1)(a) (competent authority) omit “the Secretary of State or”.

(4) In regulation 5(3) (breaches of duty by economic operators)—

(a) for “enforcement authority” substitute “local weights and measures authority” and,

(b) after “established” insert “or the Secretary of State”.

(5) In regulation 10 (duty of enforcement authority to give notice) after “enforcement authority” insert “(except where the Secretary of State is the enforcement authority)”.

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(a) 2022 c. 30.

(b) S.I. 2013/1387, to which relevant amendments were made by S.I. 2019/465 and 2020/1359.

(6) In regulation 14—

- (a) in paragraph (1), at the beginning insert “Subject to paragraph (1A),”;
- (b) after paragraph (1) insert—

“(1A) If the Secretary of State is acting in their capacity as an enforcement authority the Secretary of State may—

- (a) enforce the provisions of Part 2; and
- (b) carry out market surveillance duties under the 2008 Regulation, as it applies to construction products, and under the 2011 Regulation.”.

### **Amendments to the Construction Products (Amendment etc.) (EU Exit) Regulations 2020**

**3.**—(1) The Construction Products (Amendment etc.) (EU Exit) Regulations 2020(a) are amended in accordance with the following paragraph.

(2) In Schedule 3 (construction products enforcement rules – Northern Ireland)—

- (a) in paragraph 1(2) (interpretation) in the definition of “enforcement authority” after “Northern Ireland” insert “or the Secretary of State”;
- (b) in paragraph 4(3)—
  - (i) for “enforcement authority” substitute “district council in Northern Ireland” and,
  - (ii) after “established” insert “or the Secretary of State”;
- (c) in paragraph 10 (duty of enforcement authority to give notice) after “enforcement authority” insert “(except where the Secretary of State is the enforcement authority)”;
- (d) in paragraph 17(1), at the beginning insert “Subject to sub-paragraph (1A),”;
- (e) after sub-paragraph (1) of paragraph 17 insert—

“(1A) Where the Secretary of State is acting in their capacity as an enforcement authority the Secretary of State may—

- (a) enforce the provisions of Part 2 of this Schedule; and
- (b) carry out market surveillance duties under the RAMS Regulation, as it applies to construction products, and under the EU Construction Products Regulation.”.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

*Greenhalgh*

Minister for Building Safety and Fire

At 1.15 p.m. on 28th June 2022

Department for Levelling Up, Housing and Communities

### **EXPLANATORY NOTE**

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

Regulation 2 of these Regulations amends regulations 2, 3, 5, 10 and 14 of the Construction Products Regulations 2013 to provide that the Secretary of State is an enforcement authority in relation to construction products in England and Wales, and in Scotland.

Regulation 3 of these Regulations amends Schedule 3 to the Construction Products (Amendment etc.) (EU Exit) Regulations 2020 to provide that the Secretary of State is an enforcement authority in relation to construction products in Northern Ireland.

An impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sector is foreseen.

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(a) S.I. 2020/1359.

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£4.90

<http://www.legislation.gov.uk/id/uksi/2022/712>

ISBN 978-0-34-823681-1



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