

**Sunbeds Bill**  
**Report of Conference received; Council amendments approved**

5.1. The Hon. Member for Douglas East (Mrs Cannell) to move:

*That the Report of the Deputation elected by the House of Keys on 12th February 2013 [PP 0072/13] be received and that the following Council amendments be agreed to:*

*Clause 15*

- 1. Page 13, line 22 for 'this Act' substitute 'section 10 or 11'.*
- 2. On pages 13 and 14 leave out the text from the beginning of line 37 on page 13 to the end of line 2 on page 14 and substitute the following –  
'(4) The amount of the fixed penalty is £50.'*
- 3. Page 14, lines 8 and 9 for 'an offence under this Act' substitute 'the offence for which it has been given'.*
- 4. Page 14, line 14 for 'this Act' substitute 'section 10 or 11'.*

**The Speaker:** We turn now to the Report of the Conference on the Sunbeds Bill 2012, that the Report be received and the Council's amendments be agreed to.

I call on the mover, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

As Hon. Members will recall, this has come up in the House on a number of occasions, without problem as far as the Members of House of Keys are concerned.

The actual Sunbeds Bill 2012 was introduced by me into the House of Keys on 12th June 2012 and was... at all stages of the reading of the Bill, the Keys passed without amendment. The Bill as originally introduced into the House of Keys is annexed at number 1 in the Report which has got the green cover on it for Hon. Members to consider.

What happened was the Legislative Council disagreed with us and felt that we should not be imposing fixed penalties, and in fact all cases of offences under this particular legislation ought to go to court. Of course, Government policy is to try, where possible, in legislation, to bring in the enablement for fixed penalties to be applied when appropriate.

So the Legislative Council asked for a conference. The Hon. House agreed to the conference and Mr Watterson, the Hon. Member for Rushen was elected to represent it, along with Mrs Beecroft, the Hon. Member the South Douglas and myself, in capacity as mover of the Bill and Member of the Department of Environment, Food and Agriculture. We met with the Council delegation on one occasion to discuss the matter and a compromise was reached.

Their main concern and our agreement to the compromise was in terms of clauses 15 and 16 with regard to fixed penalties. As drafted, the Bill makes penalties available for all offences under the Bill. Following our discussion with the Legislative Council, it was agreed to recommend to both branches that the fixed penalty regime be retained, but that the Bill be amended to make fixed penalties available only for offences under clause 10, which deals with the duty to provide information to sunbed users, and clause 11, which applies the duty to display information notices for users of the sunbed salon – these being the offences for which the Department that I represent viewed a fixed penalty was most likely to be effective and useful.

Amendments designed to give effect to this are at annex 2 of the Report, but also on the House of Keys agenda and are before Hon. Members.

The Bill is currently before the Legislative Council, who have agreed with our compromise position after the delegation, and I would recommend that if the Council amends the Bill as shown on our agenda and in annex 2 and returns the Bill to the House, then the House should agree those amendments. That is what I am seeking permission of the House for today: that in fact you agree to receive the Report and the Council's amendments be agreed to forthwith.

I beg to move.

**The Speaker:** Mr Gawne.

**Mr Gawne:** Gura mie eu, Loayreyder.

I am happy to second. Obviously, it is disappointing that we have to concede these points, because I do not think, as far as the Department was concerned, it was really strictly necessary; but it is not actually going to make a significant difference, we feel, to the operation of the legislation.

So, in the spirit of compromise, I think we are happy enough to go along with this.

**The Speaker:** Hon. Members, I put the question that the Report of the Conference on the Sunbeds Bill be received and that the Council amendments as set out in the Order Paper be agreed to. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.