

## BSGA Guidance Note 2018.10/1

This Guidance Note replaces Guidance Note 2014.07/1 and 2018.04/01

### Sign Owner/Buyer's Legal Obligations

- This Guidance Note should be read in conjunction with your Sign Company's standard Terms and Conditions and is provided as general guidance only and not to any specific installations.
- During the lifetime of a sign, it is possible that its performance, its fixings/fasteners etc. will deteriorate and may require replacement, maintenance and/or repair. Ultimate responsibility rests with the sign owner to carry out **regular visual inspections** to identify if the sign or fixings or structure to which the sign is affixed, are failing or causing the sign to move from the original installed position. If movement of the sign is detected or identified, it is necessary to take immediate remedial action and contact your preferred professional sign manufacturer/installer or a suitable contractor, to inspect and carry out the necessary work to make the sign safe again.
- It is necessary to carry out **regular routine maintenance** of a sign. Such maintenance should be regards to the type of sign and the installation method used to secure the sign to a structure or surface.
- The need for sign maintenance and inspection isn't an option; it's a legal requirement in 3 different statutory regulations, with the potential for criminal proceedings against those not complying.

#### **The Health & Safety at Work Act requires;**

**"Maintenance of it in a condition that is safe and without risks to health"**

#### **Building regulations require;**

**"The inspection and maintenance of any services, fittings or equipment so provided"**

#### **Town & Country Planning regulations require;**

**"The advertisement (sign) must not endanger any person"**

**"Any structure or hoarding used must be maintained in a safe condition"**

- The Sign Company is not responsible for the maintenance, inspection and necessary repair of the structure or surface area that the sign is fixed whether this be pre-installation, the period during installation or on-going after installation.
- The Sign Company or Installer should reserve the right to refuse to install the sign if it is found that the structure and/or the surface area to which the sign is to be fixed is deemed inadequate or not fit for purpose.
- A sign company is not obliged to provide a maintenance and inspection programme however Sign Companies are expected to advise **how** to maintain and inspect the sign. These instructions must be in relevance to all aspects of maintenance and inspection for the sign supplied.
- The sign owner is required to follow (or use a third party to provide) a maintenance and inspection programme for the sign in accordance with the sign manufacturers recommendations and this should be demonstratable.
- Only qualified electrical engineers should attempt any inspection, testing, maintenance or repair work to the electrical components supplied with the sign and in accordance with current regulations, legislation and, where applicable, disposal of waste regulations.
- Sign owners are not obliged to take the maintenance contract offered by the sign company.

***BSGA Members are kept informed of the legislation and other requirements necessary to help keep them and their clients from falling foul of their obligations.***

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