

## OEAP EG: Summary of Adventure Activities Licensing Regulations

Employers, Heads/Managers, EVCs and Leaders should have a basic understanding of where and when the provision of adventurous activities is legally regulated.

The Activity Centre (Young Persons Safety) Act (1995) established the Adventure Activities Licensing Regulations and the Adventure Activities Licensing Authority (AALA), initially responsible to the DfES. The scheme is now the direct responsibility of HSE and operated through the Adventure Activities Licensing Service (AALS).

These initiatives were the Parliamentary response to the Lyme Regis tragedy of 1993. The intention was to put in place a regulatory framework to protect children, parents, teachers and schools when using providers of defined adventurous activities in closely defined environments. The regulations and supporting inspection regime provide a formal process of professional inspection to accredit that providers have effective safety management systems and processes, meeting a national standard.

The definitive source of advice on the Licensing Regulations is to be found in the Health and Safety Executive publication: "**Guidance to the Licensing Authority on Adventure Activity Licensing Regulations 1996**". This document states:

**"The aim of the Adventure Activities Licensing Scheme is to give assurance that good safety management practice is being followed so that young people can continue to have opportunities to experience exciting and stimulating activities outdoors while not being exposed to avoidable risks of death and disabling injury. Requirements on providers are drawn from existing health and safety legislation. The scheme guarantees that providers have been inspected and have demonstrated compliance with relevant health and safety legislation".**

Leaders should be aware that the AALS license is an assurance of safety. **It does not accredit educational or activity quality.**

Only the activities specified by the Regulation as "**In scope**" are affected by the scheme.

"In scope" activities include:

- Caving** - underground exploration in natural caves and mines including potholing, cave diving and mine exploration.
- Climbing** - climbing, traversing, abseiling and scrambling activities except on purpose-designed climbing walls or abseiling towers.
- Trekking** - walking, running, pony trekking, mountain biking, off-piste skiing and related activities done in remote open country and travelling in any place which is moorland (open, uncultivated land at any height above sea level) or on a mountain above 600m and from which it would take more than 30 minutes travelling time to walk back to an accessible road or refuge, is subject to licensing (except on-piste skiing).

A road that does not have the width or surface to be used by an ordinary road-going ambulance is not an accessible road within the terms of the regulations. For licensing purposes, a refuge is a building offering shelter for the party in an emergency and must be either occupied or have some means of summoning help.

**Watersports** - cover most activities using unpowered craft on specified water. Within the terms of the regulations, specified water includes the sea, estuaries, tidal reaches of rivers, sea lochs and harbours. The definition also includes any body of inland water in which it is possible to be more than 50m from the nearest perimeter-bank or where the surface may be turbulent due to weirs, rapids, waterfalls or fast currents. The activity craft subject to licensing (assuming them to be on specified water) includes canoes, kayaks, rafts, sailing boats, windsurfers and sailing dinghies. It does not include rowing boats, powered or towed inflatable craft or large sailing vessels.

The scheme is aimed at those providers who sell the in-scope adventure activities. Unless specifically exempted, anyone who provides, in return for payment (no matter how small) adventure activities within the scheme to young people under 18, must have a licence and abide by its conditions.

**The specifically exempted, "out of scope" providers are:**

- Educational establishments providing only for their own pupils/students (but not if they provide for pupils/students on another establishment's roll). Activity Centres, field study centres and outdoor education centres run by LAs are specifically excluded from this definition, so they do need a licence.
- Crown servants providing facilities for adventure activities in the course of their duties.
- Those providers to under-18s who are accompanied by their parents or legally appointed guardians.

There are some high profile outdoor and adventurous activities that do not fall within the remit of AALS licensing; e.g. surfing, high poles and ropes courses.

All adventurous activities come within the remit of "**Adventuremark**" but providers are not legally required to obtain this accreditation.

Where leaders require further guidance on licensing, they should seek further advice from the Adviser appointed by their employer.

Those considering centre accreditation should also be aware of the **LOtC Quality Badge** scheme, which accredits educational quality, activity safety and can be applied to the widest range of off-site providers.