
Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E - England extent W - Wales extent
Changes to legislation: The Building Regulations 2010, Section 42 is up to date with all changes known to be in force on or before 19 April 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) View outstanding changes

STATUTORY INSTRUMENTS

2010 No. 2214

The Building Regulations 2010

PART 9

Testing and Commissioning

Mechanical ventilation air flow rate testing **E**

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 [^{F1}building control 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 [^{F2}building control authority] not later than five days after the final test is carried out.

[^{F3}(4) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

Extent Information

- E1** This version of this provision applies to England only; a separate version has been created for Wales only

Textual Amendments

- F1** Words in [reg. 42\(2\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), [7\(17\)\(a\)](#) (with regs. 22-24)
- F2** Words in [reg. 42\(3\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), [7\(17\)\(a\)](#) (with regs. 22-24)
- F3** [Reg. 42\(4\)](#) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), [7\(17\)\(b\)](#) (with regs. 22-24)

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Modifications etc. (not altering text)

- C1** 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))
- C2** Reg. 42 modified (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **5(2)(3)** (with regs. 44-47)

Mechanical ventilation air flow rate testing **W**

42.—^{F4}(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 ^{F5}, 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.

Extent Information

- E2** This version of this provision applies to Wales only; a separate version has been created for England only

Textual Amendments

- F4** 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)
- F5** 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)

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Changes and effects yet to be applied to :

- [reg. 42 amendment to earlier affecting provision S.I. 2010/2215, reg 20\(1\) by S.I. 2024/447 reg. 3\(h\)](#)