

## SCHEDULE 1

### Amendments to the 2011 Regulation

## PART 10

### Amendments to Chapter 9

#### **Substitution of Article 60**

**62.** For Article 60 (delegated acts), substitute—

*“Article 60*

*Regulations*

**1.** For the purposes of achieving the objectives of this Regulation, in particular removing and avoiding restrictions on making construction products available on the market, the Secretary of State may by regulations:

- (a) determine the essential characteristics or threshold levels within specific families of construction products, in relation to which, in accordance with Articles 3 to 6, the manufacturer must declare, in relation to their intended use, by levels or classes, or in a description, the performance of the manufacturer’s product when it is placed on the market;
- (b) determine the conditions on which a declaration of performance may be electronically processed, in order to make it available on a web site in accordance with Article 7;
- (c) amend the period for which the manufacturer must keep the technical documentation and the declaration of performance after the construction product has been placed on the market, in accordance with Article 11, based on the expected life or the part played by the construction product in the construction works;
- (d) amend Annex 2 and adopt supplementary procedural rules in accordance with Article 19(3) in order to ensure compliance with the principles in Article 20, or the application in practice of the procedures set out in Article 21;
- (e) amend Annex 3, table 1 of Annex 4, and Annex 5 in response to technical progress;
- (f) establish and adapt classes of performance in response to technical progress in accordance with Article 27(1);
- (g) determine the conditions on which a construction product is to be deemed to satisfy a certain level or class of performance without testing or without further testing in accordance with Article 27(5), provided that the fulfilment of the basic requirements for construction works is not thereby jeopardised;
- (h) adapt, establish and revise the system or systems of assessment and verification of constancy of performance, in accordance with Article 28, relating to a given construction product, a given product family or a given essential characteristic, and in accordance with:

*Status: This is the original version (as it was originally made).*

- (i) the importance of the part played by the product or those essential characteristics with respect to the basic requirements for construction works;
  - (ii) the nature of the product;
  - (iii) the effect of the variability of the essential characteristics of the construction product during the expected life of the product; and
  - (iv) the susceptibility to defects in the product's manufacture.
2. Regulations under this Article or Article 26(3) are to be made by statutory instrument.
  3. Such regulations may:
    - (a) contain incidental, supplemental, consequential and transitional provision and savings;
    - (b) make different provision for different purposes.
  4. A statutory instrument containing regulations made under this Article or Article 26(3) is subject to annulment in pursuance of a resolution of either House of Parliament.”.

**Omission of Articles 61 to 64**

63. Omit Articles 61 (exercise of the delegation) to 64 (Committee).

**Amendments to Article 66**

64. In Article 66 (transitional provisions), omit paragraphs 2 to 4.

**Omission of Articles 67 and 68**

65. Omit Articles 67 (reporting by the Commission) and 68 (entry into force).