
A GUIDE TO POOL OWNERS

Fencing of Swimming Pools Act (1987)

The Act applies to all existing and new pools.

A building consent is required to install a new pool or to erect/alter the fence for an existing pool.

All pools are required to be registered with the Local Authority.

Attached is a copy of the Schedule to the Act which sets out the requirements for fencing.

Also attached is an illustrated guide that helps to explain the requirements.

If you have any questions, please consult with a District Inspector

ILLUSTRATED GUIDE TO THE FENCING OF SWIMMING POOL ACT 1987

The Act applies to new pools erected and partly filled with water after 1st September 1987 and to existing pools erected before 1st September 1987 and are partly filled with water on or after 1st May 1988.

- A. Swimming Pool is defined as an excavation, structure, or product that is used or is capable of being used for the purpose of swimming, wading, paddling or bathing, and includes any such excavation structures, or product that is a spa pool.

The Act does not apply to pools that are:

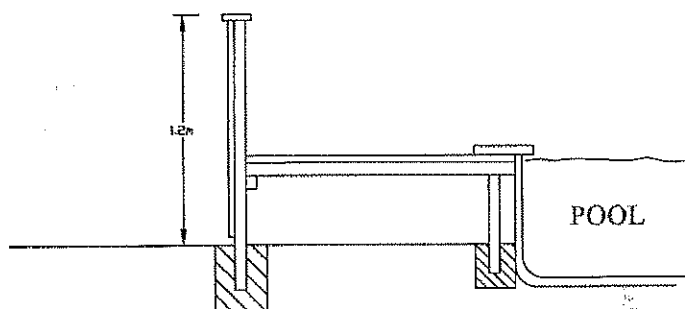
1. 1.2m (4ft) from ground level to the top of its side walls and there are no projections within 1.2m of the walls and the walls cannot be climbed. Any ladder used in conjunction with the pool can be readily removed or rendering inoperable when the pool is not in use.
2. Any excavation, structure or product in which the maximum depth of water is not greater than 400mm (16 inches).
3. Any pool that is wholly enclosed within a building that is used principally for the purpose or purposes not related to the use of the pool. This means that any spa pool or swimming pool that is located in buildings that are used solely for that purpose will need to comply with the Act.

There are other exemptions covered in the Act, these pertain mainly to commercial pools and those administered by Local Authorities.

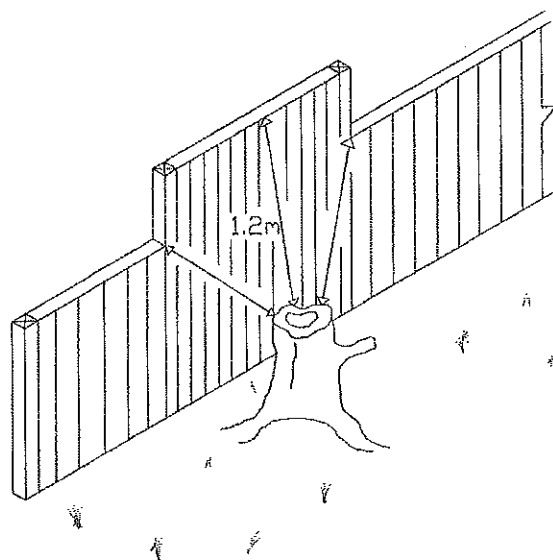
Requirements for Fences Under this Act

1. Height of the fence

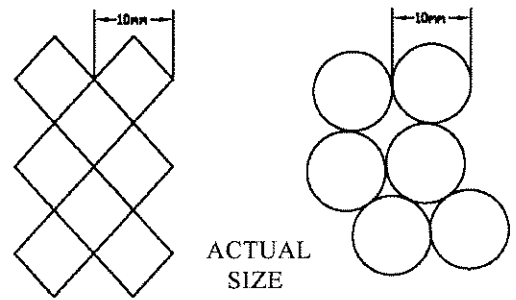
- (a) The fence shall extend 1.2m above the ground on the OUTSIDE of the fence.



- (b) and at least 1.2m above any permanent projection from or object permanently placed on the ground OUTSIDE and within 1.2m of the fence.



