

THE PUBLIC HEALTH ACT

REGULATIONS
(under section 14 (1))

THE PUBLIC HEALTH (SWIMMING POOLS) REGULATIONS, 2000

(Made by the Minister on the 28th day of June, 2000)

L.N. 70/2000
91B/2004

[1st August, 2000]

PART I—Preliminary

1. These Regulations may be cited as the Public Health (Swimming Pool) Regulations, 2000.

Citation.

2. In these Regulations—

Interpretation.

“class A swimming pool” means a swimming pool which is—

- (a) open to the public; or
- (b) operated at a hotel having more than one hundred rooms for the use of its guests;

“class B swimming pool” means a swimming pool operated at—

- (a) a hotel having less than one hundred rooms for the use of its guests;
- (b) a villa, resort cottage, guest house, apartment, apartment complex or other similar tourist accommodation;

“class C swimming pool” means a swimming pool operated in a home or residential complex or closed community exclusively for the use of its residents and their visitors;

“current first-aid certificate” means—

- (a) an emergency, a standard or an advanced first-aid certificate issued by the St. John’s Ambulance or the Jamaica Red Cross Society;
- (b) the senior resuscitation certificate issued by the Royal Life Saving Society, dated not more than three years prior to the date on which the holder is on duty;

“deck” means the area immediately surrounding a public swimming pool;

“guest” means any person who uses a public swimming pool, with the permission of its owner, operator or manager;

“inspector” means a public health inspector or any person duly authorized by the Medical Officer (Health) to inspect a swimming pool;

“owner” or “operator” means any person who owns or operates, as the case may be, a public swimming pool;

“public health requirements” means the requirements set out under the Public Health Act and includes the minimum operational health standards required to be met at any public swimming pool;

PART I—Preliminary, contd.

“public swimming pool” means a swimming pool classified as class “A” or class “B” swimming pool;

“re-circulation system” means a system which—

- (a) maintains circulation of water by means of a pump; and
- (b) provides continuous water treatment, including filtration, chlorination, bromination or any other process necessary for the disinfection of the water.

Application.

3. The provisions of these Regulations shall be applicable to the entire island.

PART II—Opening and Re-opening Swimming Pools

Restrictions on operation of swimming pool.

- 4. No person shall operate a public swimming pool unless that person—
 - (a) has a valid permit issued by the Medical Officer (Health); and
 - (b) satisfies the requirements of regulation 8.

Permit application. Schedule. Form A.

5.—(1) Every person who proposes to operate a public swimming pool may apply to the Medical Officer (Health) in the form specified as Form A in the Schedule.

(2) Every application under paragraph (1) shall be accompanied by a fee of —

- (a) five hundred dollars in respect of a swimming pool operated at accommodation falling within paragraph (b) of the definition in regulation 2 of “class B” swimming pool;
- (b) where there is more than one such swimming pool on the premises to which the application relates, five hundred dollars in respect of each such pool;
- (c) in any other case, fifteen hundred dollars,

and such information or documents as the Medical Officer (Health) may require.

Inspection of swimming pool.

6.—(1) The Medical Officer (Health) shall, upon receipt of an application under regulation 5 (1), cause an inspector to—

- (a) inspect the swimming pool; and
- (b) furnish an inspection report stating whether the swimming pool complies with public health requirements.

(2) Where the inspection report under paragraph (1) (b) indicates compliance with public health requirements, the Medical Officer (Health) shall—

Schedule. Form B.

- (a) issue a permit in the form specified as Form B in the Schedule for the swimming pool to be operated as a public swimming pool; and
- (b) state in the permit whether the swimming pool has been classified as a class “A” or class “B” swimming pool.

(3) Where the inspection report indicates that the public health requirements have not been complied with, a permit to operate the swimming

PART II—*Opening and Re-opening Swimming Pools, contd.*

pool shall not be issued until any defect set out in the report has been satisfactorily remedied.

(4) A permit issued under paragraph (2) shall—

- (a) be subject to such terms and conditions as may be specified therein; and
- (b) subject to regulation 6, remain in force for a period of twelve months from the date thereof and may be renewed annually upon the applicant satisfying the Medical Officer (Health) that the public swimming pool complies with public health requirements.

7.—(1) The Medical Officer (Health) may—

- (a) amend the terms and conditions upon which a permit may be issued;
- (b) suspend the permit of any public swimming pool—
 - (i) where the nature and scope of its operations have been so altered as to cause it to cease to be a public swimming pool for the purposes of these Regulations, or
 - (ii) where any other condition exist which is likely to endanger the health or safety of guests or other users of the pool.

