

## APPENDIX 2.4

*(referred to in paragraphs 2.23, 4.58, 4.59 and paragraph 4 of Appendix 2.1)*

### **The regulation of exhibitions in the United Kingdom, with particular reference to electrical safety**

1. We asked the two Government departments most directly concerned with ensuring public safety at exhibitions, HO and DoE, to provide us with details about the regulation of exhibitions, with particular reference to any national or local legislation which might be relevant. To this end both HO and DoE submitted written evidence and attended separate hearings. In addition we obtained written and oral evidence from LFCDA, RBK&C and NICEIC, as well as written evidence from IEE. What follows is a summary of the main points of the evidence provided by each of the forenamed bodies.

#### **Relevant legislation**

2. Just as exhibitions, in common with other forms of public entertainment, are not necessarily held in purpose-built venues, so exhibition halls may be used for the performance of public shows other than exhibitions (eg opera, horse shows etc). Most legislation relating to safety at exhibitions is general legislation, concerning the uses to which premises may be put, and only rarely is the use for exhibitions specified (see paragraph 4 et seq). There is no national legislation relating specifically to safety at exhibitions. Specific local legislation is confined to sections 4 to 8 of the National Exhibition Centre and Birmingham Municipal Bank Act 1976 (regulating public safety at NEC) and section 21 of the Greater London Council (General Powers) Act 1966. The 1966 Act requires several premises, listed in Schedule 1 to that Act, to be licensed by the appropriate borough council, under certain provisions of the public entertainment licensing regime, when they are used for public exhibitions. The terms and conditions which may be attached to such an 'exhibition licence', including any relating to public safety, are entirely a matter for the appropriate local authority. The reference halls listed in Schedule 1 to the 1966 Act are Alexandra Palace, Earls Court and Olympia and the Royal Horticultural Halls (now Westminster Exhibition Centre).

3. Schedule 1 to the 1966 Act may be amended by the Secretary of State for the Environment,<sup>1</sup> after consultation with the appropriate borough council and by means of an order (subject to special parliamentary procedure). No such amendments, however, have ever been made, although new premises such as Wembley Centre and the London Arena have been built since 1966. At such premises, exhibitions may be staged without having to notify or consult with either the local authority or the fire authority. LFCDA told us it was concerned about this situation and had raised its concern both with the local authorities and with HO. HO, though unaware of such an approach, acknowledged that LFCDA had in the past expressed misgivings that its powers in relation to exhibition halls were inadequate, but stated that, in the absence of any evidence that the degree of risk to public safety at exhibitions was high, the Government was not persuaded that further legislation was justified. HO's evidence was that the use of premises for exhibitions was sufficiently covered by existing national legislation in particular and by local legislation where this applied. For its part, DoE commented that the 1966 Act was a local statute and it was for local authorities to see that it continued to meet their local requirements and, if necessary, to promote adjustments from time to time: local legislation was promoted not by the Government but, usually, by a local authority. DoE was unaware of any approach from local authorities in connection with the 1966 Act.

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<sup>1</sup>The Act speaks solely of the 'Secretary of State', but HO and DoE understand this to mean the Secretary of State for the Environment.

4. The 1966 Act also provides, in section 22, that sections 34 and 35 of the London Building (Amendment) Act 1939, concerning the provision of proper means of escape, shall apply to buildings in respect of which an exhibition licence is required. Under section 20 of the latter Act both the Barbican and BDC (formerly the Royal Agricultural Hall) are in effect subject to control in the manner of a licensed exhibition hall in that plans for any exhibition must be submitted to the local authorities under the conditions of consents for the staging of exhibitions issued during the construction of those two halls.

5. There are a number of other statutes relating to aspects of safety in buildings which may be relevant to exhibition halls, or to other buildings where exhibitions are held. These include the Building Act 1984, and the Building Regulations made under it. The Building Regulations concern the design and construction of buildings, at present without any requirements relating to electrical wiring, or to means of escape (except in limited circumstances). However, new Building Regulations are scheduled to come into effect in December 1990 and DoE is considering whether or not to require conformity with the IEE Wiring Regulations (see paragraph 10); it also intends to extend coverage of the Building Regulations to means of escape. Further, any stand or structure for accommodating 20 or more persons, and for which plans have not had to be deposited under the Building Regulations, is required (under a number of local Acts) to comply with such conditions as may be prescribed by the local council for securing the safety of those persons.

