

Regulation on amusement devices

Part I. General provisions

Chapter 1. Initial provisions

§ 1-1. Purpose

The regulations will ensure that the amusement facilities are fitted, built, operated, maintained and removed so that the device does not cause damage to person, property or the environment.

§ 1-2. Scope

The regulation applies to the actor offering the amusement device to the use of the public.

The regulation applies to amusement facilities as defined in the Amusement Park Act § 1-3.

The regulation does not apply to the part of the amusement facility that is covered by the planning and building legislation.

§ 1-3. Definitions

In this regulation the following is meant by:

- a) *Amusement device*: installation to use for amusement purposes which involves risk and that set minimal requirements for skills and where users are either brought in motion or situations where they partially or completely do not have control over their own movement, or both.
- b) *Business*: businesses, sole proprietorships or administrative agencies which has an operating permit for one or more amusement devices.
- c) *Operating permit*: permission to operate an amusement device, cf. Amusement Park Act § 2-2.
- d) *Operations Manager*: the leader of the operation of an amusement device.
- e) *Accident*: unwanted or sudden event or a specific number of such events that lead to death or serious injury, substantial material damage to property or the environment, and all other similar accidents.
- f) *Serious incident*: unwanted event that under other circumstances might have led to an accident.
- g) *Event*: any other unwanted event than an accident, which is connected with the operation of the amusement device and that affect the safety of operations.

§ 1-4. The authorities

The Norwegian Railway Authority is the supervisory authority according to chapter 4 of the Amusement Park Act.

The Norwegian Railway Authority issues operating permits for amusement devices. Such permission does not replace the obligation to obtain permits from other authorities.

The Norwegian Railway Authority can in particular cases make exceptions to this regulation.

Chapter 2. General requirements to the business

§ 2-1. The responsibility of the business

The business has the responsibility for the safe assembly, operation, maintenance and risk control of the amusement facility.

§ 2-2. Operating permit and notice of changes of importance to the operating permit

Operation of an amusement facility requires operating permit. The Norwegian Railway Authority issues the operating permit after the applicant has proven that all the technical and operational requirements are met.

Removal of non-mobile amusement devices require a new operating permit. By other changes of amusement devices, this shall be reported in writing to the Norwegian Railway Authority to assess if the change is of such a nature that it is necessary to apply for a new operating permit.

The device shall be marked with the device number issued by the Norwegian Railway Authority.

§ 2-3. Application for operating permit

Application for operating permit is sent to the Norwegian Railway Authority using a prescribed form.

Application for operating permit will be determined as soon as possible and no later than four weeks after the date on which all the necessary information is submitted to the Norwegian Railway Authority.

§ 2-4. The insurance obligation

The business shall be insured and have a guarantee for any liability that may arise due to the amusement facility. Without a guarantee the Norwegian Railway Authority shall revoke the operating permit. An insurance agreement may be made for each individual amusement facility, or collectively for all the business' amusement devices.

When calculating the size of the insurance cover and security guarantee the emphasis is on the potential damage the facility holds.

The insurance company where the amusement facility is insured to notify the Norwegian Railway Authority about the annulment of the guarantee.

§ 2-5. Notification obligation of accidents and serious incidents

If an accident with non-trivial personal injury occurs, the business shall immediately notify the police. The notification is to happen by word of mouth.

If an accident or serious incident occurs, the business shall also notify the Norwegian Railway Authority.

§ 2-6. The reporting obligation about accidents, serious incidents and events

The business shall report in writing to the Norwegian Railway Authority on accidents and serious incidents. The report is to be sent the Norwegian Railway Authority as soon as possible and at the latest within 72 hours from the accident or serious event. Event should be reported to the Norwegian Railway Authority within 8 days. Reporting can be done electronically.

Reporting shall be made on the form established by the Norwegian Railway Authority.

§ 2-7. Annual report

The Norwegian Railway Authority can require that businesses submit an annual report on matters that affect the security. Norwegian Railway Authority defines demands of the content of the report and set deadlines for submission.

§ 2-8. Prohibition of transfer etc.

An operating permit is not transferable, including rented, leased, lent or otherwise be left to others.

§ 2-9. Claims about the security management system

The business shall have a safety management system. The purpose of the security management system is to manage the business in order to operate securely.

§ 2-10. Requirements for security management system

Security management system should be documented, and known by all who have security tasks in the business. The documentation should be in Norwegian, Swedish or Danish. For personnel that do not master Norwegian, Swedish or Danish the relevant parts of the documentation shall be translated into the language the personnel masters.

The security management system should be adapted to the nature and extent of the relevant business, and will contain the provisions that are required to control risks associated with the business.

