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*Number 12 of 2014*

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**Public Health (Sunbeds) Act 2014**

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**PUBLIC HEALTH (SUNBEDS) ACT 2014**

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Medical Practitioners Act 2007 (No. 25)

Petty Sessions (Ireland) Act 1851 (14 & 15 Vic, c. 93)

Qualifications and Quality Assurance (Education and Training) Act 2012 (No. 28)



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Number 12 of 2014

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## **PUBLIC HEALTH (SUNBEDS) ACT 2014**

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An Act to regulate the use and supply of sunbeds; to prohibit permitting persons under 18 years of age to use a sunbed on a sunbed premises; to prohibit the sale or hire of sunbeds to persons under 18 years of age; and to provide for related matters.

[24th June, 2014]

**Be it enacted by the Oireachtas as follows:**

### **Interpretation**

1. In this Act—

“authorised officer” means a person appointed under *section 16*;

“age card” has the same meaning as it has in Part IV of the Intoxicating Liquor Act 1988;

“employee” means a person who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and includes a fixed-term employee, a temporary employee, a person who is training for employment or receiving work experience and a member of the family of an employer and references, in relation to an employer, to an employee shall be construed as references to an employee employed by that employer;

“employer”, in relation to an employee—

- (a) means the person with whom the employee has entered into or for whom the employee works under (or, where the employment has ceased, entered into or worked under) a contract of employment,
- (b) includes a person (other than an employee of that person) under whose control and direction an employee works, and
- (c) includes where appropriate, the successor of the employer or an associated employer of the employer;

“Executive” means the Health Service Executive;

“hire” includes to offer for hire or to hire or to supply, whether or not for profit, and cognate words shall be construed accordingly;

“Minister” means the Minister for Health;

“premises” includes a building, a dwelling or other structure, or part of a building, dwelling or other structure, a vessel, a vehicle, a tent, caravan or other temporary or movable structure;

“prescribed” means prescribed by regulations made by the Minister;

“restricted area” means—

- (a) a wholly or partly enclosed space on a sunbed premises where there is a sunbed,  
or
- (b) a room, other than a space referred to in *paragraph (a)*, in a sunbed premises where there is a sunbed;

“sale” includes to offer for sale or to sell or to supply, whether or not for profit, and cognate words shall be construed accordingly;

“sunbed” means an electrically-powered device designed to produce tanning of the human skin by the emission of ultra-violet radiation;

“sunbed business” means, as the context requires, a business where one or more than one sunbed is made available for use or a business which sells or hires sunbeds or advertises or promotes the use, sale or hire of sunbeds;

“sunbed premises” means premises on which a sunbed business is carried on.

### **Regulations**

2. (1) The Minister may, after consultation with such Ministers of the Government as the Minister considers appropriate, make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed.
- (2) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulation.
- (3) Every regulation under this Act shall be laid before the Houses of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

### **Application of Act**

3. (1) This Act applies to the use of a sunbed on a sunbed premises, the sale or hire of sunbeds or the advertisement or promotion of the use, sale or hire of sunbeds.
- (2) This Act does not apply to the use of a source of artificial ultra-violet radiation used for phototherapy provided under the supervision or direction of a relevant medical practitioner in a healthcare establishment, or provided elsewhere by that establishment under such supervision or direction.
- (3) In this section—

“healthcare establishment” means a hospital, healthcare centre, clinic or other facility which is normally attended by a relevant medical practitioner, where phototherapy may be provided under the supervision or direction of such a medical practitioner and

where that equipment is regulated by a medical physicist;

“medical practitioner” means a medical practitioner who is for the time being registered in the register established under section 43 of the Medical Practitioners Act 2007;

“relevant medical practitioner” means a medical practitioner who is registered in the Specialist Division of the register, under section 43 of the Medical Practitioners Act 2007, under the medical specialities of—

- (a) dermatology,
- (b) paediatrics, or
- (c) such other specialities as the Minister may prescribe.

#### **Prohibition on permitting use of sunbed by person under 18 years of age on sunbed premises**

4. (1) The owner, manager or employee of a sunbed business shall not—
- (a) sell the use of a sunbed on a sunbed premises to a person under 18 years of age,
  - (b) permit a person under the age of 18 years to be in a restricted area, except in the course of employment in or for the purpose of the provision of services to the sunbed business concerned, or
  - (c) permit a person under the age of 18 years to use a sunbed on a sunbed premises.
- (2) A person who contravenes *subsection (1)* commits an offence.
- (3) In any proceedings against a person for an offence under *subsection (1)*, it shall be a defence for such person to prove that the person under 18 years of age produced to him or her—
- (a) an age card,
  - (b) a passport, or
  - (c) a driving licence,
- relating to that person.

