# SUBSIDIARY LEGISLATION 545.07

## CONTROL OF SWIMMING POOLS REGULATIONS

5th June, 1998

*LEGAL NOTICE 146 of 1998, as amended by Legal Notices 171 of 1998, 108 of 1999, 411 of 2007, 107 of 2009 and 72 of 2015; and Act XXV of 2015.*

Title.

**1.** The title of these regulations is Control of Swimming Pools Regulations.

Interpretation. *Amended by: L.N. 107 of 2009.*

**2.** (1) In these regulations, unless the context otherwise requires:

"the Act" means the Swimming Pools (Control) Act; Cap. 244.

"the Regulator" means the Regulator for Energy and Water Services established by the Regulator for Energy and Water Services Act; Cap. 545.

"licence" means the licence to operate and use a swimming pool;

"permit" means a permit to construct a swimming pool.

(2) Words and phrases used in these regulations shall have the same meaning as is assigned to them in the Act.

Application for construction of a swimming pool. *Amended by: L.N. 107 of 2009; XXV. 2015.41.*

**3.** (1) A swimming pool may not be constructed unless a written permit for its construction has been issued by the Minister.

(2) The application for such a permit shall be made in a specific form obtainable from the Regulator in terms of Schedule 2 and shall contain all relevant details, including the exact locality and the volume of the swimming pool, the system of construction, the source of supply, the method of filling and draining the pool and the type of circulation and filtration pump to be installed, if any such pump is going to be installed.

(3) An application shall not be entertained unless the Superintendent of Public Health approves the type of circulation, disinfection and filtration equipment to be installed or declares that no such equipment is necessary in connection with a particular swimming pool.

(4) The application duly completed shall be accompanied by the relative plans, which shall be to scale, and by all relevant data, and shall be signed by a certified architect and civil engineer.

(5) Subject to the provisions of regulation 5(2), a permit granted under subregulation (1) shall be deemed to include the licence to operate and use the swimming pool after the completion of its construction.

(6) Such permit shall expire on the last day of the calendar year next following that during which it was issued.

Ready-made swimming pools. *Amended by: L.N. 107 of 2009; XXV. 2015.41.*

**4.** An application for the grant by the Minister of a licence to operate and use or to allow or permit the use of a swimming pool already manufactured or ready-made shall be made to the Regulator on a form obtainable from the Regulator in terms of Schedule 2:

Provided that a licence shall not be necessary if the capacity of such swimming pool is not more than three cubic metres ($3m^3$) and the provisions of regulation 6 are observed.

Filling of pools with water. *Amended by: L.N. 107 of 2009; XXV. 2015.41.*

**5.** (1) A swimming pool may not be filled or partially filled with water unless a licence for such filling or partial filling has been issued by the Regulator.

(2) The Regulator shall grant such licence if the swimming pool, equipment and related pipe-work, cisterns (if any) and sumps serving such pool are completely water-tight, and conform with these regulations.

Use of sea-water. *Amended by: L.N. 108 of 1999; L.N. 107 of 2009.*

**6.** (1) A swimming pool lying more than one hundred meters away from the sea may not contain, be filled, be replenished or be topped up with any water other than fresh water collected as surface run-off or obtained from the public supply.

(2) A swimming pool lying within a distance of one hundred meters from the sea may be filled up or replenished by means of sea water if the requirements of regulation 9 are observed.

Fees payable for issue or renewal of a licence. *Amended by: L.N. 107 of 2009; XXV. 2015.41.*

**7.** (1) Prior to the issue or renewal of a permit or licence under these regulations, the applicant shall pay to the Regulator the fee shown in Schedule 1:

Provided that, where, prior to the coming into force of these regulations, a licence was issued for a swimming pool to be filled with sea water, the fee shown in the said Schedule shall be due only after the expiration of four years from the date of the coming into force of these regulations.

