

## SCHEDULE 3

### Construction products enforcement rules – Northern Ireland

## PART 2

### REQUIREMENTS RELATING TO CONSTRUCTION PRODUCTS

#### CHAPTER 3

##### Prohibition notices and notices to warn

#### **Prohibition notices**

**11.**—(1) The Secretary of State may serve on any person a notice (“a prohibition notice”) prohibiting that person, except with the consent of the Secretary of State, from supplying any construction products in respect of Northern Ireland which are described in the notice and in relation to which the Secretary of State—

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

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

(3) A consent given by the Secretary of State for the purposes of a prohibition notice may impose such conditions on the doing of anything for which the consent is required as the Secretary of State considers appropriate.

(4) A person who contravenes a prohibition 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.

(5) A prohibition notice in respect of any construction products must—

- (a) state that the Secretary of State considers that one or more of the grounds for the service of a prohibition notice in sub-paragraph (1) is made out in relation to the products, and specify which are the grounds in question;
- (b) set out the reasons why the Secretary of State considers those grounds to be made out;
- (c) where the construction products are to be recalled, state the terms of the recall;
- (d) specify the day on which the notice is to come into force; and
- (e) state that the person on whom it is served may at any time make representations in writing to the Secretary of State for the purpose of establishing that the matters stated in accordance with paragraph (a) are not the case.

(6) A notice that is based on the ground in paragraph 16(6)(a) must, in order to allow the Secretary of State to comply with Article 21 of the RAMS Regulation, state that it shall not have effect until the end of the period of ten days beginning on the day after it is served, but this requirement does not apply if the circumstances leading to the issue of the notice are such that paragraph (3) of that Article permits a measure to be taken without a period of consultation.

(7) The Secretary of State may revoke or vary a prohibition notice by serving on the recipient a notification stating that the notice is revoked or, as the case may be, is varied as specified in the notification.

**Changes to legislation:** There are currently no known outstanding effects for the The Construction Products (Amendment etc.) (EU Exit) Regulations 2020, Paragraph 11. (See end of Document for details)

(8) The Secretary of State may not vary a prohibition notice so as to make the effect of the notice more restrictive for the recipient.

(9) The service of a notification under sub-paragraph (7) shall be sufficient to satisfy the requirement in paragraph 12(10) that the recipient must be informed of the decision of the Secretary of State.

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**Commencement Information**

**11** [Sch. 3 para. 11](#) in force at 31.12.2020 immediately before the 2019 Regulations come into force, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Construction Products (Amendment etc.) (EU Exit) Regulations 2020, Paragraph 11.