
STATUTORY INSTRUMENTS

2010 No. 2214

The Building Regulations 2010

PART 9

Testing and Commissioning

Sound insulation testing

- 41.**—(1) Subject to paragraph (4) below, this regulation applies to—
- (a) building work in relation to which paragraph E1 of Schedule 1 imposes a requirement; and
 - (b) work which is required to be carried out to a building to ensure that it complies with paragraph E1 of Schedule 1 by virtue of regulation 6(1)(f) or 6(2)(b).
- (2) Where this regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with paragraph E1 of Schedule 1—
- (a) ensure that appropriate sound insulation testing is carried out in accordance with a procedure approved by the Secretary of State; and
 - (b) give a copy of the results of the testing referred to in sub-paragraph (a) to the local authority.
- (3) The results of the testing referred to in paragraph (2)(a) shall be—
- (a) recorded in a manner approved by the Secretary of State; and
 - (b) given to the local authority in accordance with paragraph (2)(b) not later than the date on which the notice required by regulation 16(4) is given.
- (4) Where building work consists of the erection of a dwelling-house or a building containing flats, this regulation does not apply to any part of the building in relation to which the person carrying out the building work notifies the local authority, not later than the date on which notice of commencement of the work is given under regulation 16(1), that, for the purpose of achieving compliance of the work with paragraph E1 of Schedule 1, the person is using one or more design details approved by Robust Details Limited^{M1}, provided that—
- (a) the notification specifies—
 - (i) the part or parts of the building in respect of which the person is using the design detail;
 - (ii) the design detail concerned; and
 - (iii) the unique number issued by Robust Details Limited in respect of the specified use of that design detail; and
 - (b) the building work carried out in respect of the part or parts of the building identified in the notification is in accordance with the design detail specified in the notification.

Status: Point in time view as at 05/06/2023.

Changes to legislation: The Building Regulations 2010, PART 9 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Reg. 41 modified (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(5)** (as amended (1.10.2023) by [S.I. 2023/906](#), regs. 1(2), **13(1)(d)**)
- C2** Reg. 41 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)(5)**

Marginal Citations

- M1** A company formed and registered under the Companies Acts with the registration number 04980223.

Mechanical ventilation air flow rate testing

[^{F1}(1) This regulation applies where paragraph F1(1) of Schedule 1 imposes a requirement in relation to—

- (a) the creation of a new dwelling by building work; or
- (b) an existing dwelling which undergoes building work for the provision or extension of any fixed building system for mechanical ventilation.

(1A) Paragraph (1)(b) excludes building work to which Schedule 4 applies.]

(2) The person carrying out the work shall, for the purpose of ensuring compliance with paragraph F1(1) of Schedule 1—

- (a) ensure that testing of the mechanical ventilation air flow rate is carried out in accordance with a procedure approved by the Secretary of State; and
- (b) give notice of the results of the testing to the local authority [^{F2}]^{F2}, other than when Schedules 3 or 4 apply.]

(3) The notice referred to in paragraph (2)(b) shall—

- (a) record the results and the data upon which they are based in a manner approved by the Secretary of State; and
- (b) be given to the local authority not later than five days after the final test is carried out.

Textual Amendments

- F1** Reg. 42(1)(1A) substituted for reg. 42(1) (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **13(a)** (with reg. 21)
- F2** Words in reg. 42(2)(b) substituted for full stop (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **13(b)** (with reg. 21)

Modifications etc. (not altering text)

- C3** Reg. 42 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)** (as amended (8.6.2018) by [S.I. 2018/558](#), regs. 1(2), **21** (with reg. 29))

Pressure testing

43.—(1) This regulation applies to the erection of a building in relation to which paragraph L1(a) (i) of Schedule 1 imposes a requirement.

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(2) Where this regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with regulation 26^{F3}[^{F4}and regulation 26A] and paragraph L1(a)(i) of Schedule 1—

(a) ensure that—

(i) pressure testing is carried out in such circumstances as are approved by the Secretary of State; and

(ii) the testing is carried out in accordance with a procedure approved by the Secretary of State; and

(b) subject to paragraph (5), give notice of the results of the testing to the local authority.

(3) The notice referred to in paragraph (2)(b) shall—

(a) record the results and the data upon which they are based in a manner approved by the Secretary of State; and

(b) be given to the local authority not later than seven days after the final test is carried out.

(4) A local authority are authorised to accept, as evidence that the requirements of paragraph (2)(a)(ii) have been satisfied, a certificate to that effect by a person who is registered by^{F5F6}...^{F7}[^{F8}Elmhurst Energy Systems Limited]^{F9}[^{F10}or the Air Tightness Testing and Measurement Association] in respect of pressure testing for the air tightness of buildings.

(5) Where such a certificate contains the information required by paragraph (3)(a), paragraph (2)(b) does not apply.

