

Engagement & Policy Division

**David Kivlin**

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Principal Inspector  
Tracy Hamilton

Amusement Device Safety Council

National Association of Leisure Industry Certification

British Association of Leisure Parks, Piers and  
Attractions

British Amusement Catering Trade Association

**BY EMAIL ONLY**

Reference 2020/350585

Date: 16<sup>th</sup> December 2020

Dear Sir/Madam

## **ANNUAL INSPECTION OF AMUSEMENT DEVICES**

I am writing to formally set out HSE's position on the annual in-service inspection of amusement devices.

In March 2020 the Amusement Device Safety Council wrote to HSE proposing to give Inspection Bodies (IB) the option to increase the Declaration of Operational Compliance (DOC) validity from 12 months to 15 months.

HSE provided a response to the proposal on 14<sup>th</sup> April 2020 (copy attached) and I would like to reaffirm that HSE's position remains unchanged, in that no amusement device should be used if it has not been maintained effectively and has not been subject to a suitable inspection within the last 12 months by a competent person.

The inspection regime set out in HSG 175 - Fairgrounds and amusement parks: Guidance on safe practice continues to be a fundamental part of the management process, and the requirements to have amusement devices inspected on annual basis remains in place.

Furthermore, the statutory obligation set out in the law for Provision and Use of Work Equipment 1998 (PUWER) to ensure that amusement devices are maintained and are safe to use remains in place.

As was set out in the previous correspondence, HSE expects operators to make all reasonable efforts to arrange for inspections to be carried out within the specified time limits with their RIBs. This will include

- Contacting your RIB at the earliest possible opportunity to discuss how to organise the inspection of your amusement devices.
- Consulting with your RIB to ascertain if the inspection of your amusement device can be on a phased basis with a final "functional test" or "review" of the amusement device to be undertaken prior to the issuing of the annual Declaration of Operational Compliance (DoC)

- Prioritising the inspection of your amusement devices, giving due consideration to the current situation and the likely timeframe for operation of your devices during the current season. i.e. if you operate 15 amusement devices but anticipate only using 5 during the shortened season, only have those 5 devices inspected to ensure that the RIBs can meet the demand for inspections across the whole industry.
- Ensuring inspection bodies have access to equipment in a timely manner.
- Working with the RIBs to manage appropriate SD in the workplace, to satisfy both your needs and those of the inspection body, as part of the Government drive to manage the spread of COVID-19.
- If your business is not currently operating and staff are furloughed, consider allowing access to the inspection body so that equipment is ready for when your business reopens. Otherwise you may have to delay restarting that amusement device until it has been subjected to an inspection.
- If your inspection body is unable to provide engineers due to staff absence, make reasonable attempts to source engineers from another provider.

Furthermore, Registered Inspection Bodies (RIBs) are expected to undertake inspections to meet their clients' needs, and also to consider how they may prioritise resource. This will include:

- Working with the operators to manage access for inspection with appropriate SD in the workplace, to satisfy both your needs and those of the dutyholder, as part of the Government drive to manage the spread of COVID-19.
- Consider seeking access to businesses that have furloughed staff and are not currently operating so that amusement devices are ready for when your business reopens.
- Where availability of engineers and other inspection staff becomes a limiting factor consider how resource can be prioritised to inspect amusement devices that the showmen intend to use during this current season and to address the most significant areas of risk.

Finally, HSE will continue to review its response to the COVID-19 pandemic, and should you require further assistance or guidance please do not hesitate to contact me.

Yours faithfully



**David Kivlin**  
**HM Inspector of Health and Safety**

Amusement Device Safety Council  
c/o ADIPs Limited  
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SR5 2TA

**BY EMAIL ONLY**

Reference: 2020/103895

Date: 14<sup>th</sup> April 2020

For the attention of Mr Jon Ruddock (General Manager ADIPS)

Dear Sir,

**ADIPS/ADSC PROPOSAL TO HEALTH AND SAFETY EXECUTIVE**

I am writing to formally respond to the proposal set out by the Amusement Device Inspection Procedures Scheme (ADIPs) and Amusement Device Safety Council, which was received by Health and Safety Executive (HSE) on 1<sup>st</sup> April 2020.

The proposal has now been considered, and I set out HSE's response as follows;

**Background**

An emerging consequence of the Corona virus pandemic (COVID-19) is the challenges faced by the fairground and amusement industry in meeting the requirements to complete the inspection and testing of amusement devices to meet the requirements set out in HSG 175 - Fairgrounds and amusement parks: Guidance on safe practice and the statutory obligations of Health and Safety law.

HSE consider that difficulties in completing the inspection and testing of amusement devices may arise due to four key issues:

- Reduced availability of Inspectors to complete inspections due to sickness absence or self-isolation as a direct result of COVID-19
- Owners of amusement devices (operators) refusing access to premises for inspections as they feel unable to accommodate visiting inspectors while maintaining social distancing (SD) in the workplace.
- Refusal of inspectors to enter an operator premises to carry out inspections due to concerns over SD arrangements being adequate.

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- Amusement devices being unavailable for inspection if a workplace or site is closed due to COVID-19 SD restrictions.

Effectively in these cases inspections may not be taking place due to either unavailability of or unwillingness of competent persons to deliver the service, or due to operators' inability or unwillingness to give access to the equipment for testing.

The inspection of amusement devices is a critical component of a management process to ensure the safe operation of equipment whose failure through deterioration can create dangerous situations, physical harm and business disruption.

HSE recognise that there may be some circumstances that will lead to amusement devices falling outside its time limits for inspection, and therefore operators' being unable to comply with the law and having to take the equipment out of service.

