

**EXPLANATORY MEMORANDUM TO
THE SUNBEDS (INFORMATION) REGULATIONS (NORTHERN IRELAND)
2012**

SR 2012 No. 91

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 4(11), 5(4) and 16(1) of the Sunbeds Act (Northern Ireland) 2011 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The regulations outline the wording to be contained in the information leaflet which must be provided to a person who proposes to use a sunbed on sunbed premises, or is hiring or buying a sunbed. The draft regulations also outline the style and format of the information leaflet.
- 2.2. The regulations also outline the wording to be contained in the display notice which sunbed premises must display in a prominent position and the style and format of this notice.

3. Background

- 3.1. The Sunbeds Act (Northern Ireland) 2011 received Royal Assent on 3 May 2011. The Act allows for the Department to prescribe the outline the wording to be contained in the information leaflet which must be provided to a person who proposes to use a sunbed on sunbed premises, or is hiring or buying a sunbed and to outline the style and format of the information leaflet. The Act also allows for the Department to prescribe the outline the wording to be contained in the display notice which sunbed premises must display in a prominent position and the style and format of this notice. The above statutory rule outlines that wording, style and format.

4. Consultation

- 4.1. Consultation on the draft regulations ended on 26 August 2011. A total of 61 responses were received and only minor amendments were made to the wording of the information leaflet and display notice.

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 draft 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 draft 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. Under the Technical Standards Directive (Directive 98/34) the draft regulations were notified to the European Commission, for consultation. As no responses were received it is not considered that the rule will have any EU implications.

10. Parity or Replicatory Measure

- 10.1. Similar regulations came into force in Scotland on 1 December 2009 and in Wales on 31 October 2011.

11. Additional Information

- 11.1. Not applicable.