

## SCHEDULE 1

### Amendments to the 2011 Regulation [<sup>F1</sup>— Great Britain]

#### Textual Amendments

- F1** Words in [Sch. 1](#) heading inserted (31.12.2020 immediately before S.I. 2019/465 comes into force) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1359\)](#), reg. 1, [Sch. 1 para. 2](#)

## PART 3

### Amendments to Chapter 2

#### Amendment to the heading of Chapter 2

5. In the heading of Chapter 2, for “CE” substitute “ UK ”.

#### Commencement Information

- I1** Sch. 1 para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

#### Amendments to Article 4

- 6.—(1) Article 4 (declaration of performance) is amended as follows.
- (2) In paragraph 1—
- (a) for “harmonised” substitute “ designated ”;
  - (b) for “European” substitute “ UK ”.
- (3) In paragraph 2—
- (a) for “harmonised”, in the first place it occurs, substitute “ designated ”;
  - (b) for “European” substitute “ UK ”.
- (4) In paragraph 3—
- (a) omit “Member States shall presume”;
  - (b) after “manufacturer”, in the second place it occurs, insert “ shall be presumed ”.

#### Commencement Information

- I2** Sch. 1 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

#### Amendments to Article 5

- 7.—(1) Article 5 (derogations from drawing up a declaration of performance) is amended as follows.
- (2) In the words before point (a)—

**Changes to legislation:** There are currently no known outstanding effects for the The Construction Products (Amendment etc.) (EU Exit) Regulations 2019, PART 3. (See end of Document for details)

- (a) for “Union or national provisions” substitute “ any enactment or rule of law in the United Kingdom [<sup>F1</sup>in respect of Great Britain] ”;
- (b) for “harmonised” substitute “ designated ”.
- (3) In points (a), (b) and (c), for “national rules”, in each place it occurs, substitute “ enactment or rule of law in the United Kingdom [<sup>F2</sup>in respect of Great Britain] ”.

#### Textual Amendments

- F1** Words in Sch. 1 para. 7(2)(a) inserted (31.12.2020 immediately before S.I. 2019/465 comes into force) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1359), reg. 1, Sch. 1 para. 6
- F2** Words in Sch. 1 para. 7(3) inserted (31.12.2020 immediately before S.I. 2019/465 comes into force) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1359), reg. 1, Sch. 1 para. 6

#### Commencement Information

- I3** Sch. 1 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

#### Amendments to Article 6

- 8.—(1) Article 6 (content of the declaration of performance) is amended as follows.
- (2) In paragraph 2(c)—
  - (a) for “harmonised” substitute “ designated ”;
  - (b) for “European” substitute “ UK ”.
- (3) In paragraph 3(g)—
  - (a) for “European”, in the first place it occurs, substitute “ UK ”;
  - (b) for “European Technical Assessment”, in the second place it occurs, substitute “ UK Assessment Document ”.
- (4) In paragraph 5, after “Regulation (EC) No 1907/2006” insert “ as amended from time to time ”.

#### Commencement Information

- I4** Sch. 1 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

#### Amendments to Article 7

- 9.—(1) Article 7 (supply of the declaration of performance) is amended as follows.
- (2) In paragraph 3—
  - (a) for “Commission” substitute “ Secretary of State ”;
  - (b) for “means of delegated acts” substitute “ regulations ”;
- (3) In paragraph 4, for the words from “the language” to the end substitute “ English ”.

#### Commencement Information

- I5** Sch. 1 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

#### Substitution of Article 8

- 10.** For Article 8 (general principles and use of CE marking), substitute—

##### *“Article 8*

##### *Use of UK marking*

**1.** The UK marking must be affixed to those construction products for which the manufacturer has drawn up a declaration of performance in accordance with Articles 4 and 6.

The UK marking must be affixed only by the manufacturer or the manufacturer's authorised representative.

**2.** If a declaration of performance has not been drawn up by the manufacturer in accordance with Articles 4 and 6, the UK marking must not be affixed.

**3.** By affixing or having affixed the UK marking, manufacturers indicate that they take responsibility for the conformity of the construction product with the declared performance as well as the compliance with all applicable requirements laid down in this Regulation and in other enactments providing for its affixing.

**4.** The rules for affixing the UK marking provided for in other enactments (including in Article 30 of RAMS) apply without prejudice to this Article.

**5.** A public authority within the meaning of section 6 of the Human Rights Act 1998<sup>M1</sup> may not impose rules or conditions impeding the use of a construction product bearing the UK marking, or the CE marking [<sup>F3</sup>(or CE marking accompanied by the UK(NI) indication)] where Article 16A(2)(a) applies, when the declared performances correspond to the requirements for such use in [<sup>F4</sup>Great Britain] .”.

#### Textual Amendments

- F3** Words in [Sch. 1 para. 10](#) inserted (31.12.2020 immediately before S.I. 2019/465 comes into force) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1359\)](#), reg. 1, [Sch. 1 para. 7\(a\)](#)
- F4** Words in [Sch. 1 para. 10](#) substituted (31.12.2020 immediately before S.I. 2019/465 comes into force) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1359\)](#), reg. 1, [Sch. 1 para. 7\(b\)](#)

#### Commencement Information

- I6** Sch. 1 para. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Marginal Citations

- M1** 1998 c. 42.

**Changes to legislation:** There are currently no known outstanding effects for the The Construction Products (Amendment etc.) (EU Exit) Regulations 2019, PART 3. (See end of Document for details)

## Amendments to Article 9

11. In Article 9 (rules and conditions for the affixing of CE marking)—
- (a) for “CE”, in each place it occurs (including the heading), substitute “ UK ”;
  - (b) in paragraph 2, for “notified” substitute “ approved ”.

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### Commencement Information

- I7** Sch. 1 para. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

## Omission of Article 10

12. Omit Article 10 (product contact points for construction).

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### Commencement Information

- I8** Sch. 1 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Changes to legislation:**

There are currently no known outstanding effects for the The Construction Products (Amendment etc.) (EU Exit) Regulations 2019, PART 3.