

Funfair Guidance Document

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Funfair Guidance Document

Planning and Development Act 2000 (Certification of Fairground Equipment) Regulations, 2003

1 Background

Under the Planning and Development Act, 2000 as amended by the Planning and Development (Amendment) Act, 2002 the Minister for the Environment, Heritage and Local Government has power to make regulations that provide for matters of procedure, administration and control in relation to applications for, and the grant of, certificates of safety for funfair equipment. The Act also provides that the Minister may make regulations in relation to: the persons entitled to grant certificates of safety; the matters to be taken into account in determining applications for certificates of safety; and fees, period of validity of safety certificates and exemption of certain fairground equipment from the above provisions.

In summary, the regulatory system aims to ensure that funfair equipment cannot be operated legally in Ireland without a valid safety certificate. The principal objective of the regulations is that members of the public should not be exposed to danger arising from substandard funfair equipment.

2 Introduction

This Guidance Document has been published by the Minister for the Environment, Heritage and Local Government under Article 4 of the Planning and Development Act 2000 (Certification of Fairground Equipment) Regulations 2003. It provides guidance in relation to matters to be taken into account in determining applications for certificates of safety, including guidance on compliance of fairground equipment with safety standards, codes of practice or related documents as may be considered necessary for the granting of a certificate of safety. This document should read in conjunction with these regulations and with Section 239 of the Planning and Development Act, 2000 (No.30 of 2000) as amended by Section 14 of the Planning and Development (Amendment) Act, 2002

In addition to the power to make regulations, Section 239 of the Planning and Development Act, 2000 contains a number of important provisions as follows:

- It defines "fairground equipment" and "funfair" - subsection (1)
- It places a general duty of care on organisers of funfairs and owners of funfair equipment - subsection (2)
- It places a general duty on other persons at funfairs to conduct themselves in a reasonable manner - subsection (3);

- It requires organisers of funfairs and owners of funfair equipment not to make available for use fairground equipment unless there is a valid certificate of safety in place for such equipment - subsection (4);
- It sets out the powers available to the Minister in relation to regulations governing certificates of safety - see subsection (5) and (6);
- Subsection (7) obliges a person who intends to hold or organise a funfair to give notice of this to the local authority in whose functional area the funfair will be held and sets out the information which must accompany the notice; and
- Subsection (8) sets out the enforcement powers of local authorities where they have either not been notified of the holding of the funfair or where no valid safety certificate is available.

3 The Regulatory System

3.1 The system of certification of fairground equipment will operate following thorough annual examination of devices by authorised persons as defined under Article 3 of the Regulations. Thorough examination of devices will be based on criteria and procedures as set out in this Guidance Document. In general these are based on the relevant parts of UK guidance document HSG 175 *Fairgrounds and Amusement Parks Guidance on Safe Practice* which deal with "thorough examinations".

3.2 Safety Certificates

The Act requires that fairground equipment as defined in Section 239 (1) be issued with Certificates of Safety before being operated for public use. Fairground equipment, as defined, includes " any fairground ride or any similar equipment which is designed to be in motion for entertainment purposes with members of the public on or inside it, any equipment which is designed to be used by members of the public for entertainment purposes either as a slide or for bouncing upon, and any swings, dodgems and other equipment which is designed to be in motion wholly or partly under the control of, or to be put in motion by, a member of the public or any equipment which may be prescribed, in the interest or public safety, for the purposes of this section;"

3.3 Applications for Certificates of Safety

Section 239(4)(a) of the Act provides that "An organiser of a funfair or an owner of fairground equipment shall not make available for use by the public any fairground equipment unless such equipment has a valid certificate of safety in accordance with regulations made under subsection (5)". Applications for certificates of safety must be made to any of the authorised persons designated by the Minister and listed in Appendix I. A separate application should be made for each piece of fairground equipment/amusement device. Applications shall be accompanied by such plans, specifications, test results or other information as the funfair guidance document or the authorised person, who is to determine the application, may reasonable require.

3.4 Format of Certificate - Appendix II

Article 6 of the Regulations provides as follows: "A certificate of safety shall be in the form set out in a funfair guidance document or a form substantially to the like effect."