#### **Prohibition on sale or hire of sunbed to person under 18 years of age**

5. (1) A person shall not sell or hire or offer for sale or hire, or permit to be sold or hired or offered for sale or hire, a sunbed to a person under 18 years of age.
- (2) A person who contravenes *subsection (1)* commits an offence.
- (3) In any proceedings against a person for an offence under *subsection (1)*, it shall be a defence for such person to prove that the person under 18 years of age produced to him or her—
- (a) an age card,

- (b) a passport, or
  - (c) a driving licence,
- relating to that person.

### **Prohibition on unsupervised use of sunbed**

6. (1) The owner or manager of a sunbed business shall not—
- (a) permit a person to use a sunbed on a sunbed premises except under the supervision of the owner or manager concerned or an employee of the sunbed business concerned,
  - (b) employ a person who is under 18 years of age to supervise the use of a sunbed on a sunbed premises.
- (2) A person who is supervising the use of a sunbed shall ensure that—
- (a) the person using the sunbed is over the age of 18 years,
  - (b) protective eyewear is made available, as required by *section 7*,
  - (c) a copy of the information prescribed under *section 15(1)* has been provided to the person proposing to use the sunbed and that the person concerned has had an opportunity to read that information, and
  - (d) the form referred to in *section 15(2)* has been signed by the person who proposes to use the sunbed.
- (3) A person who contravenes *subsection (1)* or *(2)* commits an offence.

### **Protective eyewear**

7. (1) The owner, manager or employee of a sunbed business shall—
- (a) make protective eyewear available to a person who proposes to use, purchase or hire a sunbed,
  - (b) ensure that a person who uses a sunbed on the sunbed premises concerned wears protective eyewear, and
  - (c) ensure, where the eyewear referred to in *paragraph (a)* is single use eyewear, such eyewear is disposed of after use, or
  - (d) ensure, where the eyewear referred to in *paragraph (a)* is multi-use eyewear, such eyewear is appropriately sanitised before re-use.
- (2) The owner or manager of a sunbed business shall retain for such period as the protective eyewear concerned is available for use, and in any event for a period of not less than 2 years, on the sunbed premises for the purpose of inspection by an authorised officer, documentary evidence that protective eyewear made available in accordance with *subsection (1)(a)* complies with the required standard.
- (3) A person who contravenes *subsection (1)* or *(2)* commits an offence.



## (4) In this section—

“protective eyewear” means eyewear, designed to protect the eyes of a person using a sunbed from ultra-violet radiation, which complies with the required standard;

“required standard” means the standard for protective eyewear included in the European harmonised standards published from time to time by the European Committee for Standardization (CEN) or the European Committee for Electrotechnical Standardization (CENELEC).

**Hygiene**

8. (1) The owner or manager of a sunbed business shall—
- (a) maintain a sunbed premises in good repair and in a clean and hygienic condition, and
  - (b) ensure that a sunbed provided for use on those premises is maintained at all times in a clean and hygienic condition.
- (2) A person who contravenes *subsection (1)* commits an offence.

**Prohibition of certain marketing practices**

9. (1) A person shall not offer the use, sale or hire of a sunbed free of charge.
- (2) The Minister may, for the purpose of protecting public health and in particular for the purpose of reducing the risk to health arising from the use of sunbeds, prescribe as prohibited certain marketing practices, including—
- (a) the advertising or promotion of the use, sale or hire of sunbeds at a reduced price or free of charge,
  - (b) the use, sale or hire of sunbeds at a reduced price,
  - (c) promotions for the purposes of promoting sunbed use, or any event or activity that is likely to encourage persons to use sunbeds being carried out on premises where sunbeds are used, sold or hired,
  - (d) any such other marketing practice.
- (3) A person, other than a sunbed business referred to in *subsection (4)*, who contravenes *subsection (1)* or regulations made under *subsection (2)* commits an offence.
- (4) Nothing in *subsection (1)* or *(2)* shall prevent a sunbed business offering the sale or hire of a sunbed at a reduced price or free of charge to another sunbed business.
- (5) For the purposes of this section, the use, sale or hire of a sunbed at a reduced price or free of charge includes—
- (a) the award, whether directly or indirectly, of bonus points, loyalty card points, or any similar benefit, to any person arising from the use, purchase, sale or hire by that person, or by any other person, of a sunbed,
  - (b) the use of any such points or benefit, whether directly or indirectly, to obtain the

use, purchase or hire of a sunbed, or any other product or service, at a reduced price or free of charge, and

- (c) the use, whether directly or indirectly, of bonus points, loyalty card points, or any similar benefit, arising from the purchase of any product or service to obtain the use, purchase or hire of a sunbed at a reduced price or free of charge.

