

LAW no. 2003-9 of 3 January 2003 on swimming pool safety

Article 1

a new Chapter VIII is created in Title II of Book I of the Code de la construction et de l'habitation, worded as follows:

"Chapter VIII
"Pool safety

"Art. L. 128-1. - As of 1st January 2004, unenclosed in-ground private swimming pools for individual or collective use must be fitted with a standardised safety device designed to prevent the risk of drowning.

"From this date, the builder or installer of such a pool must provide the client with a technical note indicating the standardised safety system chosen.

"The form of this technical note is defined by regulation within three months of the promulgation of law no. 2003-9 of 3 January 2003 on swimming pool safety.

"Art. L. 128-2. - Owners of unenclosed in-ground private swimming pools for individual or collective use installed before 1st January 2004 must have fitted their pool with a standardised safety device by 1st January 2006, provided that such a device that can be adapted to their equipment exists by this date.

"If the property is rented out on a seasonal basis, a safety device must be installed before 1 January 2004.

"Art. L. 128-3. - The conditions for the standardisation of the devices mentioned in articles L. 128-1 and L. 128-2 shall be determined by regulation.

Article 2?

The following article L. 152-12 is added to Chapter II of Title V of Book I of the Code de la construction et de l'habitation (French building and housing code):

"Art. L. 152-12. - Failure to comply with the provisions of articles L. 128-1 and L. 128-2 relating to swimming pool safety is punishable by a fine of EUR 45,000.

"Legal entities may be held criminally liable, under the conditions set out in article 121-2 of the French Criminal Code, for breaches of the provisions of articles L. 128-1 and L. 128-2.

"The penalties incurred by legal persons are :

"1° A fine in accordance with article 131-38 of the Criminal Code ;

"2° The penalties mentioned in 2° to 9° of Article 131-39 of the Criminal Code.

"The ban referred to in 2° of article 131-39 of the French Criminal Code applies to the activity in the course of which, or in connection with the course of which, the offence was committed.

Article 3

Before 1 January 2007, the government will submit a report to the parliamentary assemblies on the safety of unenclosed in-ground private swimming pools for individual or collective use. This report will describe accident trends and the application of the provisions of Article 1.

This law shall be executed as a law of the State.

Paris, 3rd January 2003