

**REVIEW OF LOCAL STATUTORY PROVISIONS
LOCAL GOVERNMENT ETC (SCOTLAND) ACT 1994: SECTION 59
APPLICATION FOR EXEMPTION OR POSTPONEMENT FROM REPEAL**

1. Title of Provision

Management Rules for the Management of Swimming Pools (Civic Government (Scotland) Act 1982).

2. Effect and extent

Effective from 1st April, 1994. Regulate the admission of the public, conduct within the pools, use of the pools and conduct of members of the public.

3. Has the Council reviewed this provision and concluded that it is still required beyond 31 December 1999?

The Council has reviewed these Management Rules and concluded that they are required beyond 31st December, 1999.

4. Does the Council seek (i) exemption from repeal or (ii) postponement of repeal of the provision?

The Council seeks exemption from repeal.

5. Is the content of the provision appropriate to contemporary needs?

The Rules have been drafted recently and are up-to-date.

6. Does the provision apply to the whole of the Council's area? If not, why is it considered appropriate to continue to limit its application to the area in question?

The Rules apply to all swimming pools within The Moray Council area.

7. Is it confirmed that the provision does not duplicate matters in public statute?

Do not duplicate matters contained within public statute.

8. If exemption is sought, why is it considered inappropriate to re-enact the provision, e.g. no changes required to existing legislation?

As detailed at 5 above, the Rules were drafted recently and are relevant to the current operation of swimming pools within Moray.

9. If postponement is sought, when will a Provisional Order be deposited re-enacting the provision?

N/A.

10. Any other factors or information which the Council considers relevant.

N/A.

MORAY DISTRICT COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

RULES FOR THE MANAGEMENT OF SWIMMING POOLS

By virtue and in terms of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982, Moray District Council hereby make the following rules for the management of swimming pools and other places of public resort:-

INTERPRETATION OF TERMS

1. In the construction of these rules, the following expressions shall have the meanings hereby assigned to them, that is to say:
 - (i) "The Council" means the Moray District Council as constituted by the Local Government (Scotland) Act 1973.
 - (ii) "Authorised Officer" means the Director of Leisure and Libraries or any other persons appointed by the Director of Leisure and Libraries as an Authorised Officer.
 - (iii) "The Premises" means any swimming pool buildings including facilities contained therein inclusive of outside passageways, entrances and grounds thereof under the control of Moray District Council.
 - (iv) "The Pool" means the swimming area.
 - (v) "Adult" means a person of 16 years or over.
 - (vi) "Drugs" means any drug falling within a heading of a "controlled drug" as detailed under Section 2 and Schedule 2 of the Misuse of Drugs Act 1971 and any subsequent Act extending or amending the above.

2. REGULATION AND ADMISSION OF THE PUBLIC

- (a) Other than with the consent of the Authorised Officer no person shall use any of the facilities without having obtained a ticket of admission, and shall not occupy the facility for a period longer than that for which the ticket has been issued.

The Council may extend or shorten the swimming periods as they consider appropriate.

- (b) With the exception of specific events organised and/or supervised by the District Council no child under 7 years old will be admitted to the premises unless accompanied by and under the care and protection of an adult who must accompany the child at all times within the premises and particularly in the water.

- (c) No person other than children under 6 years of age will be permitted to enter the dressing room reserved for the opposite sex.
- (d) With the exception of guide dogs for the blind under the control of their owners no animal(s) of any description shall be admitted to the premises.
- (e) No person affected with or suffering from any form of skin disease shall enter the water or use any health suite/showering facilities.
- (f) No person shall smoke or use offensive language or enter the building under the influence of drink or drugs.
- (g) No person shall behave in a disorderly manner towards any other person within the premises or towards an employee in the execution of his duty.
- (h) The Council reserve the right to refuse admission to the premises of any person.

3. **EXCLUSION OF VEHICLES**

No member of the general public may bring any bicycle or other wheeled vehicle or conveyance into the premises except with the consent of the Authorised Officer and in such circumstances, the member of the general public is required to carry out any instructions of the Authorised Officer as to where the bicycle, wheeled vehicle or conveyance requires to be situated and any other instructions relative thereto. In the case of an invalid wheelchair, the Authorised Officer will permit such access to the premises as is practical.

4. **PREVENTION OF NUISANCE**

- (a) No person shall at any time whilst being within the premises, use any profane, indecent or offensive language, spit or behave in an indecent, offensive or disorderly manner.
- (b) No person shall, at any time within the premises obstruct, interrupt, assault or interfere with any of the Council's Officers in the exercise of their duties or with any member of public present on the premises.
- (c) No person wearing swimming attire will be permitted to frequent the foyer/cafeteria/snack areas.
- (d) No person shall, within the premises, wilfully or recklessly cause damage to or destroy any fixture or fitting, equipment, furnishings or any other property belonging to the Council and the Council shall reserve the right to claim compensation for any such damage or destruction.

- (e) Other than with the express permission of the Authorised Officer the public use of radios, compact disc or cassette players and other such sound emitting equipment is forbidden unless used with a personal headset.