6. Under the Health and Safety at Work Act 1974 the Health and Safety Executive derives wide powers to secure the safety of employees and other people using places of employment. On 1 April 1990 the new Electricity at Work Regulations 1989, made under the 1974 Act, are to take effect, aimed at ensuring safe working with electricity. Work subject to the regulations must be carried out only by those with sufficient knowledge, skill and ability to ensure safety.

7. Under the principal statute relating to fire safety in buildings, the Fire Precautions Act 1971, a fire certificate issued by the appropriate fire authority is required for premises put to any of a number of designated uses. The uses so far designated do not include use as an exhibition hall, but the Act would apply, for example, to any exhibition hall forming part of premises used as an hotel. Fire certificates prescribe a number of precautions relating to the risk from fire and their issue is subject to suitable provision being made to the satisfaction of the fire authority. The fire authority has powers of inspection to ensure compliance with the requirements prescribed in the Fire Certificate and has the ability to issue a prohibition or restriction notice, under section 10, in those cases where there is a serious risk to life.

8. The London Government Act 1963, Schedule 12, concerns the licensing of certain public entertainments in Greater London and the Local Government (Miscellaneous Provisions) Act 1982 (Schedule 1) that of certain public entertainments outside London. As with the Greater London Council (General Powers) Act 1966, the terms and conditions of licences are not prescribed in the primary legislation but are entirely at the discretion of the licensing authority (see paragraph 11).

9. In general, in guidance issued to fire authorities by HO it is HO's practice to recommend that where electrical wiring is necessary it should conform with the appropriate provisions of the relevant British Standard (eg BS 5266 Part I in the case of escape lighting, BS 5839 Part I in the case of electrical alarm systems). In new advice to be published shortly<sup>1</sup> HO intends to set down recommended national standards for safety in places of public entertainment, including provision that electrical installations should conform to the IEE Wiring Regulations (see paragraph 10) and that work should only be carried out by competent persons, eg members of the Electrical Contractors' Association or Approved Contractors on the roll of NICEIC. Interpretation of this guidance will be at the discretion of the authorities concerned.

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<sup>1</sup>*Guide to Fire Precautions in Existing Places of Public Entertainment and Like Premises.*

## **The Institution of Electrical Engineers and the National Inspection Council for Electrical Installation Contracting**

### *IEE*

10. We have mentioned (paragraph 5) that the proposed new Building Regulations may introduce a requirement for conformity with the IEE Wiring Regulations. Hitherto the United Kingdom electrical contracting industry has been subject to voluntary regulation, with IEE producing its Wiring Regulations as a public service and NICEIC policing those regulations, in effect, on behalf of the consumer. Although the IEE Wiring Regulations have no statutory force, over the several decades of their existence they have become recognised as the authoritative regulatory document controlling electrical installation work. The 15th edition of the regulations is that for the time being in force.<sup>1</sup> Regulation 11-1 describes the scope of the regulations: 'These Regulations relate principally to the design, selection, erection, inspection and testing of electrical installations, whether permanent or temporary, in and about buildings generally.' Hence the regulations are applicable both to the exhibition hall and to the temporary installation of the exhibitors' stands.

11. Prior to its abolition in 1986 the Greater London Council regulated exhibitions through its own particular specification based on the IEE regulations, and this is understood to be still in use generally through the powers delegated to the London boroughs. In practice, local authority regulations, generally referred to as Rules of Management, are imposed as conditions attached either to an exhibition licence, issued under Schedule 1 of the 1966 Act, or to a licence issued under Schedule 12 of the 1963 Act. The licensee, in turn, imposes these Rules of Management on the exhibition organiser who, in turn, imposes them on his electrical contractor and exhibitors. As well as rules on electrical installations, the Rules of Management cover more general matters, such as stand construction, layout, admissible materials and the supply of ancillary services.

