



SUNBEDS BILL 2012

EXPLANATORY NOTES

These notes are circulated for the information of Members with the approval of the Member in charge of the Bill, Mrs. B.J. Cannell, MHK

General Note

This Bill, promoted by the Department of Environment, Food and Agriculture, introduces controls on the use of sunbeds in the Isle of Man.

CLAUSE 1

Gives the resulting Act its short title.

CLAUSE 2

Sets out the commencement provisions for the resulting Act; most of which will come into operation on a day or days appointed by Order. .

CLAUSE 3

Sets out the definitions of terms used in the Bill.

CLAUSE 4

Prohibits the use of sunbeds by persons under the age of 18 and provides that the onus is on the operator to ascertain the age of the user by taking reasonable steps to do so.

CLAUSE 5

Prohibits the sale or hire of sunbeds to persons under the age of 18 and provides that the onus is on the seller or hirer to ascertain the age of the user by taking reasonable steps to do so.

CLAUSE 6

Concerns the remote sale or hire of sunbeds.

CLAUSE 7

Prohibits unsupervised use of a sunbed on sunbed premises, thus requiring the presence of an individual during periods of opening.

CLAUSE 8

Provides for the Department to make regulations stipulating the maximum wattage of lights used in sunbeds. The Department is required to consult with the Department of Health before making any regulations made under this clause.

CLAUSE 9

Makes provision for the use of sunbeds where prescribed by a medical practitioner. The Department of Health is to make regulations pertaining to this where required.

CLAUSE 10

Imposes a duty on sunbed operators to provide information on the potential effects of sunbed use to patrons each time they utilise the facility.

CLAUSE 11

Requires sunbed operators to visibly display a notice containing required information on premises containing sunbeds.

CLAUSE 12

Provides powers to authorised officers to enter premises in order to investigate whether any offence has been or is being committed on sunbed premises. Provision is made to enable an authorised officer to be accompanied by a police constable should there be any expectation of obstruction on the premises in question.

CLAUSE 13

Provides for a Justice of the Peace to issue a warrant for an authorised officer to enter a dwellinghouse where evidence can be provided that an offence is being committed in that dwellinghouse in relation to sunbed use. Provision is made for any warrant issued to expire one month after the date it is signed.

CLAUSE 14

Extends powers to authorised officers to obtain the name and address of the operator of a sunbed provided the person from which that information is being sought is clear that the authorised officer believes an offence is being committed by the operator.

CLAUSE 15

Introduces fixed penalties provisions where an authorised officer may, by issuing the required notice, impose a set penalty. The fixed penalty for allowing under 18's to use a sunbed is set at £100 whilst any other offence under the Act will result in a fixed

penalty of £50. Provision is made to take further action where a fixed penalty is not paid within the required time limit set. Provisions setting out further details in relation to fixed penalties will be contained in regulations.

CLAUSE 16

Enables representations by persons issued with a fix penalty notice and enables the Department to withdraw notices if deemed necessary and to return any monies paid in respect of that fixed penalty.

CLAUSE 17

Provides the penalty and mode of trial for any offence under the Bill. Offences are triable summarily and punishable by a fine that may not exceed £2,500.

CLAUSE 18

Provides that regulations under the Bill must be approved by Tynwald before coming into operation.

