



Defective Swimming Pools

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With summer just around the corner, many households are taking the cover off their existing pools and finding that repair work needs to be done before the pool can be used. Others are looking at a big patch of lawn in their back garden and imagining what it would be like to have a new sparkling pool. Unfortunately, here at Andersons we see a lot of new pool installations or repair jobs that have gone wrong. The proper installation of a swimming pool is a delicate business and little mistakes can result in big bills.

How pool repair jobs can go wrong?

- In fibreglass pools, the shell may not have been adequately supported and as a result has developed bulges and cracks
- concrete pools can crack, causing water leaks
- the pool has not been installed level and therefore, the pumps and filters are not working correctly.

Under the [Building Work Contractors Act](#), the installation and repair of swimming pools (at a residential home) is considered to be domestic building work. That means it is covered by the Statutory Warranties which are imposed by that Act, meaning that every swimming pool installation carries the warranties that:

1. the swimming pool installation will be performed in a proper manner to accepted trade standards and in accordance with the plans and specifications agreed to by the parties;
2. all materials to be supplied by the contractor for use in the swimming pool (including the swimming pool shell itself) will be good and proper;

3. the installation of the swimming pool will be performed in accordance with all statutory requirements;
4. if the contract does not stipulate a period within which the installation of the swimming pool must be completed, then a warranty that it will be performed with reasonable diligence.

There are also other obligations on the person who is installing the swimming pool in the Act, but whether these apply depends on the value of the contract. If the cost is greater than twelve thousand dollars, there are additional requirements such as:

- the contract be in writing
- the payment be by instalments rather than upfront
- that building indemnity insurance be held by the installer

Our recommendations when installing a swimming pool

We recommend that the installation of swimming pools be reviewed by an independent engineer or builder before the pool is filled for the first time. Any issues with the pool being out of level or the concrete work being unsatisfactory are easier to identify and fix whilst the pool is empty and accessible.

If you are having problems with a pool repair or installation and you seek some advice as to what your consumer rights and remedies are, [Andersons Solicitors are able to assist you.](#)

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