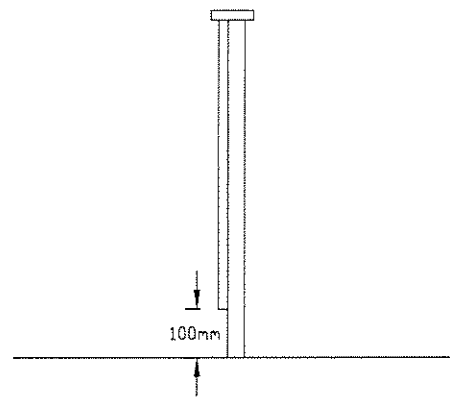
- (c) Where the fence is constructed of perforated material, netting or mesh and any opening in the material, netting or mesh has a dimension (other than the circumference or perimeter) greater than 10mm, the fence shall extend at least 1.8m above the ground or the projection or object.



Small children have small fingers and small toes and are able to climb fences constructed on materials of greater dimensions than 10mm.

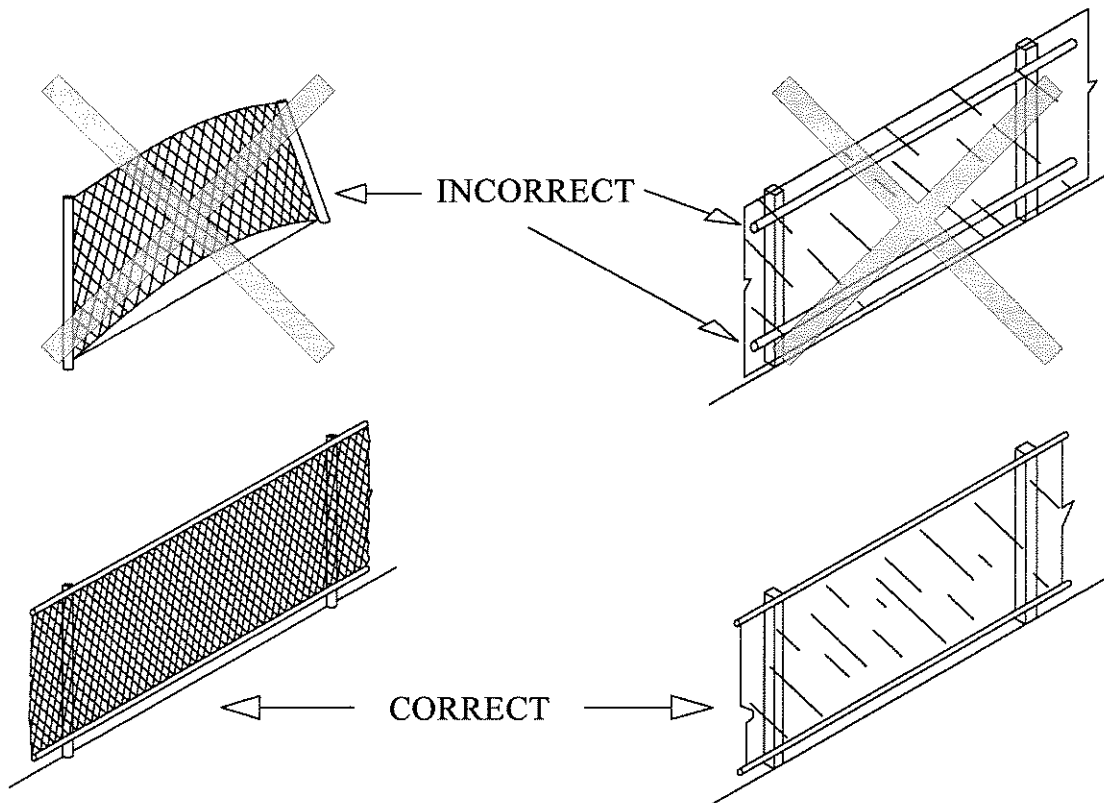
2. Ground Clearance

Any Clearance between the bottom of the fence and ground level shall not exceed 100mm (4inches).