#### **Prohibition on health claims**

- 10.** (1) A person shall not publish any material that promotes a claim to any health or other benefit resulting from the use of sunbeds other than information prescribed under *subsection (4), section 11(1) or section 15(1)*.
- (2) The owner or manager of a sunbed business shall not make available or display any material that promotes a claim to any health or other benefit resulting from the use of sunbeds other than information prescribed under *subsection (4), section 11(2) or section 15(1)*.
- (3) The owner or manager of a website or social media site that promotes the sale, use or hire of sunbeds shall not display any material that promotes a claim to any health or other benefit resulting from the use of sunbeds other than information prescribed under *subsection (4) or section 11(2)*.
- (4) The Minister may prescribe permitted information on claims to any health or other benefit resulting from the use of sunbeds and the manner in which such information may be displayed.
- (5) A person who contravenes *subsection (1), (2) or (3)* commits an offence.

#### **Warning signs**

- 11.** (1) The owner or manager of a sunbed business shall ensure that warning signs in such form as may be prescribed intended to inform the public of the health risks associated with the use of sunbeds and containing such other information as may be prescribed are displayed in such manner as may be prescribed on the sunbed premises or the website of the sunbed business concerned.
- (2) The owner or manager of a website or social media site that promotes the sale, use or hire of sunbeds shall ensure that warning signs prescribed under *subsection (1)* are displayed in the manner prescribed under that subsection on the website or social media site concerned.
- (3) Information included in warning signs prescribed under *subsection (1)* may include information relating to—
- (a) the adverse health effects of the use of sunbeds generally, and
  - (b) the prohibition on the use of sunbeds by persons under 18 years of age.
- (4) A person who contravenes *subsection (1) or (2)* commits an offence.

**Remote sale or hire of sunbed**

- 12.** (1) Subject to *subsection (2)*, the sale or hire of a sunbed is deemed, for the purposes of this Act, to take place on the premises where an agreement is made for the sale or hire of that sunbed.
- (2) Where—
- (a) the premises where the agreement for the sale or hire of a sunbed is made is not in the State, and
- (b) the premises from which the sunbed is despatched is in the State,
- the sale or hire is deemed, for the purposes of this Act, to take place on the premises from which the sunbed is despatched.

**Notification**

- 13.** (1) The Executive shall compile and maintain a list of persons who own a sunbed business (the “Sunbed Business Notification List”).
- (2) Within 6 months of the commencement of this section, or such further period as may be prescribed, the owner of a sunbed business shall by notice in writing inform the Executive that he or she provides sunbeds for use, sale or hire.
- (3) A person who intends to carry on a sunbed business shall by notice in writing inform the Executive of his or her intention no later than 30 days before commencing to carry on the business.
- (4) Where a sunbed business is transferred to a new owner, that owner shall by notice in writing inform the Executive of the transfer of the sunbed business concerned within 30 days of the occurrence of such transfer.
- (5) A notice under *subsection (2), (3) or (4)* shall include—
- (a) the name and address of the person concerned,
- (b) the address of each sunbed premises owned by that person,
- (c) (i) where the business provides sunbeds for use on the premises, the number of sunbeds on the premises,
- (ii) where the business offers sunbeds for hire, the number of sunbeds available for hire and the number of sunbeds hired out, or
- (iii) where the business sells sunbeds, the number of sunbeds available for sale,
- (d) information relating to the completion of training prescribed under *section 14* by the person carrying on or intending to carry on the sunbed business concerned or by an employee of that business,
- (e) such other information as may be prescribed.
- (6) A notice under *subsection (2), (3) or (4)* shall be accompanied by such fee in respect of each premises referred to in *subsection (5)(b)* as may be prescribed from time to time for the purpose of the establishment and maintenance of the Sunbed Business

Notification List and to contribute to the expenses of carrying out of investigations under and the enforcement of this Act.