12. IEE informed us of its involvement in the possible formulation of common standards for exhibitions throughout the EC. It told us that it provided, through the British Electrotechnical Committee of the British Standards Institution, the United Kingdom input in respect of wiring regulations both to the International Electrotechnical Commission (IEC) and to CENELEC, the European Committee for Electrotechnical Standardisation. The United Kingdom had indicated in full its support for CENELEC to take up an Italian initiative to prepare a new National Standard for electrical installations in stands, trade fairs and shows, with the resulting European Standard perhaps being offered to IEC as the basis of an International Standard, for which provision had already been made in the International Wiring Regulations, under 'Electrical Installations in fairs, exhibitions etc (particularly temporary installation)'.

### *NICEIC*

13. NICEIC told us that it was set up in 1956, by all sections of the electrical industry, and in 1973 became a registered charity with the object of procuring the protection of electricity consumers against unsafe or defective electrical installations. To achieve this object NICEIC published an annual Roll of Approved Electrical Installation Contractors (currently numbering some 10,000), which it also issued to various bodies concerned with placing contracts for electrical installation work, including local authorities. Its Inspecting Engineers carried out periodic inspections to ensure adherence by Approved Contractors to the required standards of workmanship and installation, ie conforming to the IEE Wiring Regulations and related BSI Codes of Practice. Visits were also made by Inspecting Engineers in the case of complaints or requests for technical advice or assistance. NICEIC told us that most local authorities and other public bodies now limited their tendering processes to its Approved Contractors and most reputable electrical contractors were enrolled with NICEIC.

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<sup>1</sup>Regulations for Electrical Installations, first issued in 1981.

14. We identified 14 exhibition electrical contractors on the 1989/90 NICEIC roll. NICEIC stated that as recently as September 1985 one exhibition electrical contractor had been removed from its roll for failure to carry out work to the IEE standards, though the contractor in question was understood to remain actively in business. Standards in exhibition hall work were not always as high as NICEIC would hope, but the safety record was good, probably because of the continuous, round-the-clock supervision of the site and immediate attention to any problems or difficulties which might arise.

## **Role of the London Fire and Civil Defence Authority**

15. Although the fire authority gives goodwill advice on fire matters during the construction of exhibition halls (for example, relating to the fire alarm, fire fighting equipment and any fixed installations), LFCDA told us that at no time had it ever been concerned with detailed inspection of the electrical supplies to exhibitors' stands. This was considered to be the responsibility of the local authority. Safety inspections by the fire authority concerned the wider safety aspects, such as means of escape, access and egress and the use of fire-resistant materials.

16. LFCDA explained that its headquarters Entertainments Licensing Group was responsible for liaison with all 33 London boroughs on safety matters relating to premises licensed for public entertainment, including exhibition halls. On the abolition of the GLC, which until 1986 was responsible for issuing licences for exhibition halls and had delegated to the fire authority the responsibility for all matters relating to fire in connection with the issue of licences, the requirement for local authorities to consult with the fire authority had ceased. However, LFCDA had offered agency agreements to each of the London boroughs, which had assumed responsibility for licensing exhibition halls under Schedule 12 of the London Government Act 1963. As a result, LFCDA had an agency agreement with 20 of the boroughs, which thereby paid for the provision of a monthly safety inspection, compared with the annual testing of fire equipment and bi-monthly check on observance of the licence conditions carried out in all boroughs without charge. Such 'agency boroughs' also tended to consult with LFCDA on matters relating to fire. Officially LFCDA would have no knowledge of exhibitions about to take place in reference halls located in non-agency boroughs.

17. We have noted LFCDA's misgivings (see paragraph 3) about non-licensed exhibition halls (other than the Barbican and BDC see paragraph 4) and its powers in relation to exhibition halls in general. However, LFCDA informed us that it knew of 'no recorded fires in London during an exhibition'.