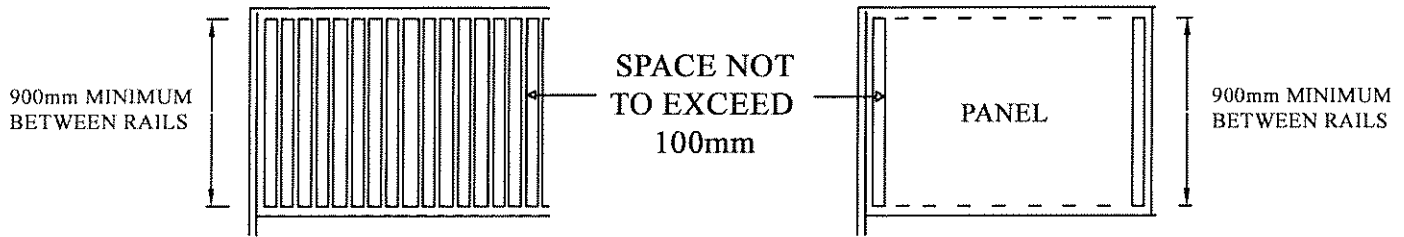


Materials

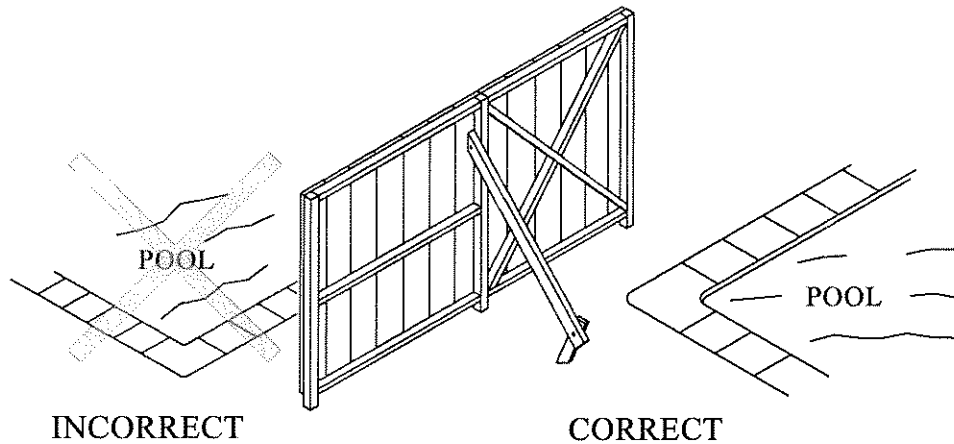
3. All materials and components shall be of a durable nature and shall be erected so as to inhibit any person from climbing over or crawling under the fence from the outside.



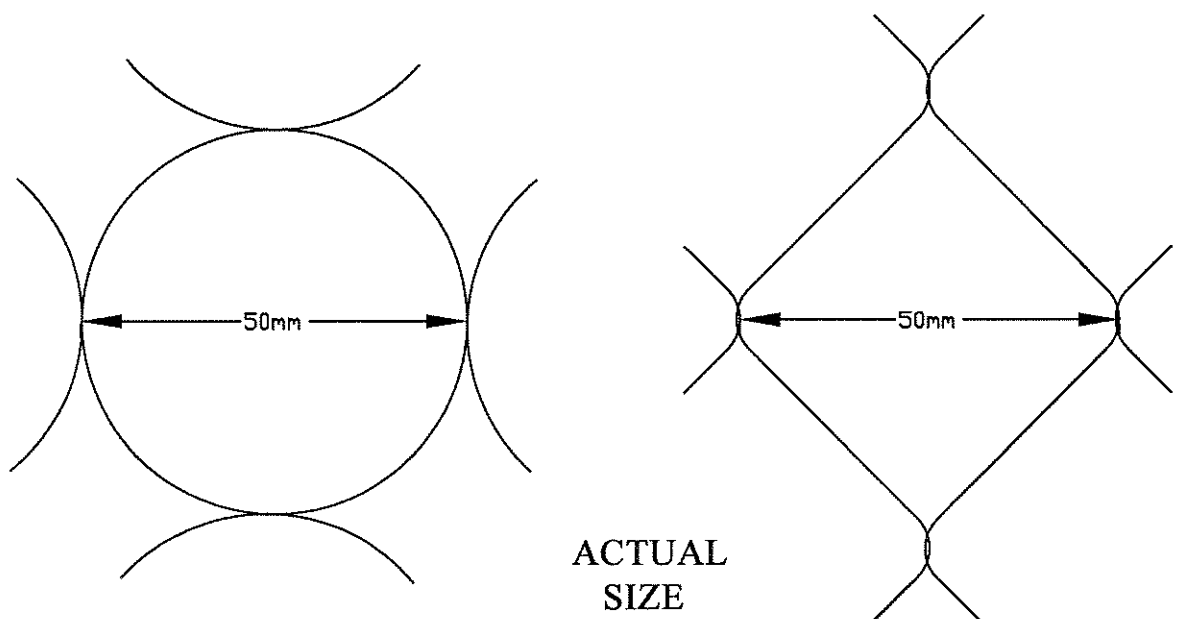
4. Except where the fence is horizontally close-boarded, the spacing between adjacent vertical pales, panels or other posts shall not exceed 100mm at any point.



