

Sunbeds Bill 2012
Third Reading approved

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□3. Mr Turner to move:

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□ *That the Sunbeds Bill 2012 be now read a third time.*

The President: The Sunbeds Bill for Third Reading, Mr Turner.

Mr Turner: Thank you, Madam President.

As previously stated, this Bill is a stand-alone Bill. The provisions originally started life in the Public Health (Amendment) Bill, which has been on the legislative programme for some time. The Bill is promoted by the Department of Environment, Food and Agriculture. It makes provision for the control of sunbeds and their use, particularly for the under-18s. The Bill, amongst other things, imposes requirements on sunbed operators to make every effort to ensure that clients are over the age of 18 and enables the Department to investigate offences and impose penalties where breaches occur.

At the previous Reading, Hon. Members felt that the fixed penalty regime was an insufficient deterrent and amendments were made. Now, punishments for offences under this Bill will proceed to the courts. The Bill is intended to protect the future health of young people and it has the full support of the Department of Health. It will regulate the use of sunbeds and ensure that detailed guidelines are in place. It also provides that commercial sunbed facilities are staffed and that appropriate notices and advice information is available.

Madam President, I beg to move that the Bill be read a third time and does pass.

Mr Butt: I beg to second, Madam President, and reserve my remarks.

The President: The Hon. Member, Mr Wild.

Mr Wild: Absolutely in support of this Bill. Just for clarification, we weren't going to revisit a larger fixed penalty, were we, to try and reduce court convictions – if I could ask the proposer?

The President: The Hon. Member, Mr Downie.

Mr Downie: Yes, Madam President. As I indicated at the last sitting, I was going to take advice on an amendment, and therefore I wish to move the suspension of Standing Orders to allow a further amendment to come forward which has been circulated on the Agenda.

The President: Is that agreed, Hon. Members? *(It was agreed.)*
Do you wish to move the amendment?

Mr Downie: Yes. I took advice, I had some discussions with our Clerk, and the advice I was given was that 'a sunbed' meant just a sunbed. Carrying out further research, there are a number of other appliances which would actually fall outside that category but also are equally dangerous if used under the wrong circumstances.

To prevent any misunderstanding of what is says in the legislation, if we look on page 7, line 19, for 'an electrically-powered device', substitute that for 'any electrically-powered device' designed to produce tanning of the skin by the emission of artificial ultraviolet radiation. That would definitely cover this situation and prevent a loophole should someone be badly affected or burned from one of these tanning hoods or one of these facial tanning appliances which are available, I understand.

I also took the opportunity to look at the past record of sunbeds and the abuse of their use, and there is no doubt about it, there are several young people who have virtually almost frazzled, almost burned to death in some circumstances, and when you actually go into the subject and you look at the risks later on in life of fair and ginger-haired people suffering melanomas and so on, there is definitely a situation here that needs to be addressed.

In moving my amendment, I just want to put on record my support for the principles in the Bill:

On page 7 in line 19 for 'an' substitute 'any'.

The President: The Hon. Member, Mr Callister.

Mr Callister: Sorry, Madam President, I have now realised I do not need to speak on this.

The President: Hon. Mr –

Mr Butt: Does that need a seconder?

The President: Yes, it does need a –

Mr Butt: I will second the amendment and just make a comment on the Department of Health and the Public Health... We are fully supportive of the Bill and we thank the mover for moving it.

The President: The Hon. Mr Crowe.

Mr Crowe: Thank you, Madam President.

Yes, supportive of the Bill. I was interested in an article in the *Daily Mail* recently by Dr Chris Steele, who is ‘This Morning’s’ TV doctor, and I quote him in saying – he has got skin cancer:

‘My skin cancers are purely the result of over-exposure to the sun and sunbeds, many years ago. I’m 67, so 40 to 50 years ago we didn’t know the dangers of UV exposure, or soaking up the sun on holidays abroad.’

So it is a sort of an educational process: we learn from past mistakes. Again, very supportive of this Bill.

The President: The mover to reply.

Mr Turner: Thank you, Madam President.

I will start with Mr Wild. He did mention about revisiting some of the clauses. Of course, it is in the hands of Members. If they wish to move an amendment at this stage, such as Mr Downie has done, then that could have been done. I do not think –

The President: We actually took the clauses out –

Mr Crowe: We removed clauses 15 and 16.

Mr Turner: Well, yes, but if they wish to seek to have them reinstated... and I do not think the mover can do that, can they? (**The President:** No.) I think it has to be another Member. That was an option and obviously that opportunity has not been taken at this stage.

I thank Mr Downie for his helpful amendment and his support and I have no problem in supporting that. I think he is right to seek to strengthen the Bill, and I hope the amendment, when it goes back to another place, is seen as helpful in strengthening the Bill.

The background to the fixed penalty clauses... I was a little bit disappointed, personally, with the reasons for why those clauses were put in, and it seems that emanated from the Attorney General’s Chambers with a view that this will cut down on court time and cost. Personally, I think that is an appalling reason to reduce powers in legislation, just to keep the costs down. I think if the Department is serious about the provisions that this Bill is intended to tackle, then the cost... I have to be careful how I say this. I do not want to say the cost is not an issue, because it is an issue – with everything, we have a responsibility to the public purse – but when there is a case made for having legislation to protect people’s health, the cost has to be proportionate, I think is where I am coming from, and if they are making the case that they need this legislation because the ramifications of misuse are so serious they could injure people seriously, then the right place for offences to be tried would be the courts.

I take the point of the Department that there are low-level offences in this Bill, such as not having a notice up or leaflets and so forth, but then I would expect the officers in the Department to act in a reasonable manner of bringing in the legislation and the parts and offering advice to the current operators, and not going with a sledgehammer to crack a nut and take someone to court for not having a leaflet on the counter. But there again, I found out that the reason was because of this – to save court time and save costs – and that is a worrying trend, I feel, if that is a route we are going down. So I did support the removal of that clause.

I thank Mr Butt for his support and through the Department of Health, their input into this Bill, as they have a major part to play, and there are provisions in there for them to enable regulations to provide for medical treatment.

Mr Crowe is right, it is about education, and last week I saw, while I was waiting at a road junction, two young girls cross the road. They would have been in the age range of 14 or 15, crossing the road together and going into one of these facilities unsupervised. As we found from the case study I read out at previous Readings, they could put the pound, or however much they cost, in the slot and think, ‘Well, nothing has happened here, I

don't feel I am getting a tan,' and go for another dose of this and another dose, and this is where the dangers happen. A supervised tanning salon will reduce that from happening.

I thank Members for their support and I beg to move the Third Reading.

The President: The Third Reading is preceded by an amendment in the name of Mr Downie:

'On page 7 in line 19 for "an" substitute "any".'

I put the amendment to Council. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

I now put the Third Reading to you. Those in favour of the Third Reading, please say aye; against, no. The ayes have it. The ayes have it.