Amendment,
suspension
and revoca-
tion of permit.

(2) Where, pursuant to paragraph (1), the Medical Officer (Health) suspends or revokes a permit or amends the terms and conditions specified therein, he shall, in writing, within five days, inform the owner or operator of the swimming pool of the suspension, revocation or amendment of the permit, as the case may be, and of the reasons therefor.

8. Every operator of a public swimming pool shall display in a conspicuous location on the premises, the permit issued in respect of that swimming pool.

Display of
permit.

9.—(1) No person shall operate a public swimming pool unless he has obtained—

- (a) a supply of chemicals and testing devices that are sufficient to operate the pool;
- (b) written emergency and standard operational and usage procedures;
- (c) appropriate emergency equipment;
- (d) the services of personnel trained and certified by the Royal Life Saving Society of Jamaica and who are holders of current National Lifeguard licences from the National Resources Conservation Authority;
- (e) adequate personal liability and accident insurance.

Conditions for
operating
public
swimming
pool.

(2) Sub-paragraph (e) of paragraph (1) shall not apply in the case of a class "C" swimming pool where the number of bathers permitted in the swimming pool does not, at any one time, exceed five.

10.—(1) Where a public swimming pool has been closed for a continuous period of four weeks or more, the owner or operator who intends to re-open that swimming pool shall, in writing, notify the Medical Officer (Health)—

Re-opening
of pool.

PART II—*Opening and Re-opening Swimming Pools, contd.*

- (a) of the reason for the closure; and
- (b) the intended date of its re-opening.

(2) Where a public swimming pool is closed for the purpose of carrying out repairs, the Medical Officer (Health) shall cause an inspector to inspect the swimming pool and its facilities and report his findings to him.

PART III—*Duties and Responsibilities of Owners and Operators of Swimming Pools*

- 11.—(1) Every owner or operator of a public swimming pool shall—
- (a) cause a daily inspection of the pool to be carried out;
 - (b) close the pool if its water quality does not conform with public health requirements;
 - (c) make records of the operation of the pool including results of daily tests on the water chemistry, water temperature, water clarity and the type and amount of chemicals and algicides used weekly in the swimming pool;
 - (d) take such steps as are necessary to ensure that the pool meets public health requirements;
 - (e) maintain the pool and its equipment in a safe and sanitary condition;
 - (f) take such steps as are necessary to ensure that—
 - (i) during periods when the pool is not open for use by the public, it is kept closed to persons who are not employed to operate, manage or maintain it; and
 - (ii) the pool or property is protected by fencing, walls or other devices to prevent access to it by unsupervised children, unauthorized persons and animals;
 - (iii) except for stoppages for maintenance, repairs, back washing of filters or closure of the swimming pool for a continuous period of seven or more days, the recirculation system and the chemical feeders are in continuous operation for such periods in each day when the pool is open for use or such longer periods as may be necessary for its water quality to meet public health requirements;
 - (g) take such steps as are necessary to ensure that every pumping system serving the swimming pool—
 - (i) has a minimum of two suction orifices equipped with anti-vortex plates;
 - (ii) is fitted with pipes of the same diameter; and
 - (iii) is so designed that no outlet can be cut off of the suction line by means of a valve or otherwise.

Restrictions
on operation
of swimming
pool.

PART III—*Duties and Responsibilities of Owners and Operators of Swimming Pools, contd.*

(2) The operator shall—

- (a) keep all records referred to in paragraph (1) for at least one year; and
- (b) make all such records available, on demand, to the Medical Officer (Health).

12. Every owner or operator of a public swimming pool shall take such steps as are necessary to ensure that—

Maintenance.

- (a) all components of the re-circulation system of the swimming pool are properly maintained and functioning;
- (b) all surfaces of the deck and walls are maintained in a sanitary condition;
- (c) all surfaces of the deck and walls are free from obstructions which are likely to cause accidents or injury to users of the pool;
- (d) where changing rooms, toilets, shower and other facilities are provided, such facilities are made available to bathers before they enter the swimming pool;
- (e) except for markings for safety or competition purposes, the submerged surfaces of the pool are of such colour that the clarity and visibility of the water in all sections of the pool are not compromised;
- (f) where there is a general or an open area, the deck is clearly delineated, by markings or by other means, from the general or open area;
- (g) the perimeter drain of the pool is kept free of debris;
- (h) adequate provisions are made for the storage and handling of all chemicals used in or around the pool;
- (i) where foot sprays are provided for the pool, such sprays are properly maintained and functioning and kept in a sanitary condition;
- (j) where the pool is equipped with a diving board or diving platform, such board or platform has a non-slip surface-finish;
- (k) any exposed piping within the pool enclosure and inside the structure—
 - (i) is identified by and labeled with colour coded bands at least twenty-five millimetres wide and spaced along the piping at intervals not greater than 1.2 metres; or
 - (ii) the entire outer surface of the piping which conveys chlorine is painted yellow and the entire outer surface of the piping which conveys potable water is painted blue; and
- (l) the deck is constructed so as to prevent any inflow of storm water into the pool.