Certificates of Safety will be issued by authorised persons in the form set out in Appendix II

3.5 Operators Manual

- (a) Applications for certificates of safety should be accompanied by an operators manual similar to the Operators Manual referred to in UK guidance document HSG 175 *Fairgrounds and Amusement Parks Guidance on Safe Practice (Appendix 3)*, the format of which should be agreed between the applicant and the authorised person examining the equipment. The operator's manual should provide all necessary information relating to the safety device including certificates of safety. The applicant should add to it any reports of thorough examination, records of modifications, daily inspection routines and other relevant information gained from operating the device. In this way a comprehensive package of information on the amusement device is built up and maintained.
- (b) The manual needs to be in the most appropriate form for the device as agreed by the authorised person. It is important for identification purposes that the manual contains as many of the following details as possible to identify the amusement device:
- (i) name and address of manufacturer;
 - (ii) model number or name;
 - (iii) serial number;
 - (iv) date of manufacturer;
 - (v) name and address of previous owner if applicable.

3.6 Processing Applications

Article 8(1): "On receipt of an application for a certificate of safety, an authorised person shall decide whether to accept and process such application, and shall inform the applicant within five working days if the application is not to be accepted and processed by the authorised person or if additional information must be provided before the application be accepted."

A decision not to accept an application must be made in cases where, in the opinion of the authorised person, sufficient information and documentation has not been provided in respect of the device. There is nothing to prevent a further application for a certificate of safety being made in cases where the initial application has not been accepted on grounds of lack of information.

3.7 Matters to be taken into account in processing applications:

Article 8(2): "An authorised person shall, having decided to accept and process an application for a certificate of safety:-

- (a) consider the application; and
- (b) grant the certificate, with or without conditions, or refuse to grant the certificate as the case may be."

The Technical Guidance section of this funfair guidance document sets out the criteria and procedures to be taken into account in considering applications for safety certificates.

3.8 Granting Certificates

Article 8(3): "Where an authorised person decides to grant a certificate of safety:-

- (a) the form set out in a funfair guidance document or a form substantially to the like effect, shall be the form of every such certificate; and
- (b) the authorised person shall cause the certificate to be sent to the applicant, and shall retain a copy of the certificate and shall cause a copy of the certificate to be sent to the Minister."
- (c) The certificate of safety shall be retained by the authorised person and the owner for a period of not less than 10 years.
- (d) Where equipment is transferred to a new owner, certificates of safety must be transferred with the equipment.

The Certificate of Safety as set out in Appendix II to this Guidance Document will be used for certification purposes (or any form substantially to the like effect and agreed by the authorised person).

The purpose of sub-articles (b), (c) and (d) is to ensure that records and archive reports will be kept of all funfair equipment which has been examined and certified under the Regulations.

3.9 Refusing to grant Certificates

Article 8(4) sets out the procedures for notifying applicants of decisions to refuse to grant certificates of safety for funfair equipment.

3.10 Fees and Timing for Certification

Article 8(5) states that the decision making period and fees for examination and certification are matters to be agreed between the authorised person and the owner of the device in respect of which the application for a safety certificate has been made.

3.11 Period of Validity for Certificate of Safety

Article 7(1): "A Certificate of Safety shall be valid for a period of fourteen months from the date of issue of such certificate or any shorter period as may be specified by the authorised person."

It is intended under Article 7(1) that thorough examinations for the purpose of issuing certificates of safety be carried out every fourteen months. This does not preclude certification for a lesser period where the authorised person considers that the intervening activity would adversely affect the basic safety standard for which the certificate is issued.

3.12 Commencement of Certification process:

The obligation to obtain a certificate of safety does not come into effect until 1 March, 2004

The commencement date for the introduction of these regulations is 1 October, 2003 however there will be a period of time during which operators will not be expected to produce Certificates of Safety. Article 7(2) allows a five month introductory period. The purpose of commencing the regulations on 1 October, 2003 is to provide the overall legal framework for applications to be made and processed.

3.13 Official Notice to Local Authority

- (a) While a period of 2 weeks notice is stipulated under Section 7(a) of the Act, this period of time is being reduced under the Regulations. Under Article 9 of the regulations, a person who intends to hold or organise a funfair shall give two working days notice in writing to the local authority in whose functional area the funfair is to be held.
- (b) This period of notice does not apply where the operation of funfair equipment has been authorised e.g. planning permission under Part III of the Planning and Development Act, 2000 or Part IV of the Local Government (Planning and Development) Act, 1963.

- (c) Under section 7(b) of the Act, the notice referred to must be accompanied by a valid certificate of safety for the fairground equipment to be used at the funfair and shall give details of the names of the organiser of the funfair, the owner or owners of the fairground equipment to be used at the funfair and the location and dates on which the funfair is to be held. A copy of the original certificate should suffice for this purpose.

3.14 Functions of Local Authority

Local Authorities do not have a direct function in the certification process.

Examination of equipment and the issue of Certificates of Safety is a matter between the owner/operator and the authorised person as prescribed under these Regulations.

Essentially the powers of local authorities relate to enforcement in circumstances where:

- (a) a certificate of safety has not been obtained as required; and/or
- (b) notice to the local authority has not been given.

In the circumstances as above, local authorities have powers under the Act to serve a notice requiring that the funfair be terminated etc. Details are set out in subsection (8) of section 239 of the Act.

3.15 Persons designated for Inspection Purposes

- (a) "Inspection" in this guidance has the meaning:

"Examination of a product design, product, service, process of plant, and determination of their conformity with specific requirements or, on the basis of professional judgement, general requirement." (BS EN 45004)

The persons authorised to inspect funfair equipment for the purpose of determining applications for Certificates of Safety are listed in Appendix I. Such persons are persons designated by the Minister under sub-sections 5 and 6 of Section 239 of the Act and who are experienced in the examination of fairground and/or amusement park machinery and structures.

- (b) The functions of the authorised persons will be to determine applications for certificates of safety. Typically this will involve;
 - (i) processing applications for Safety Certificates;
 - (ii) inspecting each device or part of a device;

- (iii) knowing the limits of their competence and recognising the need for others to do examination work as necessary (eg examination of pneumatic, hydraulic, electrical or electronic systems, non-destructive testing);
- (iv) interpreting the results of other competent persons' inspection reports;
- (v) keeping up to date with technical information , guidance and industry good practice;
- (vi) in addition to sending the Certificate of Safety to the applicant and retaining a copy, the authorised person will also send copy of the certificate to the Minister for record purposes.

Evidential Value of the Guidance

- 4.1** The standards and other specifications (including technical specifications) which are referred to in this document are those which are likely to be suitable for the purposes of the Regulations. Where funfair equipment is constructed, maintained and operated in accordance with the guidance in this document, this will, prima facia, indicate compliance with the Regulations. However, the adoption of an approach other than that outlined in the guidance is not precluded provided that the relevant requirements of the Regulations are complied with. In these circumstances, for the purposes of application for certificates of safety, authorised persons may require the relevant persons to provide such evidence as is necessary to establish that the requirements of the regulations are being complied with.

The Technical Guidance

- 5.1** UK guidance document HSG 175 *Fairgrounds and Amusement Parks Guidance on Safe Practice*, in particular Part D thereof, sets out certain criteria and procedures for the thorough examination of amusement devices and may be referred to as guidance for the purpose of making decisions on certificates of safety under these Regulations.

In addition authorised persons will carry out such tests as they consider necessary as a basis for deciding on the certificates of safety. In the case of new equipment these tests may include the following procedures, guidance for which is set out in HSG 175;

- A) carrying out a design review
- B) assessment of conformity to design
- C) examine initial testing documentation
- D) carry out thorough examination

For older equipment a concept of maturity in use may apply for (a), (b) and (c) above.

Concept of Maturity

The concept of maturity refers to design evidence from past experience that a design or a component of a design has a history of safe functioning. Such evidence needs to be scrutinised carefully to make sure that it is wholly relevant to any importance that is to be placed on it. Any information on maturity (ie on components with a claimed history of safe use elsewhere) may need careful study to make sure that those applications are sufficiently similar to the proposed use for the data to be relevant.

5.2 Thorough Examination

Note: The guidance given is based on UK guidance document HSG 175 *Fairgrounds and Amusement Parks Guidance on Safe Practice*.

(a) Objective of Thorough Examination

The objective of thorough examination of an amusement device by an authorised person is to provide a real time check on its fitness for further use. The authorised person will use procedures, tests and investigations necessary to decide whether the amusement device may continue to be operated, or that the device requires defects to be remedied either immediately or in a specified period. It is a matter for the authorised person to decide whether such checks have been adequately carried out before issuing Certificates of Safety.

(b) Period between Thorough Examinations

The period between thorough examinations is detailed in paragraph 3.11 above.

(c) New Devices

A new device with, in the opinion of the authorised person, satisfactory documentary evidence as referred to in paragraph 5.1 above, does not require thorough examination for the purpose of issuing a certificate of safety until the end of its first year of use unless the authorised person specifies a shorter interval.

(d) Fitness for further use:

By "fitness for further use" it is not intended that the authorised person would duplicate other types of inspection; the checks would include:

- (i) visual inspection;
- (ii) that the operations manual contains the reports of design review, assessment of conformity to design and initial test (where relevant), and, details of safety-critical repairs and modifications;
- (iii) that the safety-critical aspects of the device have not deteriorated to an extent which is liable to cause danger. This may raise questions as to whether a valid decision has been taken on the design review. If necessary the operator should be informed of this in writing so that he/she can assess the risk and the need to have, or revise, a design review;
- (iv) functional tests of all safety-related systems which the authorised person, designer or manufacturer considers necessary, or which may have been recommended in earlier reports by other inspection bodies. The device may need to be run with realistic loading to check proper operation of all controls.
- (v) that devices have been upgraded, where necessary, to avoid danger.

(e) Other Inspection Bodies

The authorised person may need to involve other inspection bodies, for example, for non-destructive testing (NDT) or electrical work. Any parts which do require specialised NDT need to be clearly identified and the procedure for each part described precisely. Recommendations for NDT should be based on any relevant information contained in the operations manual and on the authorised persons own skill and experience. The authorised person needs to assess the implications of the NDT report in terms of the overall integrity of the device and make any necessary recommendations for further work and, if necessary, retest. Reference may be made to HSG 175 Part D paragraphs 132 - 136 on non-destructive testing procedures.

The authorised person may wish to refer equipment to a qualified electrician for a separate Report of Electrical Examination the form of which may be agreed between the authorised person and the qualified electrician. Reference may be made to UK guidance document HSG 175 Appendix 4: *Safe use of Electrical Equipment*

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(f) Incomplete examinations

If an authorised person finds that his/her work is not sufficiently comprehensive to complete thorough examination - for example, if a safety-critical component requiring examination is inaccessible or there is inadequate documentation - he/she needs to inform the operator in writing as soon as possible. Any report needs to clearly specify any restrictions on use needed to ensure safety until a thorough examination has been completed.

(g) Repairs

If particular repairs need to be made before the device can be used again, or within a specified time, the authorised person needs to inform the operator immediately in writing and state in a report details of the components requiring repair.

(h) Sampling

If a device has a number of identical components which can be individually identified, the authorised person may select a proportion of them and examine that sample in detail. If any defects are found in the sampled components, the remainder will need to be examined. British Standards BS 6000 and BS 6001 give advice on sampling.

Legislative References:

Planning and Development Act, 2000 (Sections 139 and 262)

Planning and Development (Amendment) Act, 2002 (Section 14)

Safety Health and Welfare at Work Act, 1989

Useful References and Guidance Notes:

