

*These notes refer to the Sunbeds Act (Northern Ireland)
2011 (c.19) which received Royal Assent on 3 May 2011*

Sunbeds Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

10. A commentary on the provisions follows below. Comments are not given where the wording is self-explanatory.

Section 1: Prohibition on allowing use of sunbeds by persons under 18

Provides that it is an offence for an operator of sunbed premises to allow a person under the age of 18 to use a sunbed on the sunbed operator's premises or to allow a person who is under 18 to be present in a 'restricted zone' on those premises. It also describes circumstances which would constitute the operator of sunbed premises as having taken all reasonable precautions and exercised all due diligence to avoid the commission of such an offence and describes a 'restricted zone'.

Section 2: Prohibition on sale or hire of sunbeds to persons under 18

Provides that it is an offence for a person to sell or hire a sunbed to a person under the age of 18. It also describes circumstances which would constitute the seller or hirer as having taken all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Section 3: Prohibition on allowing unsupervised use of sunbeds

Provides that it is an offence for an operator of sunbed premises to allow a person under the age of 18 to use a sunbed without supervision on the sunbed operator's premises. It also provides that there is a defence for the operator of sunbed premises to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Section 4: Duty to provide information to sunbed users, or buyers etc

Places a duty on operators of sunbed premises and hirers/sellers of sunbeds to provide prescribed information to those who seek to use, buy or hire a sunbed. It also provides that failure to provide such information is an offence.

Section 5: Duty to display information notice

Places a duty on operators of sunbed premises to display a prescribed information notice in a position which is readily visible to anyone proposing to use a sunbed on the premises. It also provides that failure to display such an information notice is an offence.

Section 6: Prohibition on provision or display of other information

Provides that it is an offence for an operator of sunbed premises from providing or displaying any material containing statements relating to the health effects of sunbed use other than information that may be prescribed by the Department.

Section 7: Protective eyewear

Places a duty on operators of sunbed premises and hirers/sellers of sunbeds to ensure that protective eyewear is made available to those who seek to use, hire or buy a sunbed and that failure to do so is an offence.

Section 8: Requirements in relation to training

Places a duty on operators of sunbed premises and hirers /sellers of sunbeds to secure that those who allow people to use sunbeds are trained to a required standard as may be prescribed. Failure to do so is an offence. It also provides that there is a defence for the operator of sunbed premises, hirers and sellers of sunbeds to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Section 9: Requirements in relation to sunbeds

Places a duty on operators of sunbed premises and hirers /sellers of sunbeds to only make available for use, hire or sale sunbeds which meet such requirements as may be prescribed. Failure to do so is an offence. It also provides that there is a defence for the operator of sunbed premises, hirers and sellers of sunbeds to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Section 10: Exemption for medical treatment

Provides for an exemption for offences under this Act where a sunbed is used for the purposes of medical treatment under the supervision or direction of a registered medical practitioner and the sunbed is in, or provided by, a healthcare establishment (as defined) and the sunbed is made available only for the purpose of medical treatment.

Section 11: Enforcement by district councils

Places a duty on district councils to enforce the provisions of the Act in their area. It also introduces Schedule 1 which makes provision about the powers of authorised officers.

Section 12: Fixed penalties for certain offences

Provides that authorised officers may give a fixed penalty notice to persons they have reason to believe have committed an offence. It also introduces Schedule 2 which makes further provision about fixed penalties.

Section 13: Obstruction of officers

Provides that anyone who intentionally obstructs an authorised officer acting in the exercise of the officer's function under this Act commits an offence.

Section 14: Registration or licensing of sunbed premises or operators, etc.

Provides that regulations may allow district councils to register or licence premises which are being used, or which it is the intention to use, as sunbed premises; or to licence operators of such premises. It also provides for registration or licensing of premises to be used for the hire or sale of sunbeds, or of the persons who hire or sell sunbeds. Regulations would furthermore allow district councils to prohibit the use of premises which are not registered or licensed in compliance with regulations.

Section 15: Offences by bodies corporate, etc.

Provides that, if an offence under this Act is committed with the consent of, connivance of, or is attributable to the neglect of a partner of a body corporate then that partner, as well as the partnership, is guilty of the offence.

Section 16: Regulations

Contains provision about the required procedures for making subordinate legislation under the Act.

Section 17: Interpretation

Self explanatory.

Section 18: Commencement

Provides that the main provisions of the Act come into operation on a later day as appointed by the Department.

Section 19: Short title

Self explanatory.