

SCHEDULE 3

Construction products enforcement rules – Northern Ireland

PART 3

Enforcement of Part 2 and market surveillance

Powers of search etc.

19.—(1) Subject to the following provisions of this Part of this Schedule, a duly authorised officer of an enforcement authority may—

- (a) at any reasonable hour;
- (b) on production, if required, of the officer’s credentials; and
- (c) having given reasonable notice to the occupier, unless giving such notice would defeat the object of entry,

exercise any of the powers conferred by this paragraph.

(2) The officer may, for the purpose of ascertaining whether there has been any failure to comply with any requirement of the EU Construction Products Regulation, or any offence has been committed under Part 2 of this Schedule, inspect any construction products and enter any premises other than a dwelling.

(3) The officer may, for the purpose of ascertaining whether there has been any failure to comply with any requirement of the EU Construction Products Regulation, or any offence has been committed under Part 2 of this Schedule, examine any procedure (including any arrangements for carrying out a test) connected with the production of any construction products.

(4) If the officer has reasonable grounds for suspecting that there has been any failure to comply with any requirement of the EU Construction Products Regulation, or that any offence has been committed under Part 2 of this Schedule, the officer may—

- (a) for the purpose of ascertaining whether there has been any such failure or offence, require any person carrying on a business, or employed in connection with a business, to produce any records relating to the business;
- (b) for the purpose of ascertaining (by testing or otherwise) whether there has been any such failure or offence, seize and detain the products; and
- (c) take copies of, or of an entry in, any records produced by virtue of paragraph (a).

(5) The officer may seize and detain—

- (a) any construction products or records which the officer has reasonable grounds for believing may be required as evidence in proceedings for an offence under any provision of Part 2 of this Schedule; and
- (b) any construction products which the officer has reasonable grounds for suspecting may be liable to be forfeited under paragraph 9.

(6) If and to the extent that it is reasonably necessary to do so to prevent any failure to comply with any requirement of the EU Construction Products Regulation, or the commission of any offence under Part 2 of this Schedule, the officer may, for the purpose of exercising the power under subparagraph (4) or (5) to seize any construction products or records—

- (a) require any person having authority to do so to open any container; and
- (b) open or break open any such container where a requirement made under paragraph (a) has not been complied with.

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

(7) The records referred to in this paragraph include any that are stored electronically, and the officer may require such records to be made available in printed form.

(8) In this paragraph “dwelling” means any building or shelter wholly or mainly used as a place of residence or abode (including any garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling).