



2011 CHAPTER 19

General

Offences by bodies corporate etc.

15.—(1) For the purposes of this Act, section 20(2) of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies with the omission of the words “the liability of whose members is limited” and where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with the functions of management as if that member were a director of the body corporate.

- (2) If an offence under this Act is committed by a partnership or proved—
- (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to any neglect on the partner’s part,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

- (3) In subsection (2) “partner” includes a person purporting to act as a partner.

Regulations

16.—(1) Regulations under this Act may contain such incidental, supplementary, consequential, transitory, transitional or saving provisions as the Department considers appropriate.

(2) Subject to subsection (3), regulations under this Act shall be subject to negative resolution.

(3) Regulations under section 14 or paragraph 4 of Schedule 2 shall not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

Interpretation

17.—(1) In this Act—

“authorised officer” has the meaning given by section 11(2);

“the Department” means the Department of Health, Social Services and Public Safety;

“health information” means information about the health risks associated with the use of sunbeds;

“operator” in relation to sunbed premises, means the person having management or control of those premises;

“premises” includes any place and, in particular, includes—

- (a) any land or building;
- (b) any tent or moveable structure; and
- (c) any vehicle or vessel;

“prescribed” means prescribed by regulations;

“regulations” means regulations made by the Department;

“sunbed” means an electrically-powered device designed to produce tanning of the human skin by the emission of ultraviolet radiation;

“sunbed premises” means premises in which persons are permitted to use a sunbed for payment of any kind (whether direct or otherwise).

(2) Subsections (3) and (4) have effect for determining for the purposes of this Act on which premises a sunbed is sold or hired where—

- (a) the order for the sunbed is taken on certain premises (premises A); and
- (b) the sunbed is despatched for delivery in pursuance of the sale or hire from other premises (premises B).

(3) Subject to subsection (4), the sale or hire is to be treated as taking place on premises A.

(4) But if—

- (a) premises A are not in Northern Ireland; and
- (b) premises B are in Northern Ireland,

the sale or hire is to be treated as taking place on premises B.

Commencement

18.—(1) This section and sections 17 and 19 come into operation on the day after the day on which this Act receives Royal Assent.

(2) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.

Short title

- 19.** This Act may be cited as the Sunbeds Act (Northern Ireland) 2011.