

Your Legal Responsibilities Regarding The Provision of Play Surfacing

There is no single all embracing law which covers play provision and impact absorbing surfaces.

There is no mandatory requirement to use impact absorbing surfaces which comply to any British or European Standard specification.

However, there are a wide number of Acts of Parliament which apply to play in various ways:

The Occupiers Liability Acts

These Acts emphasise the duty of the playground provider to ensure that lawful visitors are kept reasonably safe whilst using the premises.

Within the Act there is a special section which highlights that, because of a lack of awareness by children of potential danger, and their lower predictive ability, greater care is always needed.

The Health and Safety at Work Act

This Act places a clear duty of responsibility on playground providers to ensure, as far as is reasonably possible, the health and safety of those persons using the play facility.

The Unfair Contract Terms Act

This Act limits the extent to which civil liability can be avoided, e.g. any clause in a playground notice attempting to exclude the playground providers from liability for personal injury or death does not excuse or avoid liability.

The Consumer Protection Act

This Act not only covers equipment supplied for the private use of the consumer, but also covers hired equipment.

The Environmental Protection Act

Councils and play providers must ensure that play areas under their control are kept clean and tidy of litter, and as clear of dog faeces as practicably possible.

The Children Act

Play equipment will need to meet the criteria of British Standard 5696 when a registered activity takes place. An activity must be registered where children are being looked after by someone other than their parents for a period of more than one and three-quarter hours. Other standards may be applicable, but only BS. 5696 is specifically mentioned.

In due course, this act will be updated to include the new European Standard.

Management of Health and Safety at Work Act

This requires managers to carry out risk assessment of their facilities.

The Disability Discrimination Act 1995

To comply with sections of the Disability Discrimination Act 1995, that came into effect on 1st October 1999, particularly on playgrounds where LIAS is used, the play provider will have carefully assessed and provides practical solutions, that allow the less-able user to access the playground and traverse the surface to reach the play equipment.

Conclusions

- There are many Acts of Parliament affecting play and play provision.
- The trend is for more legal responsibility to be placed on the play provider.
- Proof of compliance with a relevant British or European Standard can help in the provision of a defence, if court action is taken against the play provider.
- The public are becoming more aware of their legal rights and how to exercise them.
- If the play provider gets it wrong it can be extremely costly.
- The National Playing Fields Association have published a useful booklet 'legislation and children's play'.

Contact

Melcourt Industries Limited, Boldridge Brake, Long Newnton, Tetbury, Gloucestershire. GL8 8RT
Tel: +44 (0)1666 502711 Fax: +44 (0)1666 504398 Email: mail@melcourt.co.uk
Web Site: www.melcourt.co.uk