


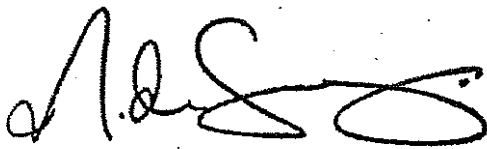
PROVINCE OF BRITISH COLUMBIA  
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order In Council No. 578, Approved and Ordered AUG - 7 2012

  
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Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Pool Regulation, B.C. Reg. 296/2010, is amended as set out in the attached Schedule.



\_\_\_\_\_  
Minister of Health



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Presiding Member of the Executive Council

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*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section: Public Health Act, S.B.C. 2008, c. 28, ss. 115 (a), (d), (g), (i) and (m) and 126 (3), (4) and (5)

Other: OTC 624/2010

June 5, 2012

## SCHEDULE

**1 Section 1 of the Pool Regulation, B.C. Reg. 296/2010, is amended**

**(a) by repealing the definition of "commercial pool" and substituting the following:**

**"commercial pool" means an artificially created body of water that**

- (a) has a depth of at least 61 cm,
- (b) is owned or operated by, or in conjunction with,
  - (i) a business enterprise that maintains private rooms, or camping sites, for the accommodation of the public, other than a business enterprise that maintains fewer than 4 units or sites,
  - (ii) a business enterprise that offers services that are available only to persons holding membership with the enterprise, or
  - (iii) a strata corporation as defined in the *Strata Property Act*, and
- (c) is to be used only by members, shareholders, tenants or patrons of the enterprise or strata corporation, or their guests; ,

**(b) in the definition of "pool" by striking out "swimming pool;" and substituting "pool;," and**

**(c) in paragraph (b) of the definition of "public pool" by adding "to the public" after "is available".**

**2 Section 2 (1) is amended by adding the following paragraph:**

- (d) a pool that would be a commercial pool, except that it is owned or operated by, or in conjunction with, a business enterprise that maintains fewer than 4 units or camping sites for the accommodation of the public.

**3 Section 6 is amended by adding the following subsection:**

- (5) Despite subsection (1), an operating permit is not required to operate a spray pool that meets all of the following requirements:
  - (a) the water source is a water supply system within the meaning of the *Drinking Water Protection Act*;
  - (b) the water drains to a system that collects waste water;
  - (c) drained water is not recirculated;
  - (d) if the spray pool is subject to a construction permit issued under section 5, the operator submits to a health officer a signed statement from an engineer or architect that the pool has been constructed so as to substantially comply, in all material respects, with the plans and specifications submitted under section 5 (2) in respect of the application for the construction permit.

**4 Section 8 (2) (f) is repealed and the following substituted:**

- (f) diving into the pool, except in designated areas.

**5 Section 10 is amended**

(a) *in subsection (3) by striking out "swimming pool" in both places and substituting "pool", and*

(b) *by adding the following subsection:*

(3.1) A health officer may impose a different requirement than set out in subsection (2) (d), (e), (f) or (g) in relation to a specified pool if

(a) a more stringent requirement is, in the opinion of the health officer, necessary to prevent a health hazard, or

(b) the health officer is satisfied that the different requirement is sufficient to prevent a health hazard.

6 *Section 11 (2) (f) is repealed and the following substituted:*

(f) the numerical depth of water in the pool is clearly marked, .

7 *Section 13 (1) is amended*

(a) *by striking out "and" at the end of paragraph (c),*

(b) *by adding ", and" at the end of paragraph (d), and*

(c) *by adding the following paragraph:*

(e) ensure that each pool employee complies with the pool safety plan.

8 *Section 17 is repealed and the following substituted:*

#### **Public pool supervision**

17 (1) In this section:

"lifeguard" means a person who

(a) is at least 16 years of age,

(b) is trained in the procedures and in the use of the equipment described in the pool safety plan,

(c) is responsible for the conduct and safety of all pool patrons, and

(d) is performing no duty other than pool surveillance;

"pool safety plan" means the pool safety plan prepared in accordance with section 13.

(2) A public pool operator must ensure that, when the pool is open to the public,

(a) pool supervision is provided by at least one lifeguard and any additional lifeguards as required by the pool safety plan, and

(b) at least one additional person is on duty within the swimming facility and available to assist the lifeguard in an emergency, and that person is

(i) trained in the procedures and in the use of the equipment described in the pool safety plan, and

(ii) designated by the operator for the purpose of this section.

(3) A public pool operator may operate the pool without lifeguards during any period of time that all of the following circumstances apply:

- (a) the only persons permitted access to the pool are persons receiving aquatic instruction who are closely supervised by
  - (i) an aquatic instructor, and
  - (ii) at least one additional person responsible for assisting the instructor, both of whom are trained in the emergency procedures and in the use of the emergency equipment described in the pool safety plan;
- (b) a clearly visible sign is posted at each entrance to the pool stating that no lifeguard is on duty and that children must be supervised by an adult;
- (c) the pool is equipped with a reaching assist and a throwing ring, as described in section 18 (2).

9 *Section 2 of Schedule 2 is amended by striking out "swimming pool," and substituting "pool,".*