However, the statutory obligations set out in the Health and Safety law remain in place and HSE will not be removing or altering the requirement for Declaration of Operational Compliance issued under the ADIPs scheme to be limited to 12 months.

Furthermore, I am sure that members of the fairground and amusement industry will be aware that HSE has recently published guidance on the requirements of thorough and examination and testing (TE&T) of lifting equipment and pressure systems as required by Lifting Operations and Lifting Equipment Regulations (LOLER) and Pressure Systems Safety Regulations (PSSR).

HSE sets out in the guidance the very limited circumstances when it may be acceptable for lifting equipment and pressure systems to be used when it deviates from the TE&T regime.

However, it should be noted that this type of equipment should only be used outside of its test regime, if the dutyholder can demonstrate that it is **critical for essential work** and that it can still be **operated safely**.

It should be noted that essential work, is work the Government have identified as critical to the COVID-19 response. This includes work in, or in support of, all the Government's list of critical sectors.

Consequently, as the fairground sector has not been identified by the Government as critical to the COVID-19 response, HSE's position remains that no amusement device should be used if it has not been maintained effectively and has not been subject to a suitable inspection within the last 12 months by a competent person.

### **Overarching position**

The following information is intended to ensure that amusement devices remain safe to use and provide a framework for decision making between the operators' and Registered Inspection Bodies (RIBs) on the ADIPs scheme.

The inspection regime set out in HSG 175 - Fairgrounds and amusement parks: Guidance on safe practice continues to be a fundamental part of the management process, and the requirements to have amusement devices inspected on annual basis remains in place.

Furthermore, the statutory obligation set out in the law for Provision and Use of Work Equipment 1998 (PUWER) to ensure that amusement devices are maintained and are safe to use remains in place.

Moving forward, HSE expects operators to make all reasonable efforts to arrange for inspections to be carried out within the specified time limits with their RIBs. This will include

- Contacting your RIB at the earliest possible opportunity to discuss how to organise the inspection of your amusement devices.
- Consulting with your RIB to ascertain if the inspection of your amusement device can be on a phased basis with a final “functional test” or “review” of the amusement device to be undertaken prior to the issuing of the annual Declaration of Operational Compliance (DoC)
- Prioritising the inspection of your amusement devices, giving due consideration to the current situation and the likely timeframe for operation of your devices during the current season. i.e. if you operate 15 amusement devices but anticipate only using 5 during the shortened season, only have those 5 devices inspected to ensure that the RIBs can meet the demand for inspections across the whole industry.
- Ensuring inspection bodies have access to equipment in a timely manner.
- Working with the RIBs to manage appropriate SD in the workplace, to satisfy both your needs and those of the inspection body, as part of the Government drive to manage the spread of COVID-19.
- If your business is not currently operating and staff are furloughed, consider allowing access to the inspection body so that equipment is ready for when your business reopens. Otherwise you may have to delay restarting that amusement device until it has been subjected to an inspection.
- If your inspection body is unable to provide engineers due to staff absence, make reasonable attempts to source engineers from another provider.

Registered Inspection Bodies (RIBs) are expected to undertake inspections to meet their clients' needs, and also to consider how they may prioritise resource. This will include:

- Working with the operators to manage access for inspection with appropriate SD in the workplace, to satisfy both your needs and those of the dutyholder, as part of the Government drive to manage the spread of COVID-19.
- Consider seeking access to businesses that have furloughed staff and are not currently operating so that amusement devices are ready for when your business reopens.
- Where availability of engineers and other inspection staff becomes a limiting factor consider how resource can be prioritised to inspect amusement devices that the showmen intend to use during this current season and to address the most significant areas of risk.

HSE will continue discussions with ADIPs and the Registered Inspection Bodies and their representative organisations to assist their decision making on prioritising resources.

The current indications from the RIB representative organisations are that they will be able to meet demand for the inspection of amusement devices, but that it is imperative that operators contact their RIBs at the earliest possible opportunity to put in place suitable plans for the completion of the necessary inspection work.

HSE consider that the more that operators and the RIBs can cooperate and maintain the inspection regimes the less impact there will be from amusement devices having to be taken out of service or there being a sizeable backlog of work to be completed and the less delay in businesses reopening once Covid-19 restrictions are relaxed.

### **Managing social distancing (SD) for inspection activities**

There is clear and comprehensive guidance published by Public Health England (PHE) via GOV.UK to help operators and inspection bodies manage SD in the workplace. This guidance is based on principles of minimising contact between individuals and relies on good management of hygiene while on the premises and on access and egress from the business. HSE believes that SD measures should not be a barrier to most inspection activities being carried out effectively.

Arrangements should be discussed in advance between inspection bodies and the operator/site operator. Operators should manage the workplace and should not routinely prevent access of the competent persons due to Covid-19 considerations. When inspectors are scheduled to visit site, the inspector and operator should make every reasonable effort to cooperate and apply Covid-19 related hygiene and SD measures.

Depending on the specific conditions, this may include provision of: a named local contact; a chaperone; an isolated area, or markings/barriers/signage to ensure they minimise contact between people, hand washing facilities etc.

Inspection bodies and operators should keep abreast of developments in GOV.UK/PHE guidance to ensure the most up to date application of control measures.

<https://www.gov.uk/guidance/social-distancing-in-the-workplace-during-coronavirus-covid-19-sector-guidance>

<https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19>

Finally, HSE will continue to review its response to the COVID-19 pandemic, and should you require further assistance or guidance please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D Kivlin', on a light grey rectangular background.

**David Kivlin**  
**HM Inspector of Health and Safety**