EXPLANATORY MEMORANDUM TO

THE SUNBEDS (FIXED PENALTY) (AMOUNT) REGULATIONS (NORTHERN IRELAND) 2012

SR 2012 No. 92

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under sections 12(3) and 16(1) of, and paragraph 4 of Schedule 2 to, the Sunbeds Act (Northern Ireland) 2011 and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1. The regulations prescribe the amount of fixed penalties for certain offences in the Sunbeds Act (Northern Ireland) 2011.

3. Background

3.1. The Sunbeds Act (Northern Ireland) 2011 received Royal Assent on 3 May 2011. The Act allows for an authorised officer of a district council to issue a fixed penalty notice if there is reason to believe a person has committed an offence under particular sections of the Act. The Act provides for the Department to set the amounts of these fixed penalties in regulations. The above Statutory Rule outlines the amounts of those fixed penalties.

4. Consultation

4.1. Consultation on the draft regulations ended on 26 August 2011. A total of 61 responses were received. The majority of responses thought the level of fixed penalties were an insufficient deterrent. In light of these responses, the Department reviewed the proposed fixed penalties and increased them for the majority of the offences.

5. Equality Impact

5.1. The policy was screened for the purposes of the section 75 equality duty when the Sunbeds Act (Northern Ireland) 2011 was in preparation. The Department concluded that the measures would improve the health of all sunbed users irrespective of any correlation with the nine section 75 distinctions. Regarding sunbed operators, there was no evidence of any correlation with any of the section 75 distinctions.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment (RIA) was carried out when making the Sunbeds Act (Northern Ireland) 2011 and it was concluded that the measures would not have any significant additional costs to the Department or sunbed premises and the enforcement would not have any significant additional costs for local district councils. Most of the responses to the consultation on the draft regulations were content that the

measures within the regulations are proportionate to the protection of public health and do not pose unreasonable burden on businesses.

7. Financial Implications

7.1. The measures being introduced in the regulations do not have any significant additional costs to the Department or sunbed premises and the enforcement would not have any significant additional costs for local district councils.

8. Section 24 of the Northern Ireland Act 1998

8.1. These regulations will not introduce any measures which will fail to comply with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. No similar regulations are in force in Scotland, England or Wales.

11. Additional Information

11.1. Not applicable.