PART IV—*Water Safety*Water
Safety.

13.—(1) Every owner and operator of a public swimming pool shall take such steps as are necessary to ensure that—

- (a) written procedures for the microbiological control of the swimming pool are established and implemented;
- (b) the water in the pool is free from any contaminant which may be injurious to the health of users;
- (c) the water in the pool and its re-circulation system is kept separate from the make-up water drains;
- (d) the pool is maintained free from any matter or thing which may be injurious to the health or safety of users;
- (e) the water in the pool is of such clarity as to permit a black disc, one hundred and fifty millimetres in diameter on a white background located on the bottom of the pool at its deepest point, to be clearly visible from any point on the deck or at a distance of nine metres from the disc;
- (f) the pool water is treated with chlorine, a chlorine compound or a bromine compound, by means of an appropriate dosing device and maintained so that—
 - (i) the total alkalinity is not less than 80 milligrams per litre of water;
 - (ii) the pH value is within the range of 7.5 and 7.8;
 - (iii) there is a residue of free available chlorine in every part of the pool of not less than 0.5 milligram per litre where a chlorine residue of 1 to 1.5 milligrams per litre is the acceptable standard;
 - (iv) there is a faecal coliform limit of less than 1.1 (MPN) per 100 millilitres of water
- (g) where cyanurate stabilization is the sanitizing method of choice, there is a residue of free available chlorine of not less than one milligram per litre in association with a cyanuric concentration of not greater than sixty milligrams per litre;
- (h) where bromine or iodine is used to sanitize the pool, such substances are used together with algicides;
- (i) the use of any substance as an alternative to chlorine is adopted only after obtaining the approval of the Medical Officer (Health);
- (j) all procedures using ozone and electrolytic cells are approved by the Medical Officer (Health) and the bacteriology of the water in the pool is checked at monthly intervals;
- (k) all chemicals added to the water in the pool in order to maintain the pH value stipulated in paragraph (1) (f) (ii) and the disinfectant residue of the water in the pool are controlled by manual methods;

PART IV—*Water Safety, contd.*

- (l) the pH value and the disinfectant residue are automatically determined and displayed or continuously recorded;
 - (m) except for a swimming pool in a tourist establishment with less than twenty-five rooms for the use of its guests, the chlorine or bromine residue and the pH value of the pool water are determined and recorded at least one-half hour before bathers are admitted to the pool and thereafter at intervals not exceeding two hours, for as long as the pool is open for use by the public;
 - (n) a water meter which measures and registers the volume of all make-up water added to the pool water is provided; and
 - (o) in respect of a swimming pool that forms part of a complex of villas, resort cottages, guest houses or apartments for tourist accommodation, a system for the maintenance of water safety for the pools is developed and implemented;
- (2) Where the Medical Officer (Health) determines that the health of users may be adversely affected, he may require a higher minimum chlorine or bromine residue than that stated in paragraph (1).
- (3) Every operator shall, at least once daily—
- (a) determine the pH value and the free available and total chlorine residue by means of manual test methods; and
 - (b) check the automatic sensing devices so as to ensure that the pH value of the water and the disinfectant residue in the pool is maintained.

PART V—*Daily Records*

14.—(1) Every operator of a public swimming pool shall keep and authenticate, by his signature, daily records which shall set out—

Records to
be kept.

- (a) the free available chlorine and the total chlorine residue in the pool water or, where a bromine compound is used, the total bromine residue;
 - (b) the pH value of the water in the pool;
 - (c) the temperature of the water in the pool;
 - (d) the total number of bathers admitted to the pool each day;
 - (e) the readings on the make-up water meter;
 - (f) details of any emergency, rescue or breakdown of equipment which occur;
 - (g) the date and time at which necessary action is taken to correct or deal with any matter mentioned in sub-paragraph (f);
 - (h) the schedules for and records of the maintenance of the pool and equipment maintenance.
- (2) A record of the information referred to in paragraph (1) shall be retained for a minimum period of one year after the date of its making.

