



Department for Communities and Local Government

To:

The Chief Executive

Unitary, Metropolitan, District and London Borough Councils in England
County and County Borough Councils in Wales

The Town Clerk, City of London

The Clerk, Council of the Isles of Scilly

The Sub-Treasurer, Inner Temple

The Under Treasurer, Middle Temple

The Head of Building Control

Unitary Metropolitan, District and London Borough Councils in England
County and County Borough Councils in Wales

City of London

Council of the Isles of Scilly

Approved Inspectors

cc: The Chief Executive:

County Councils in England

National Park Authorities in England & Wales

The Chief Fire Officer: Fire and Rescue Authorities in England & Wales

7th June 2013

Dear Sir or Madam

The Construction Products Regulations 2013

The Building Regulations Approved Document 7 (Materials and workmanship) 2013 edition

I am writing to inform you about the Construction Products Regulations 2013 (S.I. 2013/1387). The regulations were made on 4 June 2013, laid before Parliament on 7 June 2013 and come into effect on 1 July 2013. I am also writing to remind you that the Building Regulations Approved Document 7 (Materials and workmanship) 2013 edition will take effect from 1 July 2013.

Local authority chief executives will wish to note that this Circular Letter should be drawn to the attention of local authority trading standards services responsible for the enforcement of the construction products legislation, as well as to building control officers.

Scope of this Circular Letter

The Construction Products Regulations 2013 apply to all of the United Kingdom.

The Building Regulations Approved Document 7 (Materials and Workmanship) 2013 edition applies to buildings and building work in England, and also to excepted energy buildings, buildings of statutory undertakers and Crown buildings in Wales.

Publications

The Construction Products Regulations 2013 and accompanying Explanatory Memorandum are available at :

<http://www.legislation.gov.uk/uksi/2013/1387/introduction/made>

The 2013 edition of the approved document is available at

http://www.planningportal.gov.uk/uploads/br/BR_PDF_AD_R7_2013.pdf

Coming into force date

The Construction Products Regulations come fully into force on 1 July 2013, on the same date as the Construction Products Regulation (EU 305/2011) comes fully into force. The transitional provisions for the Regulations are at regulation 29.

The 2013 edition of Approved Document 7 takes effect from 1 July 2013. However, the 1991 edition will continue to apply to work started before 1 July 2013, or to work subject to a building notice, full plans application or initial notice submitted before 1 July 2013.

The Construction Products Regulations 2013 (the “2013 Regulations”)

The Construction Products Directive 89/106/EC introduced the concept of CE marking for construction products as a “passport” entitling products to be placed legally on the market in any Member State. Under our transposition of the Directive in the 1991 Construction Products Regulations (S.I. 1991/1620) (the “1991 Regulations”), CE marking has not been compulsory.

The Construction Products Regulation EU 305/2011 (the “2011 Regulation”) repeals the Directive and will, from 1 July 2013, require construction products to be CE marked when they are placed on the market in all cases where a harmonised European standard exists for the product. This is the most important single change for the United Kingdom. The 2011 Regulation also places clear duties on a wider range of economic operators (importers and distributors as well as manufacturers) to ensure that the CE marking requirements and associated obligations are met.

The 2011 Regulation places duties on us to provide arrangements for market surveillance and we are obliged under the Treaties to provide adequately for the enforcement of the provisions of the Regulation. We are meeting these obligations by consolidating the corresponding provisions of the 1991 Regulations, modifying and extending them as far as is needed to cover changes introduced by the 2011 Regulation.

Chapter 1 of Part 2 of the 2013 Regulations has been substantially rewritten as compared with the 1991 Regulations to reflect the new duties on economic operators laid down in the 2011 Regulation and certain new offences have been put in place to ensure the adequate enforcement of these duties. The provisions for service of suspension notices, prohibition notices and notices to warn and application for forfeiture in chapter 2 of Part 2 have been adapted accordingly. In particular the grounds for service of notices (Schedule 1) have been modified to reflect the changes in Chapter 1 and have been expanded to encompass new obligations under the 2011 Regulation that are not enforced by individual offence provisions. The enforcement provisions in Part 3 and the miscellaneous and supplemental provisions in Part 4 are very closely based on similar provisions in the 1991 Regulations. Essentially the enforcement processes remain unchanged and penalty levels are no higher. The 1991 Regulations will be revoked on 1 July 2013.

The Building Regulations Approved Document 7 (Materials and workmanship) 2013 edition

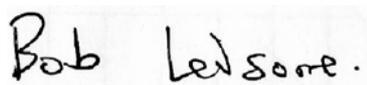
There is no change to regulation 7. The main changes in this edition of the approved document are that:

- It has been updated to reflect the full implementation of the 2011 Regulation from 1 July 2013.
- Reference to the environmental impact of building work has been deleted.
- Guidance on resistance to moisture and substances in the subsoil has been removed; this is now included in Approved Document C.
- Examples of materials susceptible to changes in their properties have been deleted.
- A new style of format has been used.

Enquiries

Enquiries on the Construction Products Regulations should be addressed to construction.products@communities.gsi.gov.uk and enquiries on Approved Document 7 to enquiries.br@communities.gsi.gov.uk.

Yours faithfully



R J Ledsome

Deputy Director

Building Regulations and Standards Division