

## SCHEDULE 3

### Construction products enforcement rules – Northern Ireland

## PART 2

### REQUIREMENTS RELATING TO CONSTRUCTION PRODUCTS

#### CHAPTER 3

##### Prohibition notices and notices to warn

##### **Notices to warn**

**13.**—(1) The Secretary of State may serve on any person a notice (“a notice to warn”) requiring that person, at that person’s own expense, to publish, in a form and manner and on occasions specified in the notice, a warning about any construction products which that person supplies or has supplied in respect of Northern Ireland which are described in the notice and in respect of which the Secretary of State—

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

(2) A person who contravenes a notice to warn 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.

(3) If the Secretary of State proposes to serve a notice to warn on any person in respect of any construction products, the Secretary of State must, before service of the notice, serve on that person a notification in writing which—

- (a) contains a draft of the proposed notice;
- (b) states that the Secretary of State proposes to serve a notice in the form of the draft on that person;
- (c) states that in respect of the products described in the draft the Secretary of State considers that one or more of the grounds for the service of a notice to warn in sub-paragraph (1) is made out in relation to the products, and specify which are the grounds in question;
- (d) sets out the reasons why the Secretary of State considers the matters described in paragraph (c) to be the case;
- (e) states that the person may make representations to the Secretary of State for the purpose of establishing that the matters stated in accordance with paragraph (a) are not the case if, before the end of the period of fourteen days beginning with the day on which the notification is served, the person informs the Secretary of State—
  - (i) that the person intends to make representations, and
  - (ii) whether the representations will be made only in writing or both in writing and orally.

(4) Where the Secretary of State has served a notification containing a draft of a proposed notice to warn on any person, it must not serve a notice to warn on that person in respect of the products to which the proposed notice relates unless—

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

- (a) the period of fourteen days beginning with the day on which the notification was served expires without the Secretary of State being informed as mentioned in sub-paragraph (3) (e);
  - (b) the period of twenty-eight days beginning with that day expires without any written representations being made by that person to the Secretary of State about the proposed notice; or
  - (c) the Secretary of State has considered a report about the proposed notice by a person appointed under paragraph 14(1).
- (5) The Secretary of State may revoke a notice to warn by serving on the person on whom the notice was served a notification stating that the notice is revoked.