The security management system shall at least include:

- a) Provisions on how the security risks associated with the operation of the business shall be identified and followed up.
- b) Provisions on control, operation and maintenance to ensure satisfactory security.
- c) Skill requirements for personnel who have tasks that can affect the security, including requirements for first aid and rescue personnel.

- d) Description of how responsibility and authority are distributed in the organization of the business, including instructions for the Operations Manager and other operational personnel.
- e) Documentation that clearly identifies the individual facility and contains the overview of technical data and operating data, history, journals of all repairs, rebuildings, tests, trials and controls, and detailed reports from these. The documentation shall also contain excerpts of design documentation that provides information about the detection, and inspection carried out by an independent third party. The documentation shall be available when in operation.
- f) Contingency plan for emergency situations. The plan should at least contain:
 - i. Alerting list (internal and external).
 - ii. Overview of equipment for first aid and rescue, and the placement of this.
 - iii. For devices where it is relevant, a detailed rescue plan and procedures for the planning and conduct of regular rescue exercises with the subsequent evaluation and follow-up shall be available.
- g) For devices where it is relevant, equipment for evacuation or lowering of passengers within reasonable time shall be available.
- h) Procedures for registration and follow-up of accidents, serious incidents and events. The procedures shall include immediate measures to reduce the effects of an accident or events as well as to investigate the cause and determine measures to prevent recurrence.

§ 2-11 Rental of amusement facility

The business that rents out an amusement facility is obliged to ensure that the tenant is familiar with the contents of the security management system for the relevant facility. In the event of an accident the duty of tenant is to notify as defined in § 2-5.

The business that rents out an amusement facility must give the tenant adequate training about assembly, operation and maintenance.

§ 2-12. Acceptable security level

An amusement facility that is constructed and operated in accordance with the recognized standard will be deemed to have acceptable security, unless the regulation contains stricter provisions. If an amusement facility have risk aspects that are not included in recognized standards, these must be considered separately. Such a consideration shall be documented. Risk assessments shall be conducted in accordance with recognized standard.

If parts of recognized standards are combined it shall be documented that an acceptable level of security is achieved.

Security requirements can also be met if:

- a) the business can document that the device keeps a similar level of security as in the recognized standard, or
- b) the device has previously been considered to have acceptable security, or
- c) the facility meets the requirements in the draft of international standard.

The Norwegian Railway Authority can require that the business uses and employs an independent body to verify that the security is taken care of, if necessary. The Norwegian Railway Authority may require that an independent body should be accredited.

§ 2-13. Demands for annual use of independent inspection body

The business shall yearly use and pay for an independent inspection body for the technical control of amusement facilities. Norwegian Railway Authority may require that the inspection body should be accredited.

For inflatable devices there is no requirement that the inspection body shall be independent.

The inspection shall include the entire facility with additional equipment. The intervals between the inspections shall be as the maximum be as set out in the current standard or by the vendor if these are shorter.

Procedure and content of a technical control should follow the rules of the relevant standard.

Norwegian Railway Authority can make exceptions from the requirement of inspection.

Chapter 3. Requirements for the operation, the operating controls and maintenance

§ 3-1. General requirements to the operations staff

The operations staff should have the necessary knowledge, skills, experience and personal qualities for the tasks to be performed. Personnel that perform work that involves communication with users or that need to know the business' security management system shall have sufficient language skills.

If not otherwise expressly determined in this regulation, operating personnel must be at least 18 years of age.

§ 3-2 Operations Manager

The business should have the Operations Manager. Operations Manager must be at least 20 years of age. The Norwegian Railway Authority shall revoke the operating licence if the company no longer has an Operations Manager.

If the Operations Manager is replaced the business shall send a written notice to the Norwegian Railway Authority about the change, the name of the new Operations Manager and time of the commencement of the shift.

The Operations Manager should be professionally qualified and have the necessary personal qualities and experience that is needed for the daily operation and maintenance. The Norwegian Railway Authority can determine requirements for the certification of Operations Manager. Requirements for training, examination, experience and qualities to achieve certification is determined by the Norwegian Railway Authority.

The Operations Manager shall be given the authority to take measures necessary to carry out proper operation and maintenance. It is the duty of the Operations Manager to stop the operation of amusement facility if safety concerns warrant it.

§ 3-3 The staffing requirements for the amusement facility

The individual devices shall have sufficient number of qualified operations staff present. The operations staff shall be over 18 years. For simple amusement devices the age limit is 16 years.

§ 3-4 *Tasks of the operating personnel*

The operations staff should make sure that the device is operated in a secure way. The operations staff shall stop the facility or otherwise intervene to prevent damage if dangerous situations arise.