(2) Every licence issued under these regulations shall expire on the last day of the month of December of the year to which such licence refers.

(3) It shall be the duty of the person operating the swimming pool to apply for the renewal of the licence from year to year and to effect the relative payment in time.

Unlicenced pools. *Amended by: L.N. 107 of 2009; XXV. 2015.41.*

**8.** Where a swimming pool has been constructed without a permit and/or is being used or operated without a licence, such permit and/or licence shall be deemed to have been in force as from the date which the Regulator indicates on such permit or licence if the relative payment is effected within thirty days of its being requested by the Regulator and is accompanied by a further payment equivalent to one third (1/3) of the relative payment.

Emptying of sea water from pools.

**9.** Sea water, or any substance derived therefrom, shall not be emptied from any swimmmg pool or discharged therefrom except via impermeable pipes leading directly to the sea.

Inspections. *Amended by: L.N. 107 of 2009. XXV. 2015.41* Cap. 545.

**10.** Officials and agents of the Regulator shall have the right to inspect or to cause inspection to be made, without prior notice, of any swimming pool for the purpose of verifying whether the provisions of the Act, of the of the Regulator for Energy and Water

Services Act, and of these regulations are being complied with.

Revocation of permits.
*Amended by: L.N. 107 of 2009; XXV. 2015.41.*

**11.** Where the Minister is satisfied that any of the provisions of these regulations is not being complied with, he may, without prejudice to the taking of criminal proceedings under article 5 of the Act, revoke any permit or licence granted by him or by the Regulator under these regulations.

Permits, etc., under other laws.

**12.** The issue of a permit or a licence according to regulations 3, 4 and 5 shall not exempt the holder of such a permit or licence from the obligation of obtaining any other permit or licence which may be required under any other law.

Inspections and tests.
*Amended by: L.N. 107 of 2009; XXV. 2015.41.*

**13.** (1) The owner or owners of the swimming pool shall make good any expenses incurred by the Regulator to carry out all the necessary inspections and tests by any person authorised by it to do so in order to establish:

(*a*) the quality of the water in the swimming pool;

(*b*) that the swimming pool, equipment and pipe-work for same, cisterns (if any) and sumps serving such pool are completely water-tight and conform to these regulations;

(*c*) any other fact which may need to be established so as to ascertain that the pool is constructed and being operated according to these regulations.

(2) Such inspections and tests are to be carried out whenever deemed necessary by the Regulator.

*Substituted by:*
*L.N. 411 of 2007.*
*Amended by:*
*L.N. 107 of 2009;*
*L.N. 72 of 2015;*
*XXV. 2015.41.*

## SCHEDULE 1
(Regulation 7)

Fees to be paid by the applicant to the Regulator for Energy and Water Services for the issue or renewal of a permit to construct or for a licence to operate or use a swimming pool.

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|---|---|
| For a swimming pool used solely and exclusively by the applicant and his family: | |
| (i) with fresh water ..... | €4.60 per $m^3$ capacity |
| (ii) with sea water according to regulation 6(2) ..... | €100.00 |
| For a swimming pool used solely and exclusively by a philantropic society ..... | nil |
| For any other swimming pool: | |
| (*a*) used with fresh water ..... | €6.90 per $m^3$ capacity: |
| So, however, that the fee shall not exceed €2,329.37; | |
| (*b*) used with sea water according to regulation 6(2) ..... | €600.00. |

*Added by:*
*L.N. 107 of 2009;*
*XXV. 2015.41.*

## SCHEDULE 2
(Regulation 3(2))

Administrative fee to be paid by the applicant to the Regulator for Energy and Water Services for the issue of a permit to construct or for a licence to operate or use a swimming pool.

In addition to the fees established in the Schedule 1, an administrative fee of €50 shall be paid by the applicant to the Regulator for Energy and Water Services for the issue of a permit to construct or for a licence to operate or use a swimming pool for any of the reasons mentioned in the Schedule.