

## SCHEDULE 3

### Construction products enforcement rules – Northern Ireland

## PART 2

### REQUIREMENTS RELATING TO CONSTRUCTION PRODUCTS

#### CHAPTER 1

##### Offences in relation to the EU Construction Products Regulation

#### Breaches of duty by economic operators

- 4.—(1) A person to whom sub-paragraph (2) applies shall be guilty of an offence.
- (2) This sub-paragraph applies in respect of Northern Ireland to the following persons—
- (a) a manufacturer who fails to comply with any requirement of Article 11(7) (manufacturer’s duty to take necessary corrective measures etc.) of the EU Construction Products Regulation;
  - (b) an importer who fails to comply with any requirement of the second sub-paragraph of Article 13(2) (importer’s duty not to place non-conforming or non-compliant product on the market etc.) of the EU Construction Products Regulation;
  - (c) an importer who fails to comply with any requirement of Article 13(7) (importer’s duty to take necessary corrective measures etc.) of the EU Construction Products Regulation;
  - (d) a distributor who fails to comply with any requirement of the second sub-paragraph of Article 14(2) (distributor’s duty not to make non-conforming or non-compliant product available etc.) of the EU Construction Products Regulation; and
  - (e) a distributor who fails to comply with any requirement of Article 14(4) (distributor’s duty to take necessary corrective measures etc.) of the EU Construction Products Regulation.
- (3) For the purposes of compliance with the provisions of the EU Construction Products Regulation mentioned in sub-paragraph (2), a reference in that Regulation to the competent national authority or, as the case may be, the market surveillance authorities is a reference to the [<sup>F1</sup>district council in Northern Ireland] for the area in which the person is established [<sup>F2</sup>or the Secretary of State].
- (4) A person guilty of an offence under this paragraph shall be 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.

#### Textual Amendments

- F1** Words in Sch. 3 para. 4(3) substituted (20.7.2022) by [The Construction Products \(Amendment\) Regulations 2022 \(S.I. 2022/712\)](#), regs. 1(3), **3(2)(b)(i)**
- F2** Words in Sch. 3 para. 4(3) inserted (20.7.2022) by [The Construction Products \(Amendment\) Regulations 2022 \(S.I. 2022/712\)](#), regs. 1(3), **3(2)(b)(ii)**

#### Commencement Information

- I1** [Sch. 3 para. 4](#) 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 4.