PART V—*Daily Records, contd.*

(3) Every owner or operator of a public swimming pool shall keep daily records of maintenance operation readings and procedures and all such records shall be retained for a period of one year and shall include—

- (a) the dates, times and results of all water chemistry tests;
- (b) the dates and times of filter backwash or cleaning;
- (c) the dates on which the pool is emptied and cleaned;
- (d) any malfunction or repairs of machinery and equipment;
- (e) accidents and injuries;
- (f) the signature of the person responsible for preparing the record;
- (g) the signature of the supervisor or controller on duty at the time of the making of the record.

(4) Paragraphs (1) and (3) shall not apply to a swimming pool in a tourist establishment with less than twenty-five rooms for the use of its guests.

15. The daily records required by this Part, shall be compiled into monthly reports and submitted promptly to the Medical Officer (Health).

Reports to be sent to the Medical Officer.

PART VI—*Sanitary Facilities*

16.—(1) Every owner or operator of a public swimming pool shall take such steps as are necessary to ensure that—

- (a) the deck, dressing and locker rooms, toilets, showers and other facilities relating to them are—
 - (i) kept clean, disinfected and are not slippery;
 - (ii) free of obstruction;
 - (iii) properly sanitized and ventilated so as to remove odours;
- (b) toilets are supplied with toilet paper, a hand washing sink, germicidal soap, paper towels or hand blowers for the drying of hands and a waste bin;
- (c) separate toilet and changing room facilities are provided for males and females; and
- (d) appropriate facilities are provided for solid waste collection and disposal.

Provision of sanitary facilities at public swimming pools.

(2) Where cloth towels are provided at a toilet facility, the operator shall cause—

- (a) such towels to be laundered and disinfected before use and stored in a sanitary manner; and
- (b) soiled or used towels to be stored separately from clean towels.

PART VI—*Sanitary Facilities, contd.*

(3) Every bather shall take a cleansing shower before entering the deck.

(4) [*Deleted by L.N. 91B/2004.*]

(5) The operator shall cause—

- (a) all floors in or around the pool and deck area to be cleaned every two hours or at such other intervals as may be necessary;
- (b) the locker rooms to be dry-swabbed and deodorized;
- (c) the toilets to be flushed by an attendant where bathers have failed to do so; and
- (d) soap and paper supplies to be checked by an attendant at hourly intervals.

(6) In this regulation “solid waste” includes useless materials or by-products, within or around a swimming pool.

PART VII—*Diving Platforms*

17. Where a diving platform that is higher than three metres above the water is provided in a public swimming pool, the operator of that pool shall cause—

Safety measures for diving platforms.

- (a) the gate giving access to the platform to be kept locked except during periods when the platform is in use;
- (b) the pool to be used for diving only when the platform is in use, unless a rigid barrier or double safety lines 300 millimetres apart, supported by buoys, are in place and located from the wall under the platform—
 - (i) at 11.60 metres in the case of a 5 metre high platform;
 - (ii) at 12.50 metres in the case of a 7.5 metre high platform; and
 - (iii) 15.25 metres in the case of a 10 metre platform; and
- (c) activities other than diving to be effectively confined to the area of the pool which is outside the diving area;

PART VIII—*Safety*

18.—(1) Every operator of a public swimming pool shall cause—

- (a) safety equipment to be kept in good working order and available for use at the pool;
- (b) depth markers to be posted within 38.1 millimetres of the edge of the water and so positioned that they can be read from the deck;
- (c) subject to regulation 5(2), trained lifeguards to be hired in accordance with the following ratio—

Safety equipment and materials.

PART VIII—*Safety, contd.*

- (i) at least one licensed lifeguard for every twenty users of the pool and the deck area;
 - (ii) at least two licensed lifeguards for every twenty-one to fifty users of the pool and the deck area; or
 - (iii) at least four licensed lifeguard or every fifty-one to one hundred users of the pool and the deck area: Provided that—
 - (a) no licensed lifeguard is required in the case of a Class B swimming pool located at a villa, resort cottage, guest house and apartment complex; and
 - (b) the operator shall give prior notification of the provisions of paragraph (A) to the occupants of the accommodation referred to in that paragraph and to guest.
- (2) Every owner of a swimming pool shall take such steps as are necessary to ensure that—
- (a) there is no protrusion, extension, obstruction or any other means of entanglement in or adjacent to the swimming pool which could cause a bather to become trapped or injured;
 - (b) procedures for the safety of bathers are established and enforced;
 - (c) signs are posted around the swimming pool indicating the location of the nearest telephone, and the telephone numbers for the police, rescue units, physicians, ambulance and emergency services and hospitals;
 - (d) signs are posted which caution every user against the possible dangers of unsupervised use of the swimming pool and its facilities;
 - (e) special signs are posted which caution elderly or disabled persons with heart disease, diabetes, hypotension or hypertension against the possible dangers of unsupervised use of the swimming pool and its facilities;
 - (f) signs are posted and provision is made to prevent unsupervised use of the facilities by children;
 - (g) signs are posted advising persons using alcohol, antihistamines, vasoconstrictors, vasodilators, stimulants, hypnotics or tranquilizers against the possible dangers of using the swimming pool whilst using such preparation;
 - (h) there are written emergency and operational procedures and instructions placed in a conspicuous place at the swimming pool which are to be implemented in the event of an emergency;
 - (i) every employee working in the vicinity of the swimming pool is trained in first-aid and emergency procedures.