- (7) A notice under *subsection (2), (3) or (4)* shall be in such form as may be prescribed.
- (8) The owner of a sunbed business shall inform the Executive in writing of any change to the information included in the notice under *subsection (2), (3) or (4)* within 30 days of the occurrence of the change and the Executive shall enter that change on the Sunbed Business Notification List maintained in accordance with *subsection (1)*.
- (9) The Executive shall enter the information required under *subsection (5)*, and notified to it under *subsection (2), (3) or (4)*, on to the Sunbed Business Notification List compiled and maintained under *subsection (1)* and assign to each of the premises concerned a notification number.
- (10) The owner or manager of a sunbed business shall display on the sunbed premises concerned, in such form or manner as may be prescribed, the notification number assigned to that premises under *subsection (9)*.
- (11) The owner of a sunbed business shall pay to the Executive such fee or fees prescribed under *subsection (6)* at such intervals as may be prescribed.
- (12) A person—
  - (a) to whom *subsection (2), (3) or (4)* applies, who fails to notify the Executive in accordance with those subsections,
  - (b) who knowingly or recklessly provides false or misleading information to the Executive as respects notifying information required by *subsection (5)*,
  - (c) who fails to inform the Executive of any change to the information in a notice under *subsection (2), (3) or (4)* within the period required by *subsection (8)*,
  - (d) who fails to display on a sunbed premises the notification number assigned to that premises as required by *subsection (10)*, or
  - (e) who fails to pay a fee prescribed under *subsection (6)* at such intervals as may be prescribed under *subsection (11)*,commits an offence.

## Training

14. (1) The Minister shall prescribe—
  - (a) training leading to a qualification in the use of sunbeds which is recognised within the National Framework of Qualifications maintained by the Qualifications and Quality Assurance Authority of Ireland in accordance with section 43 of the Qualifications and Quality Assurance (Education and Training) Act 2012, or
  - (b) such other qualification as the Minister considers equivalent to that prescribed under *paragraph (a)*.
- (2) The Minister may, after consultation with the Qualifications and Quality Assurance

Authority of Ireland, prescribe—

- (a) qualifications to be held by a person who offers a sunbed for use, sale or hire,
  - (b) the content, learning outcomes, type, length and frequency of the training (including continuing professional development training),
  - (c) the records to be retained on each sunbed premises relating to training and the period for which such records should be retained on those premises for inspection by an authorised officer.
- (3) Prescribed training may include training on—
- (a) the use and operation of sunbeds,
  - (b) the risks associated with the use of sunbeds,
  - (c) determination of skin types and exposure times,
  - (d) screening for potentially exposure-limiting conditions,
  - (e) emergency procedures in case of overexposure to ultra-violet radiation,
  - (f) types and wavelength of ultra-violet radiation,
  - (g) proper hygiene procedures,
  - (h) identification of potential photosensitising drugs, or
  - (i) such other subject as the Minister considers appropriate.
- (4) The owner or manager of a sunbed business shall ensure that—
- (a) a person who supervises the operation of a sunbed in the course of his or her employment has satisfactorily completed appropriate prescribed training and has been awarded the prescribed qualification,
  - (b) a person who sells or hires sunbeds in the course of his or her employment has satisfactorily completed appropriate prescribed training and has been awarded the prescribed qualification,
  - (c) a person, to whom *paragraph (a) or (b)* applies, continues to satisfactorily complete such continuing professional development training as may be prescribed in accordance with *subsection (2)*.
- (5) A person who has not completed appropriate prescribed training and does not hold a prescribed qualification in the use of sunbeds shall not supervise the operation of, or sell or hire, a sunbed in the course of his or her employment.
- (6) A person who contravenes *subsection (4) or (5)* commits an offence.

### Health Information

15. (1) The Minister shall prescribe information on the health effects and such other information relating to the use of sunbeds as the Minister may consider appropriate.
- (2) The owner, manager or employee of a sunbed business shall—

- (a) ensure that a copy of the prescribed information is provided to a person proposing to use, hire or purchase a sunbed,
  - (b) take reasonable steps to ensure that the person concerned reads and understands the prescribed information,
  - (c) require the person concerned to sign such form as may be prescribed by the Minister, confirming that they have been provided with a copy of the prescribed information and have had an opportunity to read and consider that information,
  - (d) not permit another person, except in the course of employment in or for the purpose of the provision of services to the sunbed business concerned, to be in a restricted area unless the person concerned has signed the form referred to in *paragraph (c)*.
- (3) The owner or manager of that sunbed business shall retain on those premises for a period of 2 years for inspection by an authorised officer a form completed in accordance with *subsection (2)(c)*.
- (4) A person who contravenes *subsection (2)* or *(3)* commits an offence.

