
STATUTORY INSTRUMENTS

2013 No. 1387

The Construction Products Regulations 2013

PART 3

Enforcement of Part 2 and market surveillance

Provisions supplemental to regulation 16

17.—(1) An officer seizing any construction products or records under regulation 16 must give a written notice stating what products or records have been so seized to the following persons—

- (a) the person from whom they are seized; and
 - (b) in the case of imported products seized while under the control of the Commissioners for Her Majesty's Revenue and Customs, the importer of those products (within the meaning of the Customs and Excise Management Act 1979 ^{M1}).
- (2) If a justice of the peace—
- (a) is satisfied by written information on oath that there are reasonable grounds for believing either—
 - (i) that any construction products or records which any officer has power to inspect or to require to be produced under regulation 16 are on any premises and that inspection of those products or records is likely to disclose evidence that there has been any failure to comply with any requirement of the 2011 Regulation, or that any offence has been committed under Part 2, or
 - (ii) that such a failure or offence has taken place, is taking place or is about to take place on any premises; and
 - (b) is also satisfied by any such information either—
 - (i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under this paragraph has been given to the occupier, or
 - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the premises are unoccupied, or that the occupier is temporarily absent and it might defeat the object of entry to await the return of the occupier,

the justice may by warrant under the justice's hand, which shall continue in force for a period of one month, authorise any officer of an enforcement authority to enter the premises, if need be by force.

(3) An officer entering any premises by virtue of regulation 16 or a warrant under paragraph (2) may be accompanied by such other persons and bring such equipment as may appear necessary to the officer.

(4) On leaving any premises which a person is authorised to enter by a warrant under paragraph (2), that person must, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against unauthorised entry as that person found them.

(5) Where any construction products seized by an officer under regulation 16 are submitted to a test, the officer must inform the persons mentioned in paragraph (1) of the result of the test and, if—

- (a) proceedings are brought for an offence in relation to the products under any provision of Part 2 or for the forfeiture of the products under regulation 8 or 9, or a suspension notice is served in respect of the products; and
- (b) the officer is requested to do so and it is practicable to comply with the request,

the officer must allow any person who is a party to the proceedings or, as the case may be, has an interest in the products to which the notice relates to have the products tested.

(6) In the application of this regulation to Scotland, the reference in paragraph (2) to a justice of the peace shall include a reference to a sheriff and the references to written information on oath shall be construed as references to evidence on oath.

^{F1}(7)

(8) If any person who is not an officer of an enforcement authority purports to act as such under regulation 16 or this regulation, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

F1 Reg. 17(7) omitted (31.12.2020) by virtue of S.I. 2019/465, **Sch. 2 para. 9** (as substituted by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1359\)](#), reg. 1, **Sch. 2**)

Marginal Citations

M1 1979 c.2; “importer” is defined in section 1(1).

Changes to legislation:

There are currently no known outstanding effects for the The Construction Products Regulations 2013, Section 17.