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, 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.
Mechanical ventilation air flow rate testing

42.—(1) This regulation applies where paragraph F1(1) of Schedule 1 imposes a requirement in relation to the creation of a new dwelling by building work.

(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.

(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.

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.

(2) Where this regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with regulation 26 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 the British Institute of Non-destructive Testing 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.

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.