

SCHEDULE 1

ENFORCEMENT

Tests for conformity with the requirements of this Measure

- 7 (1) This paragraph has effect for the purpose of enabling a local authority to ascertain, as regards any building work or proposed building work to which this Measure applies, whether any requirement of this Measure that it is the duty of the authority to enforce has been or will be complied with.
- (2) The local authority has power for that purpose—
- (a) to require a person by whom or on whose behalf the work was, is being, or is proposed to be done to carry out such reasonable tests of or in connection with the work as may be specified in the requirement, or
 - (b) itself to carry out reasonable tests of or in connection with the work.
- (3) Without prejudice to the generality of sub-paragraph (2) above, the matters with respect to which tests may be required or carried out under that sub-paragraph include tests of any material, component or combination of components that has been or is being proposed to be used in carrying out the work and tests of any service, fitting or equipment that has been, is being or is proposed to be provided in connection with that work.
- (4) The expense of carrying out any tests that a person is required to carry out under this paragraph are to be met by that person, except that the local authority, on an application made to the authority, may, if it thinks it reasonable to do so, direct that the expense of carrying out any such tests, or such part of that expense as may be specified in the direction, is to be met by the local authority.
- (5) Any question arising under this paragraph between a local authority and a person as to the reasonableness of—
- (a) a test specified in a requirement imposed on that person by the authority under this paragraph,
 - (b) a refusal by the authority to give a direction under sub-paragraph (4) on an application made by that person, or
 - (c) a direction under that sub-paragraph given on such an application,
- may on the application of that person be determined by a magistrates' court, and in a case falling within sub-paragraph (b) or (c) the court may order the expense to which the application relates to be met by the local authority to such extent as the court thinks just.