



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

23 December 2014

Dear Sir or Madam

Regulation 43 of the Building Regulations 2010 and Regulation 20 of the Building (Approved Inspectors etc.) Regulations 2010: Air Pressure Testing Schemes.

I am writing to inform you of the closure of the British Institute of Non-destructive Testing's (BINDT) air pressure testing scheme currently authorised by regulation 43 of the Building Regulations 2010. BINDT have informed the Department of their intention to close this scheme on 31 December 2014. The closure has implications for building control bodies.

Note: *Please note that the Air Tightness Testing and Measurement Association (ATTMA) scheme will continue to be authorised and none of what follows is applicable to that scheme.*

Scope of this Circular Letter

The guidance in this Circular Letter applies to buildings and building work in England, and also to excepted energy buildings in Wales.¹

Regulation 43

Regulation 43 provides two ways that air pressure testing results may be given to a building control body.

First, under regulation 43(4) building control bodies are authorised (but not required) to accept as evidence a certificate from a member of the schemes authorised by this regulation that the pressure testing of a building has been carried out in circumstances and in accordance with a procedure prescribed by the Secretary of State.

Second, where the testing is carried out by a person who is not a member of an authorised scheme that person must instead of a certificate provide a notice under regulation 43(2) and (3) setting out the results of the test and the data on which the results are based. A building control body may take account of the information provided in the notice in coming to its decision on whether the test results are a true reflection of air tightness in a building and that the prescribed procedure has been followed. Building control bodies may also take account of any training undertaken by the tester to show they are sufficiently skilled and trained to carry out the test and details of how and when calibration of test equipment has been carried out.

Effect of BINDT scheme closure

The BINDT register of air tightness testers will be frozen from 31 December 2014 but will continue to be available on the BINDT website www.bindt.org with a column added to identify the registration expiry date for each registrant, which will occur at different dates in 2015. Building control bodies will remain authorised to accept certificates from BINDT registrants until the date of the expiry of their registration. In deciding whether or not to accept such a certificate after 31 December 2014, building control bodies will need to take into account the fact that BINDT will not be auditing any firms or assessing any testers after that date.

Any certificates from a BINDT registrant for any pressure test carried out on or after the expiry date of their registration will not be valid. This means that building control bodies will not be able to accept them as evidence of compliance but must treat any such certificates as a notice under regulation 43(2) and (3). As the certificate and the notice contain similar information the main effect is that the building control body will need to assess the information in the notice and decide whether it complies with the requirements of the Regulations.

The Department intends to remove the reference to BINDT from regulation 43 with effect from the date of the last testing business's date of expiry of registration.

¹ Excepted energy buildings are defined in the schedule to the Welsh Ministers (Transfer of Functions) (No.2) Order 2009 (S.I. 2009/3019)

Enquiries

Any enquiries on this Circular Letter should be addressed to enquiries.br@communities.gsi.gov.uk.

R J Ledsome

Deputy Director

Building Regulations and Standards Division