



2011 CHAPTER 19

Enforcement

Enforcement by district councils

11.—(1) It is the duty of every district council to enforce within its district the provisions of or made under this Act.

(2) In this Act, “authorised officer”, in relation to a district council, means any person (whether or not an officer of the council) who is authorised by it in writing, either generally or specially, to act in matters arising under this Act.

(3) Schedule 1 makes provision about the powers of authorised officers.

Commencement Information

11 [S. 11](#) in operation at 1.5.2012 by [S.R. 2012/90](#), [art. 2](#)

Fixed penalties for certain offences

12.—(1) Where an authorised officer of a district council has reason to believe that a person has committed an offence under section 1, 2 or 4 to 9 within the district of that council, the authorised officer may give the person a fixed penalty notice in respect of the offence.

(2) A fixed penalty notice is a notice offering a person the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying a penalty in accordance with this Act.

(3) Schedule 2 makes further provision about fixed penalties.

Status: Point in time view as at 01/05/2012. This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Sunbeds Act (Northern Ireland) 2011, Cross Heading: Enforcement. (See end of Document for details)

Commencement Information

- I2** S. 12 in operation at 13.2.2012 for specified purposes by S.R. 2012/41, art. 2
- I3** S. 12 in operation at 1.5.2012 in so far as not already in operation by S.R. 2012/90, art. 2

Obstruction of officers

13.—(1) Any person who intentionally obstructs an authorised officer of a district council, acting in the exercise of the officer's functions under or by virtue of this Act, commits an offence.

(2) Any person who without reasonable cause fails to give to an authorised officer, acting in the exercise of the officer's functions under or by virtue of this Act, any facilities, assistance or information which the authorised officer reasonably requires of the person for the performance of those functions, commits an offence.

(3) A person commits an offence if, in purported compliance with any requirement of an authorised officer under subsection (2)—

- (a) the person makes a statement which is false or misleading, and
- (b) the person either knows that it is false or misleading or is reckless as to whether it is false or misleading.

(4) In subsection (3), “false or misleading” means false or misleading in a material particular.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

- I4** S. 13 in operation at 1.5.2012 by S.R. 2012/90, art. 2

PROSPECTIVE

Registration or licensing of sunbed premises or operators, etc.

14.—(1) Regulations may make provision for—

- (a) registration by district councils of—
 - (i) premises which are used as, or which are proposed to be used as, sunbed premises,
 - (ii) premises on which the sale or hire of sunbeds takes place or is proposed to take place,

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and for prohibiting the use for those purposes of any premises which are not registered in accordance with the regulations;

(b) licensing by district councils of—

(i) premises which are used as, or which are proposed to be used as, sunbed premises,

(ii) premises on which the sale or hire of sunbeds takes place or is proposed to take place,

and for prohibiting the use for those purposes of any premises except in accordance with a licence issued under the regulations; or

(c) licensing by district councils of—

(i) operators of sunbed premises,

(ii) persons who sell or hire sunbeds,

and for prohibiting a person from operating sunbed premises or from selling or hiring sunbeds except in accordance with a licence issued under the regulations.

(2) Regulations under this section may—

(a) create offences punishable on summary conviction with a fine not exceeding level 5 on the standard scale;

(b) provide for defences in relation to any offence created by the regulations;

(c) provide for section 12 or any provision of Schedule 1 or 2 to apply with modifications;

(d) provide for district councils to have power to charge fees in relation to registration or licensing;

(e) provide for district councils to have power to revoke licences in such circumstances as are prescribed;

(f) provide for appeals against decisions of district councils to a court of summary jurisdiction.

Status:

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Changes to legislation:

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