

Operational Policy Division

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Principal Inspector
Mr Cameron Adam

All IBs and Controllers

Reference 2.1.1278.

Date 18 February 2013

Dear Sir

OPERATION AND NON DESTRUCTIVE TESTING (NDT) OF SUPERSTAR TYPE RIDES

In 2002, at Marlow Regatta Fair, a Superstar type machine suffered catastrophic weld failure in a number of areas along the main boom arm, the banana arms and elsewhere. Checks of other machines found similar cracks in the same areas.

Following this HSE conducted a thorough investigation to find out what happened and to find solutions that would allow the machines to continue to be used. During this investigation 2 separate Prohibition Notices (PN) involving all but two Superstar machines (SS6 & SS11) were issued. The latter of these notices contained in its Schedule a list of options that operators could choose from in order that their machines could operate again. These options included NDT testing conditions and restrictions on operation. This PN was appealed to the Industrial Tribunal but the Appeal failed and so the Notices stood and Controllers were required to comply with its provisions.

Following an incident on a similar machine in Northern Ireland during the 2012/2013 New Year celebrations, HSE's investigations suggest that some Superstar machines working on the UK mainland may not have been adhering to the conditions which allowed the PN issued in 2003 to be lifted.

In some cases machines may have been sold on or otherwise disposed of but the reasons for the issue of the PNs remain and consequently the following actions should now be taken to ensure the machines are safe to operate:

- In cases where the machines are still owned by the same controller on which the PN was served in 2003, these PNs technically remain in force and failure to comply with the Notice may be seen as a breach of it. Controllers should ensure their machine is operating within the terms of the schedule to the PN. If the machine is found to be operating other than within those terms it is highly probable the Notice will be reissued with immediate effect and Fee for Intervention (FFI) cost recovery charges will apply.

- In cases where machines have been sold on since the 2003 PNs were served, these will no longer be valid as the Notices were written on the controller at the time. The same risks of weld failure still exist however and the new controllers should take steps to ensure they have measures in place that are at least as effective as those outlined in the Schedule to the 2003 PN. If this cannot be demonstrated it is highly probable that the machine will be prohibited from use with immediate effect and FFI cost recovery charges will apply during any follow up work conducted by HSE.
- Inspection bodies (IB) that have issued Declarations of Compliance (DOC) on Superstar type machines where the Schedule to the 2003 PNs have not been complied with (or equally effective steps taken) should consider whether these DOCs remain valid in light of this letter. Any investigation by HSE (whether proactive or resulting from an incident) involving the testing or NDT of these machines is likely to include the issue of DOCs with a high likelihood of FFI cost recovery charges applying to IBs.

I include with this letter for your information a copy of the Schedule to the 2003 PN which gives the detail of the Options given to affected controllers at the time to ensure their machines were operated in line with the findings of the investigation.

Any reduction in NDT testing or relaxation of operating standards must not be put in place until a complete design review of the machine has been undertaken by a person competent to do so and a revised NDT Schedule and operating procedures produced and complied with.

Yours faithfully

M Sandell
HM Inspector of Health and Safety
Entertainments