#### **Appointment of authorised officers**

16. (1) The Executive may appoint in writing such and so many persons, including members of the staff of the Executive, to be authorised officers for the purposes of this Act and such appointment may be specified to be for a fixed period.
- (2) Every authorised officer appointed under this section shall be furnished with a warrant of appointment and shall, when exercising any power conferred on him or her by this Act, if requested by a person affected, produce the warrant of appointment or copy of it to that person.
- (3) An appointment under this section as an authorised officer shall cease—
- (a) if the Executive revokes the appointment,
  - (b) if the appointment is for a fixed period, on the expiry of that period, or
  - (c) in the case of a person who is a member of staff of the Executive, if he or she ceases to be a member of staff.

#### **Powers of authorised officers**

17. (1) An authorised officer may, for the purpose of obtaining any information which may be required in relation to a matter under investigation under this Act—
- (a) subject to *subsection (3)*, at all reasonable times enter (if need be by reasonable force) or, where the premises is a vehicle, stop and enter (if need be by reasonable force), any premises on, at or in which there are reasonable grounds to believe that any trade or business or any activity in connection with sunbeds is, or has been, carried on, or that records in relation to that trade, business or activity are kept, and search and inspect the premises and any records that are on, at or in that premises,

- (b) secure for later inspection any, or any part of any, premises on, at or in which such records are kept or there are reasonable grounds for believing that such records are kept,
- (c) require any person who carries on such trade, business or activity or any person employed in respect of such trade, business or activity to produce to the authorised officer such records and where such records are kept in a non-legible form to reproduce them in a legible form or to give to him or her any information as the authorised officer may reasonably require in relation to such records,
- (d) inspect and take copies of or extracts from any such records on, at or in the premises, including in the case of information in a non-legible form, copies of or extracts from such information in a permanent legible form,
- (e) make a record whether in writing, by photography or otherwise of any record or thing on, at or in the premises,
- (f) remove and retain such records for such periods as may be reasonable for further examination,
- (g) require any such person to give to the authorised officer any information which the authorised officer may reasonably require regarding such trade, business or activity or in respect of the persons carrying on such trade, business or activity or employed in connection with such trade, business or activity,
- (h) require any such person to give to the authorised officer any other assistance or information which the authorised officer may reasonably require in respect of such trade, business or activity,
- (i) require any person by or on whose behalf data equipment is or has been used or any person having charge of, or otherwise concerned with the operation of, the data equipment or any associated apparatus or material, to afford the authorised officer all reasonable assistance in relation to it and assist in the retrieval of information connected with the operation of such data equipment, apparatus or material,
- (j) without payment, take for analysis and examination such reasonable samples of or from any relevant thing on the sunbed premises concerned as he or she considers necessary for the purposes of this Act,
- (k) carry out, or have carried out such examinations and tests on samples taken in accordance with *paragraph (j)* as he or she reasonably considers to be necessary,
- (l) examine protective eyewear on the premises and where the authorised officer reasonably considers such eyewear does not meet the standard required under *section 7* remove, without payment, such eyewear for further inspection, examination and testing and, where the protective eyewear concerned does not meet the standard required, destroy that eyewear,
- (m) summon, at any reasonable time, any other person employed in connection with such trade, business or activity to give to the authorised officer any information which the authorised officer may reasonably require in relation to such trade,

business or activity and to produce to the authorised officer any records which are in the control of that other person.

- (2) An authorised officer may, for the purpose of obtaining any information which may be required in relation to a matter under investigation under this Act, at all reasonable times enter any premises, at which there are reasonable grounds to believe that any trade or business or any activity in connection with sunbeds is, or has been, carried on and may—
  - (a) pay or make tender of payment, for the use of a sunbed, or
  - (b) confirm the price at which a sunbed service is on offer or any other information relating to the sunbeds for the purpose of the investigation.
- (3) An authorised officer shall not, other than with the consent of the occupier, enter a dwelling unless he or she has obtained a warrant from the District Court under *subsection (6)* authorising such entry.
- (4) Where an authorised officer in the exercise of his or her powers under this section is prevented from entering any premises an application may be made under *subsection (6)* authorising such entry.
- (5) An authorised officer, when exercising any powers conferred on an authorised officer by this section, may, subject to any warrant issued under *subsection (6)*, be accompanied by such other authorised officers or members of the Garda Síochána or both as he or she considers necessary.
- (6) Without prejudice to the powers conferred on an authorised officer under this section, where a judge of the District Court is satisfied on the sworn information of an authorised officer that there are reasonable grounds for suspecting that there is information required by an authorised officer under this section held on or at any, or any part of any, premises, the judge may issue a warrant authorising an authorised officer (accompanied, where appropriate, by such other authorised officers or members of the Garda Síochána or both) at any time or times within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter the premises, using reasonable force where necessary, and exercise all or any of the powers conferred on an authorised officer under this section.
- (7) A person who falsely represents himself or herself as an authorised officer commits an offence.
- (8) A person who—
  - (a) obstructs or impedes an authorised officer in the exercise of a power under this section,
  - (b) without reasonable excuse, does not comply with a request or requirement of an authorised officer under this section, or
  - (c) in purported compliance with such a requirement gives information that is false or misleading in a material respect,commits an offence.



