SCHEDULE 3

Construction products enforcement rules – Northern Ireland

PART 2

REQUIREMENTS RELATING TO CONSTRUCTION PRODUCTS

CHAPTER 1

Offences in relation to the EU Construction Products Regulation

Breaches of duty by economic operators

4.—(1) A person to whom sub-paragraph (2) applies shall be guilty of an offence.

(2) This sub-paragraph applies in respect of Northern Ireland to the following persons—

(a) a manufacturer who fails to comply with any requirement of Article 11(7) (manufacturer's duty to take necessary corrective measures etc.) of the EU Construction Products Regulation;

(b) an importer who fails to comply with any requirement of the second sub-paragraph of Article 13(2) (importer's duty not to place non-conforming or non-compliant product on the market etc.) of the EU Construction Products Regulation;

(c) an importer who fails to comply with any requirement of Article 13(7) (importer's duty to take necessary corrective measures etc.) of the EU Construction Products Regulation;

(d) a distributor who fails to comply with any requirement of the second sub-paragraph of Article 14(2) (distributor's duty not to make non-conforming or non-compliant product available etc.) of the EU Construction Products Regulation; and

(e) a distributor who fails to comply with any requirement of Article 14(4) (distributor's duty to take necessary corrective measures etc.) of the EU Construction Products Regulation.

(3) For the purposes of compliance with the provisions of the EU Construction Products Regulation mentioned in sub-paragraph (2), a reference in that Regulation to the competent national authority or, as the case may be, the market surveillance authorities is a reference to the enforcement authority for the area in which the person is established.

(4) A person guilty of an offence under this paragraph shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.