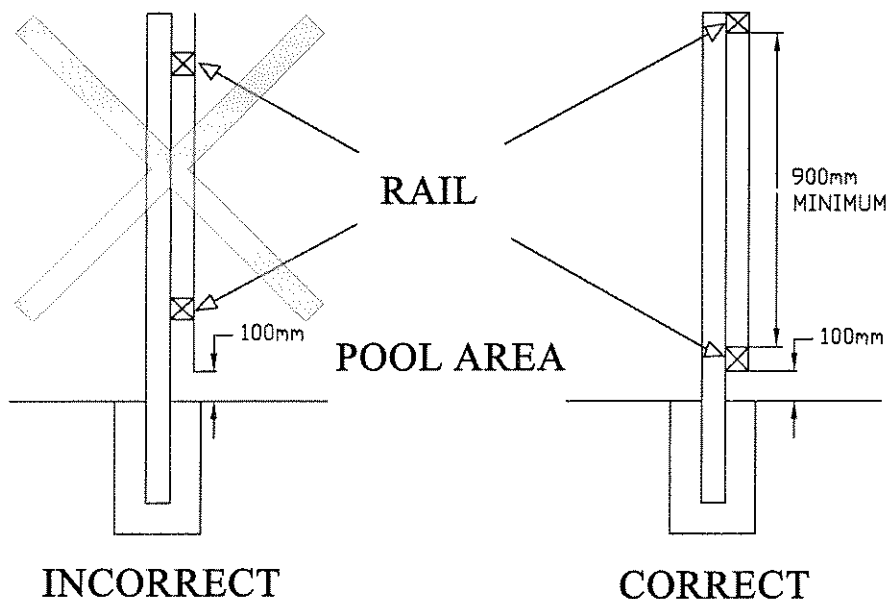
5. All fencing supports, rails, rods, wires, bracing, or other similar posts shall be on the inside of the fencing and shall be inaccessible for use for climbing from the outside.



6. Where any perforated material, netting, or mesh is used, no opening in that material, netting or mesh shall have any dimension (other than the circumference or perimeter) greater than 50mm (2 inches). When a fence is constructed using mesh of the dimension below, it must extend a minimum of 1.8m above ground level.



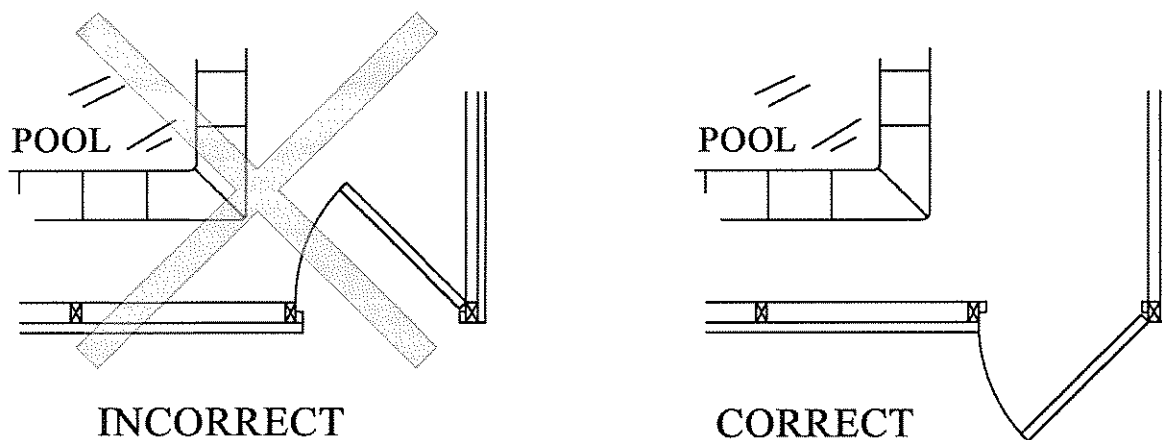
7. All perforated material, netting or mesh material shall be firmly attached at both top and bottom to a rail, pipe or similar firm structure or otherwise be of such a nature that the fence cannot readily be crossed by children under the age of 6 years.



