

Sunbeds Bill 2012
Clauses considered

3.2. Mrs Cannell to move.

The Speaker: We turn now to the Sunbeds Bill 2012, and I call on the mover, Mrs Cannell, to move clause 1, please.

Mrs Cannell: Thank you, Mr Speaker.

Clause 1 gives the Act resulting from this Bill, its short title. I move that clause 1 stand part of the Bill.

The Speaker: Mr Houghton.

Mr Houghton: I beg to second.

The Speaker: I put the question that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 2.

Mrs Cannell: Clause 2 provides that the Act will come into force on a particular day or days provided for in an order. The Appointed Day Order may contain provisions which are incidental, transitional or transitory, where appropriate.

I beg that clause 2 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3.

Mrs Cannell: Mr Speaker, clause 3 sets out the different definition of terms used in the Bill. I move that clause 3 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 3 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

Mrs Cannell: Mr Speaker, clause 4 makes it an offence for an operator of a sunbed salon to allow a person under the age of 18 years to use a sunbed on their premises. Defences are provided for, if the operator can show that he or she believed that person was over 18 years of age. The onus is on the operator to take reasonable steps to establish the age of the person using the sunbed.

I move that clause 4 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 4 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 5.

Mrs Cannell: Mr Speaker, clause 5 requires persons who sell or hire sunbeds to take reasonable steps to ensure that a person who intends to buy or hire a sunbed are 18 years of age or over. An operator of premises which sell or hire sunbeds will be considered as having taken reasonable steps, if they were shown specified

documents and those documents would have convinced a reasonable person that the user was 18 years and over.
I move that clause 5 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 5 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 6.

Mrs Cannell: Clause 6 makes provision in respect of the remote sale or hire of a sunbed. In instances where the premises where the order for a sunbed is taken are not the same as the premises from which the sunbed is dispatched for delivery, the sale or hire of that sunbed is treated as taking place on the premises where the order was taken. If however, the order was taken outwith the Island and the premises from which the sunbed is dispatched, is in the Island, then the sale or hire is treated as having taken place on the premises from which the sunbed is dispatched.

I move that clause 6 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 6 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 7 please.

Mrs Cannell: Mr Speaker, clause 7 makes it an offence for an operator of sunbed premises to allow persons to use the sunbed without supervision.

I move that clause 7 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 7 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 8.

Mrs Cannell: Mr Speaker, clause 8 enables the Department, following consultation with the Department of Health to make provision for the maximum wattage of sunbeds through regulation. These regulations may concern individual fluorescent lighting tubes, or all of the tubes in a sunbed.

I move that clause 8 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 8 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 9 please.

Mrs Cannell: Clause 9 empowers the Department of Health to make specific regulations in relation to the use of sunbeds for medical purposes.

I move that clause 9 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 9 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 10.

Mrs Cannell: Mr Speaker, clause 10 requires operators of sunbed premises to provide prescribed information to a person each time that person proposes to use a sunbed.
I move that clause 10 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 10 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 11.

Mrs Cannell: Mr Speaker, clause 11 requires operators of sunbed premises to display a prescribed information notice in a position where it is readily visible and readable to persons proposing to use a sunbed on those premises.

I move that clause 11 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 11 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 12, please.

Mrs Cannell: Mr Speaker, clause 12 empowers authorised officers to enter premises in order to ascertain if an offence is being committed. An authorised officer is required to produce documentation showing his or her authority to enter those premises. Provision is made for an authorised officer to inspect or take copies of any records, where necessary, in the exercise of their powers.

I move that clause 12 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 12 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 13.

Mrs Cannell: Mr Speaker, clause 13 makes provision for an authorised officer to seek a warrant to enter private dwellings to investigate an offence.

I move that clause 13 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 13 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 14.

Mrs Cannell: Clause 14 makes it mandatory, where there is reason to believe that an offence is being committed, for any person on the premises to give the name and address of the operator of those premises if it is necessary to make it clear that failure to do so may be an offence under the Bill.

I move that clause 14 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 14 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 15, please.

Mrs Cannell: Mr Speaker, clause 15 makes provision, where an offence has been committed, for a fixed penalty notice to be given to the operator of sunbed premises. This clause stipulates what must be contained in a fixed-penalty notice and how much that fixed-penalty notice will be in specific instances. A set time of 28 days is provided, in which a fixed penalty is to be paid, though this may be extended if the Department considers it

appropriate to do so. This clause also provides for circumstances in which a fixed penalty may be given and the form which it takes.

I move that clause 15 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 15 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 16

Mrs Cannell: Clause 16 provides that the Department may withdraw a fixed penalty notice, following representations by, or on behalf of the recipient and provision is also made for the repayment of any penalty paid, where this occurs.

I move that clause 16 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 16 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 17.

Mrs Cannell: Mr Speaker, clause 17 provides for a maximum fine of up to £2,500 where an offence goes to trial.

I move that clause 17 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 17 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Finally, clause 18, Mrs Cannell.

Mrs Cannell: Thank you Mr Speaker.

Clause 18 is a very important clause because it requires that any regulations made under the Bill are to be approved by Tynwald before coming into operation.

I move that clause 18 stand part of the Bill.

The Speaker: Mr Gawne.

Mr Gawne: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 18 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Thank you, Hon. Members, that concludes the clauses stage of the Sunbeds Bill.