§ 3-5. *Operating control*

Before a device is taken into use for the public, it shall be necessary that the control is in a reliable condition and that all security features are working properly.

The device shall be controlled during operation.

When the operation is completed it shall be checked that all users have left the facility.

The facility shall be locked when not in use. If the device cannot be locked it should be clearly signed that the facility is closed.

In the event of accidents, serious incidents or other unforeseen disruption of operation, the facility shall be inspected to determine that it is secure before it is taken into use again.

§ 3-6. *Maintenance*

The business shall have procedures for the maintenance of the facility. The maintenance work shall be carried out by qualified personnel. The maintenance work shall be carried out so that it prevents accidents and abnormal wear and tear. When the facility is used for normal functional trials, test drive or other types of control, where the safety of the device may be reduced, it shall not be available to the public.

Routines shall describe proper periodic controls.

For devices where there is a description of the maintenance from the vendor, this description shall be followed. In addition, the business shall consider the need for additional maintenance or shorter intervals than the vendor has recommended.

For devices where there is no description of the maintenance and intervals from the vendor there shall be carried out daily, weekly and annual controls. A main revision should be carried out at least every five years.

It should continuously be documented which maintenance is performed.

§ 3-7 *Signage*

By the facility there shall be clear signs with concise instructions on how users are to act, including any health restrictions to the use of the facility.

Chapter 4. Common requirements for performance

§ 4-1 *requirements for construction*

An amusement facility shall be constructed so that the users are secured against damage or risk of damage.

An amusement facility shall be constructed and mounted so that the necessary control and maintenance work, as well as the replacement of parts, can be made in a safe and appropriate manner.

Non-fixed devices must be able to be stopped during operation without impacting the safety of users.

The vendor's description of the assembly, disassembly, operational control, operation and maintenance should be available at Norwegian, Swedish or Danish. For personnel that do not master Norwegian, Swedish or Danish, relevant parts of the documentation shall be translated into a language the personnel masters.

§ 4-2 Raising

The ground conditions must be such that the amusement facility gets a stable placement.

Amusement devices shall be placed between and in relation to other structures and buildings at the plant, and in relation to the terrain, in such a way that embarking and disembarking can be safely performed.

An amusement facility that is set in motion shall be shielded so that the audience does not get access to the moving parts when the device is in operation.

§ 4-3 Assembly and disassembly

The business is responsible to ensure that the assembly and disassembly of the amusement facility is carried out according to the manufacturer's instructions and to any eventual terms and conditions in the operating permit.

When the assembly is carried out, one shall check that all components that affect the security are free from defects and is properly assembled. During disassembly it shall be checked that these are without dangerous wear and tear and do not have defects.

Chapter 5. Additional requirements to rental go-karts

§ 5-1. Scope

The chapter applies to rental go-karts with a maximum achievable speed of 50 km/h and that is not regulated by other legislation.

§ 5-2. Requirements for courses and vehicles

Courses and go-karts for rental shall be designed and built so that riders and the public are not exposed to undue risk.

Vehicles that is used by children shall be adapted to age, abilities and skills of the user.

Vehicles shall be equipped with brakes on the rear wheels.

Vehicles for children between 8 and 10 years shall have reduced axle base and be adapted to children down to 110 cm of height.

Vehicles for children from 8 to 15 years shall have an average speed not exceeding 25 km/h.

Vehicles from different speed groups cannot be used at the same time on the same course.

§ 5-3. *Personal protective equipment*

While driving, the rider and, if any, potential passenger shall use personal protective equipment.

§ 5-4. *Staffing requirements*

The path shall be staffed with at least two people who are familiar with the facility.

§ 5-5. *Signaling*

The facility shall have a system for signaling to the racers.

Chapter 6. Other provisions

§ 6-1. *Supervision and enforcement*

Norwegian Railway Authority shall supervise that the provisions of this regulation, and those in the regulations and individual decisions given in pursuance of this, are being complied with.

§ 6-2. *Complaint*

Complaints about individual decisions taken by the Norwegian Railway Authority in accordance with this regulation, are determined by the Ministry of Local Government and Modernisation.

§ 6-3. *Transitional provisions*

Businesses that have amusement devices that at the entry into force of this regulation have security authentication are provided time-limited operating permit until the Norwegian Railway Authority has verified that the device meets the requirements of this regulation.

For businesses with amusement devices where there is a requirement to use an independent inspection body, such inspection must be carried out within two years from the entry into force of this regulation.

The requirement of the security management system in § 2-10 must be met within one year from the entry into force of this regulation.

§ 6-4. *The entry into force*

The regulation will take effect January 1st 2017.