

SCHEDULE 3

Construction products enforcement rules – Northern Ireland

PART 2

REQUIREMENTS RELATING TO CONSTRUCTION PRODUCTS

CHAPTER 3

Prohibition notices and notices to warn

Grounds for service of notices

16.—(1) There are grounds for the service of a suspension notice under paragraph 6(1)(b), a prohibition notice under paragraph 11(1)(b) or a notice to warn under paragraph 13(1)(b), as the case may be, where one or more of the following sub-paragraphs applies in relation to the construction products concerned.

(2) This sub-paragraph applies where the service of such a notice is appropriate because there has been a failure to comply in respect of Northern Ireland with any requirement under any of the following provisions of the EU Construction Products Regulation—

- (a) Article 11(2) (duty of manufacturer of construction product to keep technical documentation and declaration of performance for 10 years etc);
- (b) Article 11(8) (duty of manufacturer of construction product to provide information and documentation to demonstrate conformity with declaration of performance etc.);
- (c) Article 12(2) (duty of manufacturer’s authorised representative to keep technical documentation and declaration of performance etc.);
- (d) Article 13(8) (duty of importer of construction product to keep technical documentation and declaration of performance etc.);
- (e) Article 13(9) (duty of importer of construction product to provide information and documentation to demonstrate conformity with declaration of performance etc.);
- (f) Article 14(5) (duty of distributor of construction product to provide information and documentation to demonstrate conformity with declaration of performance etc.); or
- (g) insofar as it imposes duties in relation to Article 11(2) and (8), Article 15 (duties of importer and distributor to comply with Article 11 as if a manufacturer etc.).

(3) This sub-paragraph applies where Article 20 (products presenting a serious risk) of the RAMS Regulation is applicable to the products.

(4) This sub-paragraph applies where Article 29(1) (control of products entering the Community market (national measures): serious risk) of the RAMS Regulation is applicable to the products.

(5) This sub-paragraph applies where the service of such a notice is appropriate in accordance with Article 29(2) (control of products entering the Community market (national measures): product not complying with Community harmonisation legislation) of the RAMS Regulation.

(6) This sub-paragraph applies where the service of such a notice is appropriate in accordance with—

- (a) the second sub-paragraph of Article 56(1) (procedure to deal at national level with construction products presenting a risk) of the EU Construction Products Regulation;
- (b) Article 56(4) or (8) of the EU Construction Products Regulation; or

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

(c) Article 58(1) (complying construction products which nevertheless present a risk to health and safety) of the EU Construction Products Regulation.

(7) This sub-paragraph applies where the product must be withdrawn from the market in the European Union (including Northern Ireland) as a non-compliant construction product by virtue of Article 57(2) (Union safeguard procedures) of the EU Construction Products Regulation.

(8) This sub-paragraph applies where the service of such a notice is appropriate in accordance with Article 59(2) (formal non-compliance) of the EU Construction Products Regulation, without prejudice to sub-paragraph (2).