Textual Amendments

- F3** Words “and regulation 26A” in [reg. 43\(2\)](#) omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\)](#), **10** (with [reg. 29](#))
- F4** Words in [reg. 43\(2\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by [The Building Regulations &c. \(Amendment\) Regulations 2014 \(S.I. 2014/579\)](#), [regs. 1\(4\)](#), **2(7)** (with [reg. 1\(3\)](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F5** Words in [reg. 43\(4\)](#) omitted (W. for remaining purposes) (31.12.2015) by virtue of [The Building \(Amendment\) \(Wales\) Regulations 2015 \(S.I. 2015/1486\)](#), [regs. 1\(3\)\(b\)](#), **4(b)** (with [reg. 1\(2\)](#))
- F6** Words in [reg. 43\(4\)](#) omitted (E., but only in relation to excepted energy buildings in W.) (31.12.2015) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(c\)](#), **2(10)(b)** (with [reg. 1\(3\)](#))
- F7** Words in [reg. 43\(4\)](#) substituted (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), [regs. 1\(3\)](#), **14** (with [reg. 21](#))
- F8** Words in [reg. 43\(4\)](#) substituted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), [regs. 1\(1\)](#), **9** (with [reg. 1\(2\)](#))
- F9** Words in [reg. 43\(4\)](#) inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), [regs. 1\(4\)](#), **21** (with [reg. 1\(2\)\(3\)](#))
- F10** Words in [reg. 43\(4\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 24](#), [Sch. 1](#) (with [regs. 1\(3\)](#), [45-47](#))

Modifications etc. (not altering text)

- C4** [Reg. 43](#) applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), [regs. 1](#), **20(1)** as amended (W.) (25.4.2024) by [S.I. 2024/447](#), [regs. 1\(1\)](#), **3(h)** (with [reg. 6](#))

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Commissioning

44.—(1) This regulation applies to building work in relation to which paragraph F1(2) of Schedule 1 imposes a requirement, but does not apply to the provision or extension of any fixed system for mechanical ventilation or any associated controls where testing and adjustment is not possible.

(2) This regulation also applies to building work in relation to which paragraph L1(b) of Schedule 1 imposes a requirement, but does not apply to the provision or extension of any fixed building service where testing and adjustment is not possible or would not affect the energy efficiency of that fixed building service.

(3) Where this regulation applies the person carrying out the work shall, for the purpose of ensuring compliance with paragraph F1(2) or L1(b) of Schedule 1, give to the local authority a notice confirming that the fixed building services have been commissioned in accordance with a procedure approved by the Secretary of State.

(4) The notice shall be given to the local authority—

- (a) not later than the date on which the notice required by regulation 16(4) is required to be given; or
- (b) where that regulation does not apply, not more than 30 days after completion of the work.

Modifications etc. (not altering text)

- C5** Reg. 44 applied (with modifications) (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(1)** (as amended (8.6.2018) by [S.I. 2018/558](#), regs. 1(2), **21** (with reg. 29))
- C6** Reg. 44 modified (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, **20(6)**

^{F11}^{F12}Commissioning in respect of a system for on-site electricity generation

44ZA.—(1) This regulation applies to building work in respect of a building in relation to which paragraph L2 of Schedule 1 imposes a requirement, but does not apply to the provision or extension of any system for on-site electricity generation where testing and adjustment is not possible.

(2) Where this regulation applies the person carrying out the work must, for the purpose of ensuring compliance with paragraph L2 of Schedule 1, give to the local authority a notice confirming that the system for on-site electricity generation has been commissioned.

(3) The notice must be given to the local authority—

- (a) not later than the date on which the notice required by regulation 16(4) is required to be given; or
- (b) where that regulation does not apply, not more than 30 days after completion of the work.]

Textual Amendments

- F11** Reg. 44ZA inserted (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **15** (with reg. 21)
- F12** Reg. 44ZA inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), regs. 1(1), **10** (with regs. 1(2), 17) (as amended (5.6.2023) by [S.I. 2023/520](#), regs. 1(2), **3**)

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Modifications etc. (not altering text)

- C7** Reg. 44ZA applied (with modifications) by S.I. 2010/2215, **reg. 20(1)(6A)** (as inserted (E.) (15.6.2022) by The Building Regulations etc. (Amendment) (England) Regulations 2021 (S.I. 2021/1391), regs. 1(1), **16** (with regs. 1(2), 17)) (as amended (5.6.2023) by S.I. 2023/520, regs. 1(2), **3**)
- C8** Reg. 44ZA applied (with modifications) (23.11.2022) by S.I. 2010/2215, reg. 20(6A) (as inserted (W.) by The Building (Amendment) (Wales) Regulations 2022 (S.I. 2022/564), regs. 1(3), **20(d)** (with reg. 21))

Status:

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Changes to legislation:

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