

SCHEDULE 3

Construction products enforcement rules – Northern Ireland

PART 2

REQUIREMENTS RELATING TO CONSTRUCTION PRODUCTS

CHAPTER 2

Suspension notices and forfeiture

Suspension notices

6.—(1) When in relation to any construction products in respect of Northern Ireland an enforcement authority—

- (a) has reasonable grounds for suspecting that any offence under paragraph 3, 4 or 5 has been committed; or
- (b) considers that there are grounds for the service of a notice under this paragraph in accordance with paragraph 16 (grounds for service of notices),

the authority may serve a notice (“a suspension notice”) prohibiting the person on whom it is served, for such period ending not more than six months after the date of the notice as specified in the notice, from supplying the products without the consent of the authority.

(2) A suspension notice may also require that person to keep the authority informed of the whereabouts throughout that period of any of the products concerned.

(3) A suspension notice may include a requirement that any construction products to which it relates that have been made available on the market be recalled.

(4) Where a suspension notice has been served on any person in respect of any construction products, no further such notice may be served on that person in respect of the same products unless—

- (a) proceedings against that person for an offence in relation to the products under a provision of this Part of this Schedule (not being an offence under this paragraph);
- (b) procedures in relation to the products involving Member States or the Commission under Article 56 (procedure to deal at national level with construction products presenting a risk), 57 (Union safeguard procedure) or 58 (complying construction products which nevertheless present a risk to health and safety) of the EU Construction Products Regulation; or
- (c) proceedings for the forfeiture of the products under paragraph 9 (forfeiture),

are pending at the end of the period specified in the first-mentioned notice.

(5) A consent given by an enforcement authority for the purposes of sub-paragraph (1) may impose such conditions on the doing of anything for which the consent is required as the authority considers appropriate.

(6) Any person who contravenes a suspension notice shall be guilty of an offence and 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.