5. **USE OF THE POOL**

- (a) In the interest of hygiene all bathers must wash thoroughly before entering the pool.
- (b) No person shall enter the pool unless in the presence of a lifeguard(s)
- (c) During public sessions, all games, races or swimming examinations or competitions are prohibited unless previously sanctioned by the Council's Authorised Officer.
- (d) No person shall run along the poolside, and fighting, ducking, dive-bombing are prohibited.
- (e) No person shall use soap, or shampoo in the pool or pollute or foul the water in any way.
- (f) Every person using the pool shall wear a suitable swimming costume and in the interests of safety masks, snorkels and flippers will only be allowed for use during nominated sessions.
- (g) No person shall proceed to the deep end of the swimming pool or use the diving board/aqua slides unless he/she is a capable swimmer. The Duty Officer's decision shall be final.
- (h) No person shall chew gum/eat sweets within the Pool.
- (i) in the absence of the organiser holding a Performing Rights Society (P.R.S.) licence and/or a Public Phonographic Licence (P.P.L.) shall require to meet all fees, as determined from time to time, relating to P.R.S. and/or P.P.L. levies and administration costs thereof.

6. **GENERAL DAMAGE/DESTRUCTION OF PROPERTY**

The Council will not accept any responsibility for the loss or theft of or any damage to the property of any persons using the premises.

7. **EXPULSION OR EXCLUSION FOR BREACH OF MANAGEMENT RULES**

- (a) The Authorised Officer of the Council may under Section 116 of the Civic Government (Scotland) Act 1982 (1) if he has reasonable grounds for believing that a person has contravened, is contravening, or is about to contravene a Management Rule, expel that person from the premises or (2) if he has reasonable grounds for believing that a person is about to contravene a Management Rule exclude that person from the premises.
- (b) A person may be served an Exclusion Order by the District Council and may be liable upon summary conviction to a fine if that order is contravened.
- (c) A person failing to leave the premises when requested to do so by an Authorised Officer of the Council will be committing a criminal offence and may be fined upon summary conviction.

8. **RIGHT OF APPEAL**

Any person wishing to appeal against a decision taken in terms of paragraphs 6(a)(b) and (c) above shall do so in writing to the Director of Administration and Law within 14 days of that decision.

9. **RULES NOT TO AFFECT EMPLOYEES IN THE PERFORMANCE OF THEIR DUTIES**

The foregoing regulations shall not apply to an officer or servant of the Council while acting within the scope of his employment in or about any work in connection with any pool.

Any person contravening any of these Management Rules shall be subject to the penalties imposed by Sections 116, 117 and 118 of the Civic Government (Scotland) Act 1982.

NOTES

Copies of these rules can be inspected free at the Council's Department of Administration and Law, District Headquarters, Elgin, any Area Office, Public Library or Council owned Swimming Pool.

Any person contravening any of these Management Rules shall be subject to the penalties imposed by Section 116, 117 & 118 of the Civic Government (Scotland) Act 1982 exigible from time to time in terms of the relevant sections of the aforementioned Act.

Certified that these Management Rules are a true copy of those made by Moray District Council and are effective from 1st April, 1994.

Director of Administration and Law
Moray District Council

MORAY DISTRICT COUNCIL

SWIMMING POOL MANAGEMENT RULES (EXTRACT)

REGULATION OF ADMISSION OF PUBLIC

1. No person shall enter the premises without having obtained a ticket of admission and shall not occupy the Pool for a period longer than that for which a ticket has been issued. The Council may extend or shorten the swimming periods as they consider appropriate.

2. **With the exception of specific events organised and/or supervised by the District Council** no child under 7 years of age will be admitted to the premises unless accompanied by and under the care and protection of an adult who must accompany the child at all times within the premises and particularly in the pool.
3. No person other than children under 6 years of age will be permitted to enter the dressing room reserved for the opposite sex.
4. **With the exception of guide dogs for the blind under the control of their owners** no animal(s) of any description shall be admitted to the premises.
5. No person shall be allowed to introduce or consume within the premises any intoxicating liquor or drugs of any description and no person who is in a state of intoxication shall be allowed entry to the premises.
6. The Council reserve the right to refuse entry to the premises to any person.
7. No person shall at any time while being within the premises, use any profane, indecent or offensive language, or spit or behave in an indecent manner.
8. No person shall at any time within the premises obstruct interrupt, assault or interfere with any of the Council's Officers in the exercise of their duties or with any member of the public present in the premises.
9. No person shall, within the premises, smoke tobacco or any like substance.
10. No person wearing swimming attire will be permitted to frequent the foyer/cafeteria/snack areas.
11. No person shall, within the premises, wilfully or recklessly cause damage to or destroy any fixture or fittings, equipment, furnishings or any other property belonging to the Council and the Council reserve the right to claim compensation for any such damage or destruction.
12. **Other than with the consent of the Authorised Officer the public use of radios, compact disc or cassette players is forbidden unless used with a personal headset.**

USE OF THE POOL

13. No person affected with any form of skin disease or any other infections or contagious disease shall enter the pool.
14. In the interest of hygiene all bathers must wash thoroughly before entering the Pool.
15. No person shall enter the Pool unless in the presence of lifeguard(s).

16. During public sessions all games, races or swimming examinations or competitions are prohibited unless previously sanctioned by the Council's Authorised Officer.
17. No person shall run along the poolside, and fighting, ducking, dive-bombing are prohibited.
18. No person shall chew gum/eat sweets within the Pool.
19. Every person using the pool shall wear a suitable swimming costume and in the interests of safety bathers must not wear face masks, snorkels, flippers or similar devices without the prior permission of the Council's Authorised Officer. No person shall, at any time, while within the Pool, wear watches, bracelets, bangles, earrings or other similar items which may be deemed to be dangerous.
20. No person shall use soap or shampoo in the Pool or foul or pollute the water.
21. No one shall proceed to the deep end of the Pool unless he or she is a capable swimmer in the opinion of the Council's Authorised Officer.