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## The Handyman France Idiots' Guide to the Law and your Pool

**The following safety rules apply to all exterior in-ground pools.** If your pool is deemed a 'public' pool (e.g. used in a gîte complex) additional technical rules apply, some of which appear at the end of this guide. Above-ground private pools are exempt.



Pool safety laws have existed in France for several years, having been introduced in the 2000's and amended periodically since then. It is aimed specifically at preventing children from drowning in pools. Such deaths are not rare. Each year, up to 20 under-5 years old children drown in pools in France. In one incident, two 18-month old twins died though this was in a paddling pool. But it serves to highlight the dangers. The relevant law is - **Loi n° 2003-9 du 3 janvier 2003 relative à la Sécurité des piscines (1)** and can be viewed online at <http://www.legifrance.gouv.fr>. **The maximum penalty for failing to comply is a fine of 45,000€. That's forty-five thousand Euros.**

Pool safety is now included in the 'expert' report when properties are bought and sold (*Dossier de Diagnostic Technique*), and many independent surveyors also include this in their reports. Sadly, too often the safety laws are misunderstood. Even when deficiencies are reported, *Notaires* often fail to tell the purchaser that the pool safety laws are being breached.

You may think that, because you have no children and that because no children ever visit, there is no need for safety measures. Wrong. First, because neighbours' children could gain access to your pool without your knowledge or consent; second, because the law is a blunt instrument and therefore it does apply to you; and third, think about the consequences - 45,000€ fine and dead bodies in the pool.

The permissible safety measures are -

1. An alarm that conforms to NF P90 307A.
2. An infra-red 'fence' that conforms to NF P90 307.
3. A safety cover that conforms to NF P90 308.
4. A safety fence that conforms to NF P90 306.
5. An 'abris' cover that conforms to NF P90 309.

**Whichever safety measure you choose, it must comply with the appropriate standard.** *Your local Mairie may require additional measures, but cannot authorise none. They may also impose other restrictions, such as a ban on outbuildings near the pool.*

If your choice is dependant on budget the pool alarm is the least expensive though probably the least effective, whilst the abris most expensive. Are you content merely to comply with the spirit of the law, or do you want to apply a physical barrier to prevent unauthorised entry?

So let's consider each in turn.

**Alarms.** In-pool alarms are activated when a 'body' enters the pool. The rapid change in water level upsets the air pressure in the venturi tube that enters the pool. Invariably battery operated, the batteries need to be tested/replaced regularly. The exact position for the alarm is crucial so as to cover the whole of the pool area, and if the pool is large, two alarms may be necessary. Prone to false alarms in windy weather despite some claims that particular alarms are 'wind-proof'. *The acceptable alarms have changed as they become more sophisticated, so the alarm should be checked to ascertain that it is still compliant.* Submersible alarms are also available, but more expensive and not suitable for all pools.



**The infra-red 'fence'** also counts as an alarm. Whilst not unsightly, the four posts that are required may not be too pleasing to look at, and may present a trip hazard. They must be aligned exactly, so accidental knocks could render them ineffective. Should not be activated by passing animals/birds. Can be solar powered. Suits any shape/size of pool.



With both of the above systems, no physical barrier is created. If the alarm is activated, will anyone hear it? And if they do, will they react to it? If the pool is in a generally secure area (for example, the back garden can only be accessed through locked gates) then maybe it's adequate. Can be operated with a key, a magnet or a digital code.

**Safety covers.** Physical barrier created. Designed to take the weight of an adult male walking on it. An electric winder is available for those lacking the physical strength to operate with ease. It usually takes the form of a blue cover with aluminium poles running across the pool's width. If the pool is very wide, a cover can be impossible to use, and a certain amount of space around the pool is needed for it to operate. Not only does it keep children out, but also much of the dirt and leaves that invade pools. Rainwater is in no way deterred though. It also serves to hold warmth in the pool to some extent. Suitable for any shape of pool, but fixed ladders present a challenge. Probably the most commonly used safety measure.



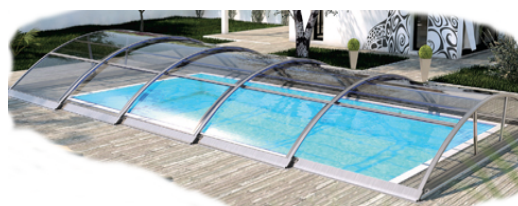
Much easier to use, but more expensive, is the **electrically operated cover** that resembles an electric shutter for your windows. Its' major drawback is that it can only operate on a rectangular pool. If Roman steps are at the end no problem, but if steps are at the side, then this system cannot be used. Fixed ladders can also defeat this system.



**Safety fence.** The most complex of all the measures. First, the type of fence and gate must comply to the standard which is different to normal garden fencing and gates. The fence panels have no horizontal bars other than at the top and bottom so that no climbing frame is created; the gate must be self-closing and with a handle that needs two actions to open (e.g. push and turn); the gate must open outwards; the gate must *never* be propped open; the pool must be completely surrounded by the fence - you cannot have a stone wall interrupting the run of panels; the fence must be 1 metre from the pool minimum, though there appears to be no maximum distance; the safety fence must not form part of the boundary fence for the property. Physical barrier, and maintenance free. Cost increases with size of pool.



**Abris.** Without doubt these offer the best all round solution. Easy to operate despite the size; when high enough to be walk-in can offer year round use of the pool; and acts as a very effective pool heater. Some consider them to be unsightly though. It is also without doubt the most expensive option.



So there you have the bare bones of pool safety and your legal obligations. So now you won't fall foul of the *Direction Départementale de l'Équipement* (the authority responsible for overseeing pool safety). And finally, *the safety measure must be applied whenever the pool is unattended by a responsible adult. When children are using the pool, a responsible adult must be present. He/she must also be sober!*

**'Public' pools.** Any pool that is available for use by more than one group of people (for example in a gîte complex) is deemed to be a public pool. Technical specification rules apply. Here's some of them. In addition to safety regulations, 'public' pools must not have chlorine administered via the skimmers so automatic systems are required, though saline systems are prohibited. Showers, foot baths and toilets are required. Chemical readings must be checked regularly and recorded on official forms. The filtration pump must have sufficient capacity to filter all of the water in the pool in three hours and must run 24/7 (or as the French say, 24/24 7/7). New installations must be wheelchair friendly. At least 30 litres of water per user per day must be replaced with fresh tap water, and this must be metered on a dedicated water meter, and recorded. If not used all year, the pool must be drained for the winter. Of course, it's a different authority for overseeing 'public' pools - it's the *direction départementale des Affaires sanitaires et sociales*. This list is not, sadly, exhaustive...