PART IX—Miscellaneous

19.—(1) The owner or operator of a public swimming pool shall place in at least two conspicuous places on the deck, notices specifying—

Notices to be exhibited at public swimming pools.

- (a) that no person with a communicable disease or having an open wound or sore on his body shall enter the swimming pool;
- (b) that no person shall bring a glass container on to the deck or into the swimming pool;
- (c) that no person shall urinate, defecate, spout water from the lips or blow the nostril in the swimming pool or on the deck;
- (d) [*Deleted by L.N. 91B/2004.*];
- (e) the maximum number of bathers allowed on the pool deck and in the swimming pool at any time;
- (f) the location of any telephone which may be available for emergency use.

(2) The owner or operator shall place in a conspicuous position at the entrance to each shower area, a notice specifying that each bather is required to take a shower before entering the swimming pool.

(3) The owner or operator shall place in a conspicuous position by a telephone, a notice identifying it as being available for emergency use only, and listing the names and locations of persons on duty who are available for resuscitation and other medical aid and fire service.

(4) The owner or operator shall post at or near the pool deck, notices in characters of not less than 100 millimetres high, which set out the depths of the water attraction and indicating its deep points.

(5) The owner or operator of a public swimming pool which is located in a tourist establishment shall—

- (a) notify each guest of the contents of regulations 18 (2) (c), (d), (e), (f), (g) and (i) and 19 (1) (a) and (c);
- (b) display such notification on notice boards in conspicuous places near the swimming pool.

20.—(1) An inspector may, at all reasonable times, enter the swimming pool premises and make such inspections, examinations and enquiries as he deems necessary to ensure compliance with these Regulations.

Inspections.

(2) The Minister may, from time to time, designate any person to be an inspector for the purposes of these Regulations, and shall give every such inspector a certificate of designation; and that inspector shall, on request, display the certificate to the owner or operator of the swimming pool being inspected pursuant to these Regulations.

22. Any person who contravenes or fails to comply with any of these Regulations for which breach no penalty is provided, shall, on summary

General penalties.

PART IX—*Miscellaneous, contd.*

conviction before a Resident Magistrate, be liable to a fine not exceeding fifty thousand dollars and in default of payment thereof to imprisonment for a term not exceeding twelve months.

Appeals.

23. Any person aggrieved—

(a) by the decision of the Medical Officer (Health) refusing to grant, or refusing to review a decision to grant a permit to operate a swimming pool;

(b) by a decision of the Medical Officer (Health) cancelling, revoking or suspending such permit,

may, within twenty-one days of notification of that decision, appeal in writing to the Minister under section 29 of the Public Health Act.

SCHEDULE

(Regulation 5)

FORM A

THE PUBLIC HEALTH ACT

Application for Permit to Operate Public Swimming Pool

TO: MEDICAL OFFICER (HEALTH)

I
Name of Applicant

of
Address of swimming pool

do hereby apply to operate a public swimming pool at the above location.

I understand that if the permit is granted, the provisions of the Public Health (Swimming Pools) Regulations, 2000 shall be strictly complied with.

I enclose the application fee of

.....
Signature of Applicant or
authorized person

.....
Date

THE PUBLIC HEALTH (SWIMMING POOLS) REGULATIONS, 2000

SCHEDULE

(Regulation 5 (2))

FORM B

THE PUBLIC HEALTH ACT

Permit to Operate Public Swimming Pool

This is to certify that the swimming pool located at in the parish of has been inspected by an inspector appointed by the Medical Officer (Health) on the day of and the said swimming pool has been found to be in compliance with the requirements of the Public Health (Swimming Pools) Regulations, 2000.

The swimming pool is classified as

This permit is valid until the day of

..... Name of Applicant

..... Address of Applicant

Dated the day of

..... Medical Officer (Health)