CHAPTER 244

SWIMMING POOLS (CONTROL) ACT

To provide for the control of swimming pools and for matters ancillary or incidental thereto.

(21st June, 1974)*

ACT XXXI of 1974, as amended by Act XIII of 1983; Legal Notice 411 of 2007; and Acts II of 2009 and XXVI of 2014.

Short title.

1. The short title of this Act is the Swimming Pools (Control) Act.

Interpretation.
Amended by: II. 2009.20.

2. In this Act, unless the context otherwise requires -

"Minister" means the Minister responsible for resources;

"person" includes a body or association of persons;

"swimming pool" means any built up, constructed or dug in area, the maximum internal height of which is at any point not less than ninety centimetres, which is filled or is intended to be filled with water, and is not used solely for agricultural purposes, but does not include any cistern used solely for water collection and/or storage; it also includes any recipient, made of whatever material, which could be used for swimming or bathing purposes.

Swimming pools subject to Minister's permission.

3. No person may construct, operate, or allow or permit the use of any swimming pool without the written permission of the Minister.

Power to make regulations.
Amended by: XXVI. 2014.10.

4. The Minister may make regulations, and when made may vary, alter or, without prejudice to the making of new regulations, revoke such regulations, to control and regulate the construction, operation and use of swimming pools and the grant of permissions under article 3.

Offences and penalties.
Amended by: XIII. 1983.5; L.N. 411 of 2007.

5. Any person who contravenes any of the provisions of this Act or of any regulations made thereunder shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than six hundred and ninety-eight euro and eighty-one cents (698.81) but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37).

Offences by bodies of persons.

6. Where an offence under this Act is committed by an association or body of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such association or body of persons, or was purporting to act in any such capacity, shall be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

**See* Government Notice No. 416 of 21st June, 1974.