Reference Code	Guidance Document
PrEN 13814	Draft European Standard
BS EN 294 : 1992	Safety of Machinery - Safety distances to prevent danger zones being reached by the upper limbs
BS EN - 45004: 1995	General Criteria for the operation of various types of bodies performing inspection
	Explanations to BS EN 45004: 1995
BS EN 1050: 1997	Safety of Machinery - Principals for Risk Assessment
HSG 175 HSG 175	Fairgrounds and Amusement Parks - Guidance on Safe Practice Section B: "Managing Health and Safety"
HSE Report	Review of Fairground Safety
HSE Guidance Note PM 29	Electrical hazards from steam/water pressure cleaners etc
HSE Guidance Note PM 47	Safe operation of passenger carrying amusement devices - the Waltzer
HSE Guidance Note PM 48	Safe operation of passenger carrying amusement devices - the Octopus
HSE Guidance Note PM 49	Safe operation of passenger carrying amusement devices - the Cyclone Twist
HSE Guidance Note PM 57	Safe operation of passenger carrying amusement devices - the Big Wheel
HSE Guidance Note PM 59	Safe operation of passenger carrying amusement devices - the Paratrooper
HSE Guidance Note PM 61	ent devices - the Chair-O-Plane
HSE Guidance Note PM 68	Safe operation of passenger carrying amusement devices - Roller Coasters
HSE Guidance Note PM 70	Safe operation of passenger carrying amusement devices - Ark / Speedway
HSE Guidance Note PM 71	Safe operation of passenger carrying amusement devices - water chutes
HSE Guidance Note PM 72	Safe operation of passenger carrying amusement devices - trabant
HSE Guidance Note PM 76	Safe operation of passenger carrying amusement devices - inflatable bouncing devices
HSE Information Sheet No 5	Fairground and amusement parks
HSE Information Sheet No 7	Safe use and operation of play inflatables, including bouncy castles
HSE Information Sheet No 8	The ADIPS Scheme
HSE Information Sheet No 12	Safe operation of miniature railways, traction engines and road vehicles
HSE Information Sheet No 14	Effective driver briefings at karting circuits
HSE	Five Steps to Risk Assessment
BACTA	Kiddie Rides : A Safety Guide
ADIPS	Report of Assessment of Conformity to Design
ADIPS	Report of Initial Test
ADIPS	Thorough Examination Report
ADIPS	Report of Design Review
ADIPS	Advice on completing "Report of Electrical Thorough Examination"
ADIPS	Bulletin No 4: Children's Battery Powered Coin Operated Cars
ADIPS	Declaration by Registered Inspection Body of Operational Compliance
ADIPS	Rules for the Registration of Bodies performing inspection of Fairground and amusement park Machinery and Structures Part 1 - Introduction to Service Quality Schedules
ADIPS	Rules for the Registration of Bodies performing inspection of Fairground and amusement park Machinery and Structures Part 2 - Design Review
ADIPS	Rules for the Registration of Bodies performing inspection of Fairground and amusement park Machinery and Structures Part 3 - Assessment of Conformity
ADIPS	Rules for the Registration of Bodies performing inspection of Fairground and amusement park Machinery and Structures Part 4 - Initial Test
ADIPS	Rules for the Registration of Bodies performing inspection of Fairground and amusement park Machinery and Structures Part 5 - Thorough Examination

Appendix I (Authorised Persons)

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by Section 239 of the Planning and Development Act, 2000 (No. 30 of 2000), as amended by Section 14 of the Planning and Development (Amendment) Act, 2002, hereby designates the following persons as standing authorised to determine applications for certificates of safety in respect of fairground equipment;

Neil McCullough, F.I. Diag. E
51 Castlereagh Street, Silksworth, Sunderland, SR3 1HL, UK

Ray Morris, Consulting Engineer
"The Bush", Youghal, Co. Cork

Jeff Johnson, Ing. P Eur
40 Irvine Crescent, Bangor, Co. Down, BT19 7XS

The said persons shall be deemed "authorised persons" under the Planning and Development Act 2000 (Certification of Fairground Equipment) Regulations 2003.

Appendix II

Certificate of Safety

Name of device:

Generic name and description:
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Identification number or other identifying symbol or mark:

Name and address of owner:
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Name of manufacturer:

Date of manufacture:

Date of importation:

Final Inspection Date:

Place of Inspection:
.....

This is to confirm that on the following date/dates;, a thorough examination was carried out on the above named amusement device with due regard to Structural, Electrical and Mechanical safety.

It is my opinion that:

on the final date of inspection the device was in a condition such as not to present a danger to the public and is fit for further use when operated, maintained and controlled in the correct manner and in accordance with the manufacturers instructions, where available, and with any such instructions and limitations as may be set out on the attached Schedule;

if safety-critical modifications have been made to the device since the last thorough examination or since acquiring the device for public use, all reports are available for inspection, have been examined and are considered acceptable from a safety viewpoint;

the safety -critical aspects of the device have not deteriorated to an extent which is liable to cause danger;

the device has been upgraded where necessary to avoid danger.

The inspection was carried out in accordance with Section 239 of the Planning and Development Act, 2000 and regulations made thereunder, as well as technical guidance issued in accordance with the regulations.

Granted by :

This Certificate of Safety expires after inspection date. A copy of this Certificate of Safety has been forwarded to the Minister for the Environment, Heritage and Local Government and the original has been given to the owner.