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Our Ref: 1019390  
Your Ref:



*Dear Dr Balysz*

16 JUN 2015

**Jack ROWE deceased - aged 3 years**

Thank you for your letter of 22 April to the Secretary of State for Communities and Local Government, attaching a Regulation 28 Report touching the death of 3 year old Jack Rowe. I have been asked to reply as I have responsibility for the Building Regulations.

I was very sorry indeed to learn of Mr and Mrs Rowe's tragic loss. Please convey my condolences to them.

Sadly, it is a tragic fact that each year around 15 young children drown at residential locations. Of these, a small number, two or three, occur in a swimming pool.

On the leisure safety section of its website [www.rospa.com](http://www.rospa.com), the Royal Society for the Prevention of Accidents (RoSPA) recommends that pools should be fenced to ensure that young children who escape supervision cannot gain access to the water. However, they note that fencing is only a partial solution and that the key to pool safety is supervision if children are in the vicinity.

We take the view that building regulations would not be the best way to ensure that swimming pools are safe, as they apply only where building work takes place. The definition of a building for the purposes of the regulations does not currently cover an outdoor pool. Furthermore, as the regulations only cover new work, they could not be applied retrospectively to existing pools. Also, any requirement would be very difficult to enforce as it would not be possible to prevent fences from being removed after installation.

Instead, it is expected that owners/occupiers will be responsible for the safety of people upon their property, identifying hazards and seeking to reduce them by implementing the kind of straightforward measures advised by RoSPA. The Health and Safety Executive (HSE) publication *Managing Health and Safety in Swimming Pools* (HSG179), which provides guidance for commercial swimming pools, can also be used for domestic swimming pools.

The Government therefore does not consider that new building regulations would be the answer.

Thank you for writing. As always, these matters are kept under review and your findings are a valued contribution to that process.

*Yours sincerely*

*James Wharton*

**JAMES WHARTON MP**