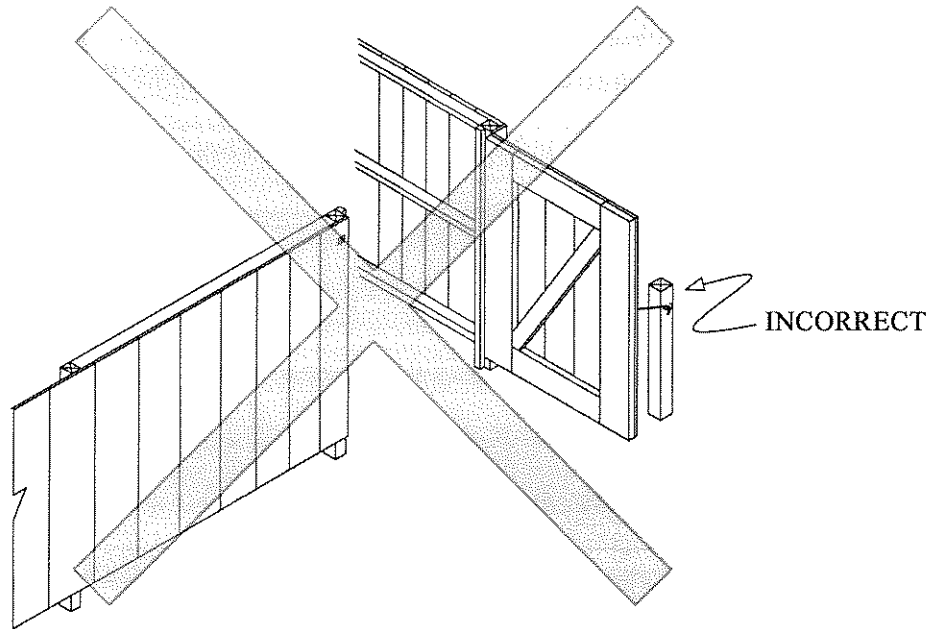
8. Gates and Doors

Every gate or door shall be so constructed as to comply with the relevant requirements of clauses 1 – 7 of this Schedule, and shall be so mounted that:

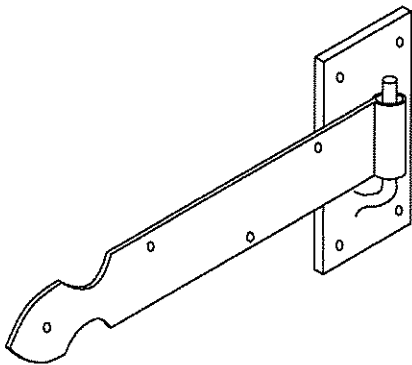
- (a) It cannot open inwards towards the immediate pool area.



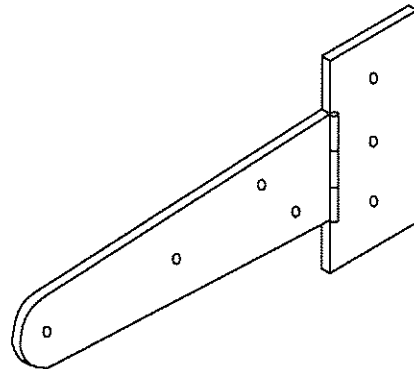
- (b) It is clear of any obstruction that could hold the gate or door open and no other means of holding the gate or door open is provided.



- (c) When lifted up or pulled down the gate or door does not release the latching device, come off its hinges, or provide a ground clearance greater than 100mm.



