

Model byelaw 3: guidance notes

On 5th May 2006 the responsibilities of the Office of the Deputy Prime Minister (ODPM) transferred to the Department for Communities and Local Government.

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Byelaws for amusement premises

1. The attached model byelaws were issued by the Home Office in June 2000 in consultation with the Health and Safety Executive for the use of local authorities who wish to control amusement premises in their areas. Local authority associations, fire and trade organisations were consulted on the terms of the previous model byelaws. The Health and Safety Executive and the Home Office Fire Policy Unit were consulted about this latest version.

2. The byelaws contain complex and detailed technical information which is deemed essential to preserve public safety and uniform standards throughout the country should be maintained as far as possible. Local variation on matters of public safety is not desirable.

The byelaws should, therefore, be adopted as a package without deviation. The Secretary of State will not normally confirm byelaws which deviate from these models.

3. Following the general election on 7 June 2001, responsibility for confirmation of these byelaws was transferred to the Secretary of State for Transport, Local Government and the Regions. This responsibility was transferred to the Deputy Prime Minister in his capacity as First Secretary of State on 29 May 2002, and subsequently Communities and Local Government in May 2006. The Guidance notes set out the procedures which local authorities should follow when adopting any byelaws for which the Secretary of State is the confirming authority.

Consultation

4. Before making the byelaws, you should consult relevant proprietors of premises, BACTA, the local police and fire services, and any trader organisations which may be affected by the byelaws.

Age limits

5. The terms of section 75 of the Public Health Act 1961 under which these byelaws can be made are tightly drawn. They enable local authorities to make byelaws to regulate the hours during which these premises are open to the public, for securing public safety, fire precautions, cleanliness and avoidance of nuisance. It is, therefore, beyond the scope of authorities to make a byelaw which imposes age limits or excludes minors. No such byelaw has, therefore, been included in the model set and the Secretary of State will not confirm byelaws if one is included.

Hours of opening

6. For byelaw 3, an amusement premises manager should not normally be allowed to keep the premises open after 12 midnight, to avoid local disturbance, but you may specify opening hours to reflect local circumstances.

7. When reaching a decision on what opening hours to impose on amusement premises, you should give due weight to any existing restrictions imposed as conditions under section 72 of the Town and Country Planning Act 1990 and consider whether you need to deviate from them.

Fire Safety signs^[1]

8. For byelaw 5(ii), the British Standard for fire safety signs and graphic symbols is BS 5499. Part 1 of this standard is the specification for fire safety signs and Part 2 the specification for self luminous fire safety signs. The British Standard for internally illuminated exit signs is BS 2560. British Standards may be obtained from the British Standards Institution, Linford Wood, Milton Keynes MK14 6LE.

Emergency lighting

9. For byelaw 7, the British Standard for the design, installation and maintenance of emergency lighting is BS 5266 Part 1.

Fire Precautions (Workplace) Regulations

10. For byelaws 5, 6 and 12, the provisions of the Fire Precautions (Workplace) Regulations 1997 (SI 1997 No 1840), as amended, will apply where any part of the amusement premises is being used as a workplace as defined by those Regulations. Guidance on the requirements of the Regulations can be found in the joint Home Office / Health and Safety Executive publication Fire Safety: An employer's guide.

Health and Safety (Safety Signs and Signals) Regulations 1996^[1]

11. Further, for byelaw 5(ii), the provisions of the Health and Safety (Safety Signs and Signals) Regulations (SI 1996 No 341) will apply where there are persons at work as defined by section 52 of the Health and Safety Act 1974. Guidance on the requirements of the Regulations can be found in Safety Signs and Signals - The Health and Safety (Safety Signs and Signals) Regulations 1996, Guidance on Regulations (HSE reference no. L64).

Fairgrounds and Amusement Parks: Guidance on safe practice HSG175 and Amusement Parks: Guidance on safe practice HSG175

12. HSE Inspectors are responsible for enforcing the Health and Safety at Work etc. Act 1974 at fairground sites. Guidance prepared by HSE for the industry includes Fairgrounds and Amusement Parks: Guidance on safe practice HSG175 which describes the measures necessary to safeguard the public and employees in terms of the management of health and safety by different duty holders who may be encountered at any fairground site. The guidance also includes details of the fire spacing of accommodation caravans agreed between the Showmen's Guild of Great Britain and the Home Office; other general fire precautions agreed with the Home Office, and recommendations on the safe use of electricity for public and employees.

Exclusions from the premises

13. The wording of byelaw 9 is based on relevant passages of the Licensing Act 1964 (applicable to licensed premises) and is designed to have a similar effect.

Further information contact points

14. Sealed byelaws and any queries should be addressed to:

Mark Coram

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^[1] *To avoid confusion in the use of emergency escape signs (pictograms) between those parts of the premises where persons are working and those parts where the public are admitted, it is advisable to use the same emergency escape signs throughout the premises. The emergency escape signs in BS 5499: Part 1 may be used for this purpose. (This is permitted by virtue of paragraph 1.3 of Part II of Schedule 1 to the Health and Safety (Safety Signs and Signals) Regulations 1996 which provides that the pictograms used may be slightly different from those in the Regulations provided that they convey the same meaning).*