

NAFLIC

National Association For Leisure Industry Certification

Standards & Related Documents Sub-Committee

TECHNICAL BULLETIN - SEPTEMBER 1994

099. Conditions of Supply of Rides manufactured in the UK

099.1 General

Further to our technical bulletin (072, January 94) regarding the steps that should be taken to satisfy UK requirements when importing or purchasing imported amusement rides, this subcommittee has been asked to prepare a Technical Bulletin giving guidance, which will apply if the ride has been manufactured in the UK.

The main relevant legislation, is again, section 6 of the Health and Safety at Work etc. Act 1974 (as amended by the Consumer Protection Act 1987). Guidance is also included in "Fairgrounds and Amusement Parks - A Code of Safe Practice" (henceforth referred to as the Code), its Technical Annex, and other documents, standards etc.

It is the duty, under UK law, of any person who designs, manufactures, imports or supplies any *article of fairground equipment*¹ to ensure that it is so designed and constructed that it will be safe and without risks to health at all times when it is being used to entertain the public or being maintained etc. [HSW Act Section 6 - paragraph (a) of subsection (1A) and paragraph (a) of subsection (1)].

In the case of equipment produced in the UK, the legal duties above are firmly placed on the designer, manufacturer and supplier [HSW Act Section 6 - subsections (1), (1A), (2) & (8)]. However, subsection 6 stimulates, that in some cases certain duties may be passed on down the chain of supply on the basis of a written undertaking by both parties, stating the matters involved and the related steps to be taken for health and safety. For example, if an article has been ordered to a customer's own specification, or to be a component in another article.

It remains the responsibility of the designer or manufacturer to carry out or arrange for the carrying out of any research necessary to eliminate risks to health or safety. [HSW Act Section 6 - subsection (3)].

¹ *Article of fairground equipment* means any fairground equipment, or any article designed for use as a component in any such equipment.

Fairground equipment covers any fairground ride or similar plant to entertain customers on or inside it, including equipment for sliding or bouncing on and equipment such as swings and dodgems which is controlled to some extent by the customer. It excludes equipment such as pinball and video machines and side-stalls.

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099.2 Duties with Respect to Design

The designer or manufacturer must ensure that the *design*² will be safe and without risks to health and, to achieve this, he must carry out or arrange for the carrying out of appropriate reviews of the design work [HSW Act Section 6 - paragraphs (b) of subsections (1) and (1A)]. For passenger carrying amusement devices the Code requires the complete design specification and, where necessary, associated calculations to be submitted to an independent consulting engineer to establish that the design concept is sound and that the calculations are correct [Code paragraph 16]. This is the process referred to as "Design Review". Although the Code is nominally *voluntary*³ it is adopted by virtually all of the UK industry.

099.3 Duties with Respect to Construction

As well as the safety of the design a manufacturer or supplier has to ensure that the construction of the device is satisfactory [HSW Act Section 6 - paragraph (a) of subsections (1) and (1A)]. If it is also wished to comply with the Code an amusement device must be manufactured in conformity with a specification that has been the subject of Design Review [Code paragraph 34].

Because of this heavy responsibility some suppliers (sometimes at the request of the purchaser) use independent specialists, i.e. some NAFLIC members, to carry out conformity inspections. These elements of expertise and independence can have the additional advantage of providing greater reassurance to prospective purchasers than the supplier can provide in his own right.

099.4 Duties with respect to provision of documentation

As well as the safety of design and construction the supplier, has to ensure that he provides the purchaser with adequate information about the use of the equipment [HSW Act Section 6 - paragraphs (c) of subsections (1) and (1A)]. This should certainly include Operations, Maintenance and Inspection Manuals, but further information may be found in the Code paragraphs 38, 39 & 41 as well as paragraphs 154, 155 & 156 of the 1988 version of the Technical Annex.

099.5 Duties with respect to Initial Test

It is a generally accepted fact that some aspects of the safety of an amusement device's design and construction are best demonstrated by functional test runs. Braking (and other safety related) systems for instance are obvious examples.

² *Design* has a meaning specified in the Code which covers all aspects of the device's specification and associated calculations and implies all safety related disciplines.

³ "Although this code does not of itself have the force of either law or an approved Code of Practice, the Health and Safety Executive has instructed its inspectors to take it into account when considering whether there is compliance with statutory requirements. Failure to follow the guidance or to provide other equally effective measures may lead to action by inspectors ranging from advice and warnings to the issue of enforcement notices or even prosecutions, although ultimately it is for a court or tribunal to decide whether there has been compliance with the law." - Foreword to the Code.

The HSW Act does not prescribe what testing should be carried out before first use of an article of fairground equipment - the designer, manufacturer, or supplier has the responsibility of deciding what is called for [HSW Act Section 6 - paragraphs (b) of subsections (1) and (1A)].

The Code requires an "Initial Test" to be carried out by or on behalf of the manufacturer. There is an additional requirement that the certificate of initial test should be duly verified by a competent third party [Code paragraphs 89 and 90].

099.6 Requirements

On the basis of the preceding discussion it is our view that compliance with UK requirements for the supply of articles of fairground equipment will involve the supplier in:

- ◆ Independent Design Review
- ◆ Inspection of Conformity to Design
- ◆ Initial Test, duly verified by a competent third party.
- ◆ Provision of all relevant documentation

099.7 The duties of the purchaser

It is the responsibility of the purchaser or hirer, to ensure before completing negotiations for the purchase or hire, that all the above have been carried out. [Code paragraph 10].

099.8 Conclusion

The NAFLIC Standards & Related Documents Sub-Committee have prepared this Technical Bulletin with the intention of providing an informed interpretation of requirements regarding articles of fairground equipment produced in the UK. We do not claim that this interpretation is the complete picture and we are aware that there may be other ways of complying with the law - the courts, after all, will ultimately decide. This Technical Bulletin is not to be quoted or used to indicate proof of compliance with the HSW Act. Any persons requiring definitive interpretations in specific cases should seek their own independent advice and contact the Health and Safety Executive.

PLEASE NOTE THIS REFERS TO CODE HS(G8), NOW SUPERSEDED