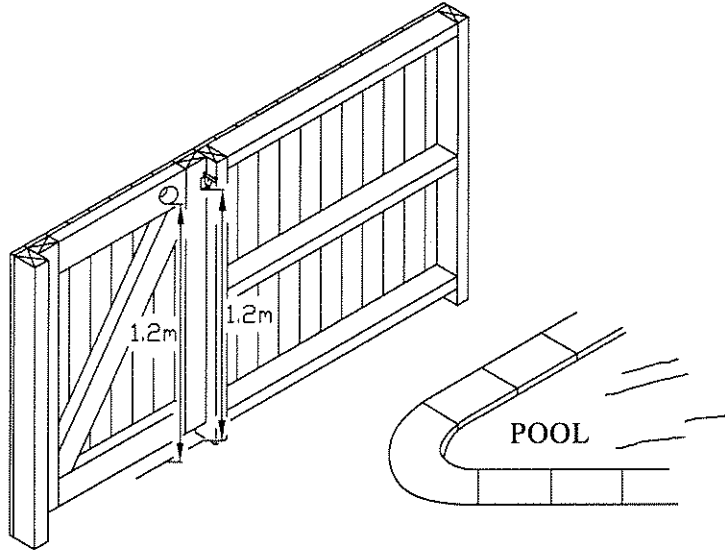
This type of hinge can be lifted unless the Top Back Plate is reversed.



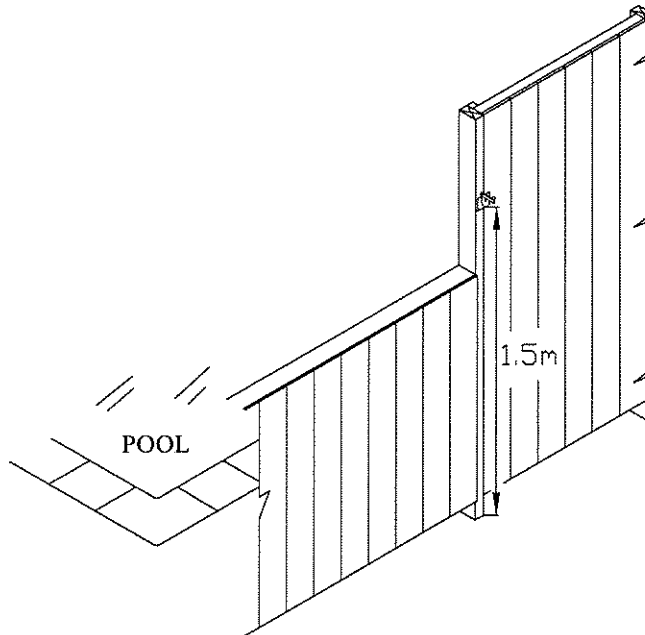
A "T" hinge will not allow any movement.

Operation of gates and door

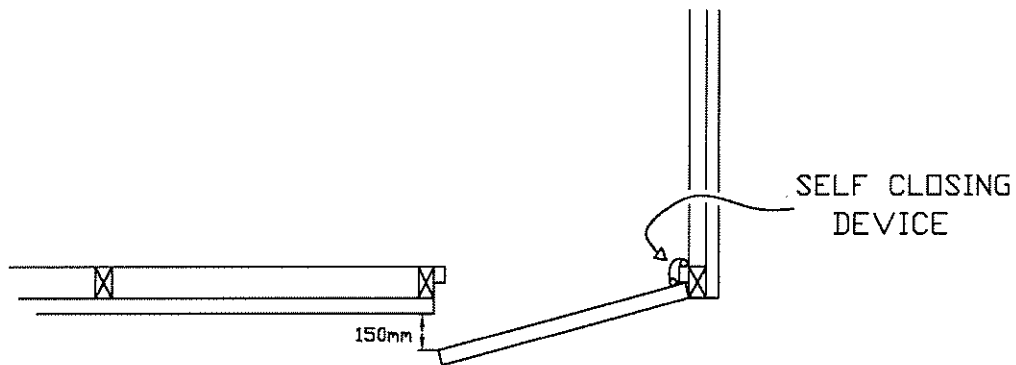
9. (a) Every gate or door shall be fitted with a latching device.
- (b) Where the latching device is accessible from the outside of the fence, only by reaching over the fence, gate or door, the latching device and the lowest point of any hole giving access to it shall be at least 1.2m above the ground on the outside of the fence.



- (c) When the latching device is otherwise accessible from the outside of the fence, gate or door, the latching device shall be at least 1.5m above the ground level on the OUTSIDE of the fence.