## **Role of the local authorities**

18. As noted in paragraphs 3 and 4, at non-licensed exhibition halls other than the Barbican and BDC individual exhibitions may be staged without any notification to or consultation with the local authority. Premises listed in Schedule 1 of the Greater London Council (General Powers) Act 1966 are required to be licensed by the appropriate borough council, which may attach to the licence, issued annually, whatsoever terms and conditions it thinks fit, including any relating to safety. Licensees (and the Barbican and BDC) are required to submit to the council, at least two weeks before opening day, details of the layout and type of any exhibition to be held in their hall, together with other particulars as prescribed. A consent to the exhibition may then be issued by the council. So far as non-licensed halls are concerned, in general local authority powers (including the power of inspection) are derived under Schedule 12 of the London Government Act 1963. We discussed the role of the local authority in regulating safety at exhibitions with RBK&C, within the boundaries of which both Earls Court (a licensed reference hall) and Kensington Exhibition Centre (a non-licensed reference hall)<sup>1</sup> are located.

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<sup>1</sup>Kensington Exhibition Centre was closed at the end of 1989.

## *The Royal Borough of Kensington and Chelsea*

19. RBK&C confirmed that, as a 'non-agency' borough (see paragraph 16), it did not consult with LFCDA. However, it stated that it employed its own Fire Officer, who was a former LFCDA employee, and that licensees had the right at any time to call in the fire authority for an informal visual check. As the licensing authority for premises within its boundaries licensed for the purpose of exhibitions and public entertainment, it was required to inspect such premises to ensure compliance of the electrical installations with the IEE Wiring Regulations and general compliance with the council's Rules of Management. For this purpose it employed a Mechanical Services Engineer (MSE) and a Structural Officer. Normally the MSE would visit an exhibition hall at least once during the build-up to an exhibition and once on opening day, with further inspections, perhaps at weekly intervals, to check for deterioration during long- running shows, such as the Ideal Home Exhibition, or, otherwise, to check that recommendations for improvements had been implemented. If the MSE (or the Structural Officer) was not available to carry out an inspection, reliance was placed on the licensee and the good working practice of the electrical contractors for the exhibition.

20. The MSE was usually accompanied on his visit to every stand by the hall's electrical foreman, to whom he would make any recommendations,<sup>1</sup> which generally would then be implemented. At some halls (eg in hotels), where exhibitions were only a sideline and management was comparatively ignorant of the regulations, there could be insufficient time before opening day to carry out all the MSE's recommendations: in such cases, provided that the defects discovered were considered sufficiently minor to be safe for a short period, the exhibition would not be prevented from opening. In the final analysis, the onus fell on the licensee, who could refuse to connect a stand to the mains and, like the council, could require a safety certificate from a competent electrical authority, such as NICEIC, if he should not have the resources to rectify the situation himself.

21. RBK&C told us that councils' Rules of Management tended to be the same throughout Greater London, though inspecting officers' interpretations could differ slightly. As most of the work in an exhibition build-up was of a temporary nature some of the IEE regulations were relaxed for the purposes of the exhibition (see paragraph 11). For example, PVC sheathed and insulated cable was permissible where the Rules of Management required a protected system of wiring; or one two-way adaptor was permissible in one 13-amp socket. Recommendations against connecting particular stands to the mains had been made, for example, where short lengths of mains cable with mechanical connections or joints had been used. Such recommendations had often resulted in the complete rewiring of the stand. Exhibitors themselves caused many difficulties, bringing in unsuitable or too many fittings, or plugging a series of adaptors into other adaptors, often in order to eliminate the cost of providing extra sockets. These difficulties were exacerbated by the current short build-up times, as a result of which exhibitors' displays were often not delivered until opening morning. However, RBK&C knew of no outbreaks of fire during the build-up or open periods of any exhibition (though recently a mobile shower unit in the troops' quarters had burnt out after the close of the Royal Tournament at Earls Court).

### **Nomination of electrical contractors**

22. None of the bodies whose evidence has been summarised in the foregoing paragraphs and who expressed a view considered that the nomination of electrical contractors for on-stand electrical work was necessary for reasons of safety. A fuller account of the views expressed on this subject is given in Chapter 4.

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<sup>1</sup>Because the licensee is deemed to be running his premises in compliance with the Rules of Management attached as conditions to the annual licence, the MSE's comments formally have the status only of recommendations.