

Construction Products

THE WAY FORWARD FOR CONSTRUCTION PRODUCTS

In May 1985, the European Community Ministers agreed on a New Approach to Technical Harmonisation and standards to tackle this long-standing problem for business. New Approach directives (that is Community Laws) set out essential requirements written in general terms, which must be met before products may be sold in the UK or anywhere else in the community. European Standards fill in the detail and are the main way for businesses to meet the Essential Requirements. Products meeting the requirements carry the CE conformity mark, which should mean that they can be sold anywhere in the Community.

WHAT IS COVERED

The Regulations apply to construction products that is products which are produced for incorporation in a permanent manner in construction works (which includes both buildings and civil engineering works).

PROHIBITION ON SUPPLY

The Regulations make it an offence to supply if:

1. construction products (other than a minor part product) unless that product has such characteristics that the construction works in which it is to be incorporated, assembled, applied or installed can if properly designed and built, satisfy the relevant essential requirements when, where and to the extent that those works are subject to Regulations (i.e. Building Regulations) containing such requirements.
2. a minor part product unless that product has been manufactured in compliance with an acknowledged rule of technology and the manufacture has issued a declaration of such compliance.

BESPOKE PRODUCTS

The small manufacturer or tradesman who is involved in the manufacture of a construction product in part or in whole which is intended to be a "one off" design of that particular product, (non series product) and is intending to supply that product in the UK or the Community without committing an offence under the Construction Products Regulations 1991 (SI 1991/1620) may issue a declaration of compliance with an acknowledged rule of technology as indicated in Paragraph 3, Part b. An acknowledged rule of technology is defined in the Regulations as a "technical provision acknowledged by a majority of representative experts as reflecting the developed stage of technical capability at a given time as regards products, processes and services, based on the relevant consolidated findings of science, technology and experience".

It seems likely that manufacture in compliance with an appropriate British Standard, other standard or industry specification will be sufficient for a minor part product to be regarded as having been manufactured in compliance with an acknowledged rule of technology. However since minor part products are

not required to satisfy the relevant essential requirements set out in these Regulations, a minor part product cannot be marked with the EC mark, and will constitute an offence if so done.

ATTESTATION OF CONFORMITY WITH RELEVANT TECHNICAL SPECIFICATION

An EC declaration of conformity for a product may be made by the manufacturer (of a non series product) or his agent established in the community on the basis of the following possibility as is indicated in the relevant technical specification or in the publication of that specification.

ATTESTATION PROCEDURE FOR NON SERIES PRODUCT

1. Initial type-testing of the product by the manufacturer;
2. Factory production control.

Any declaration of conformity shall be presented in the official language or languages of the member state in which the product is to be used and shall contain in particular:

1. the name and address of the manufacturer or his agent established in the community;
2. a description of the product (type, identification, use, etc.);
3. the provision to which the product conforms;
4. any particular conditions applicable to the use of the product;
5. the name and address of the approved body, where applicable;
6. the name of, and position held by, the person empowered to sign the declaration on behalf of the manufacturer or of his authorised representative.

OTHER LEGISLATION

Construction products covered by these Regulations may also need to comply with other legislation for example the Building Regulations, in order to be fit for use in controlled works

ENFORCEMENT OF THE REGULATIONS

Trading Standards Departments of local authorities in Great Britain, Environmental Health authorities in Northern Ireland and the Department of the Environment are responsible for enforcement.

POWERS OF ENFORCEMENT

Any enforcement authority which reasonably suspects that a construction product does not satisfy the requirements of the Regulations may issue a Suspension Notice prohibiting the supply of that product. The Suspension Notice will identify the product and set out the grounds for suspicion. It will also state that there is a right of appeal against the notice. The Secretary of State may also issue notices prohibiting the supply of products which he considers do not satisfy the requirements of the Regulations. He may also issue a notice requiring a person, at his own expense, to publish a warning

about any product which he has supplied and which the Secretary of State considers does not meet the requirements of the Regulations.

PENALTIES

Any person contravening the Regulations is guilty of an offence and is generally liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding level five on the standard scale (£5000.00) or to both.