10. Every gate or door shall be fitted with a device that will automatically return the gate or door to a closed position and operate the latching device when the gate or door is stationary and 150mm from the closed and secured position.



11. Doors and Walls of Buildings

Where any building forms part of a fence and the pool is not contained within the building, any door that gives access to the immediate pool area needs not comply with the requirements for gates and doors set out in clauses 8 to 10 of this schedule to the extent (if any) that the territorial authority is satisfied that such compliance is impossible, unreasonable, or in breach or any other Act, Regulation or Bylaw, and the door is fitted with a locking device that, when properly operated, prevents the door from being readily opened by children under the age of 6 years.

i.e. Ranch Sliders shall have a locking device located at least 1.5m above floor level.

Hung doors shall have a locking device located at least 1.5m above floor level.

SCHEDULE

Sections 13B, 13C

[MEANS OF COMPLIANCE] FOR FENCES UNDER THIS ACT

Height

1.
 - (1) The fence shall extend-
 - (a) At least 1.2 metres above the ground on the outside of the fence; and
 - (b) At least 1.2 metres above any permanent projection from or object permanently placed on the ground outside and within 1.2 metres of the fence.
 - (2) Notwithstanding sub clause (1) of this clause, where the fence is constructed of perforated material, netting, or mesh and any opening in the material, netting or mesh has a dimension (other than the circumference or perimeter) greater than 10mm, the fence shall extend at least 1.8 metres above the ground or the projection or object.

Ground Clearance

2. Any Clearance between the bottom of the fence and ground level shall not exceed 100mm.

Materials

3. All materials and components shall be of durable nature and shall be erected so as to inhibit [any child under the age of 6 years] from climbing over or crawling under the fence from the outside.
4. Except where the fence is horizontally close- boarded [or is made of perforated material, netting or mesh], the spacing between adjacent vertical pales, panels, or other posts shall not exceed 100mm at any point.
5. All Fencing supports, rails, rods and wires, that are not vertical, and all bracing that is not vertical, shall be inaccessible for use for climbing from the outside.
- [5. a. Notwithstanding clause 5 of this Schedule, a fence may have horizontal supports, rails, rods or wires, that are accessible for use for climbing from the outside, and horizontal bracing that is accessible for such use, if-
 - (a) The distance between any 2 of them at any point is at least 900mm; and

(b) There is no other support, rail, rod, wire, or bracing (other than a vertical rail) between the same 2 at any point]

6. Where any perforated material, netting or mesh is used, no opening in that material, netting, or mesh shall have any dimension (other than the circumference or perimeter) greater than 50mm.
7. All Perforated material, netting or mesh material shall be firmly attached at both top and bottom to a rail, pipe, or similar firm structure, or otherwise be of such a nature that the fence cannot readily be crossed by children under the age of 6 years.

Gates and Doors

8. Every Gate or door shall be so constructed as to comply with the relevant requirements of clause 1 to 7 of this Schedule, and shall be so mounted that-
 - (a) It cannot open inwards towards the immediate pool area:
 - (b) It is clear of any obstruction that would hold the gate or door open and no other means of holding the gate or door open is provided:
 - (c) When lifted up or pulled down the gate or door does not release the latching device, come off its hinges, or provide a ground clearance greater than 100mm.

Operation of Gates and Doors

9.
 - (1) Every gate or door shall be fitted with a latching device.
 - (2) Where the latching device is accessible from the outside of the fence only by reaching over the fence, gate, or door or through a hole in the fence, gate, or door, the latching device and the lowest point of any hole giving access to it shall be at least 1.2 metres above the ground on the outside fence.
 - (3) Where the latching device is otherwise accessible from the outside of the fence, gate, or door, the latching device shall be at least 1.5 metres above the ground on the outside of the fence
10. Every gate or door shall be fitted with a device that will automatically return the gate or door to the closed position and operate the latching device when the gate is door is stationary and 150mm from the closed and secured position.

Doors in Walls of Buildings

11. Where any building forms part of a fence and the pool is not contained within the building, any door that gives access to the immediate pool area need not comply with the requirements for gates or doors set out in clause 8 to 10 of this Schedule to the extent (if any) that the territorial authority is satisfied that such compliance is impossible, unreasonable, or in breach of any other Act, regulation, or bylaw, and the door is fitted with a locking device that, when properly operated, prevents the door from being opened by children under the age of 6 years.