- (9) Where an advertisement in relation to the sale, hire or use of sunbeds is published and does not include the name and address of the person who procured such publication or his or her agent, the publisher of the advertisement shall, if the Executive or an authorised officer so requests within 12 months of the publication of the advertisement, give to the Executive or the authorised officer, the name and address of such person or his or her agent without delay.
- (10) A person who fails to comply with a request under *subsection (9)* or, in purported compliance with such a request, gives information that is false or misleading in a material respect, commits an offence.

### **Test purchasing**

- 18.** (1) An authorised officer may, in the course of his or her duty as such officer and in accordance with guidelines issued under *subsection (2)*, send a person who is at least 15 years of age but under 18 years of age into a sunbed premises for the purpose of the person using, purchasing or hiring a sunbed on those premises if but only if—
  - (a) the parent or guardian of the person has consented, in writing, to him or her being sent into those premises for that purpose, and
  - (b) the authorised officer is satisfied that all reasonable steps have been or will be taken to avoid harm to the welfare of the person.
- (2) The Minister shall, after consulting with the Minister for Children and Youth Affairs, from time to time issue guidelines in respect of the procedures to be followed with respect to the practical operation of this section, including guidelines as to—
  - (a) prohibiting any active instigation of a contravention of this Act such as a false representation, whether made orally or by means of the production of any document, that a person is over the age of 18 years, and
  - (b) the basis on which sunbed premises will be selected for the purposes of the application of this section, whether by reference to the location of the premises, complaints received by the Executive concerning the premises, the number of reports of possible contraventions of this Act relating to the premises or the clientele attracted to the premises.

### **Service of documents**

- 19.** (1) A notice or other document under this Act shall be addressed to the person concerned by name, and may be served on or given to the person in one of the following ways:
  - (a) by delivering it to the person;
  - (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;
  - (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address.

- (2) For the purposes of this section, a company within the meaning of the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

### Fixed payment notice for offences

20. (1) This section applies in respect of an offence under *section 8, 9, 10, 11, 13, 14 or 15* (in this section referred to as a “relevant offence”).
- (2) An authorised officer who has reasonable grounds for believing that a person is committing, or has committed, a relevant offence may serve the notice referred to in *subsection (3)* on the person.
- (3) A notice in writing (in this section referred to as a “fixed payment notice”), served under *subsection (2)*, shall be in the prescribed form, stating—
- (a) that the person on whom it is served is alleged to have committed the relevant offence concerned,
  - (b) when and where it is alleged to have been committed,
  - (c) that a prosecution for it will not be instituted if, during the period of 28 days beginning on the date of the fixed payment notice, the person pays the prescribed amount to the Executive (at the address stated in the notice) and submits the fixed payment notice or a copy thereof together with that payment, and
  - (d) that in default of such payment, the person shall be prosecuted for the alleged relevant offence.
- (4) A payment referred to in *subsection (3)* shall be accompanied by the fixed payment notice served under *subsection (2)* or a copy thereof.
- (5) If a fixed payment notice is served on a person—
- (a) the person may make a payment in accordance with *subsection (3)(c)*,
  - (b) the Executive shall receive and retain the payment (subject to *subsection (8)*) and issue a receipt for it,
  - (c) any payment received shall not be recoverable by the person who made it, and
  - (d) a prosecution in respect of the alleged relevant offence to which the notice relates shall not be instituted during the period specified in *subsection (3)(c)* and, if payment is made during that period, no prosecution in respect of the alleged relevant offence will be instituted.
- (6) In proceedings against a person for a relevant offence it shall be presumed, until the contrary is shown, that the person did not make payment in accordance with *subsections (3)(c) and (4)*.
- (7) The Minister may prescribe the amount of a fixed payment and may prescribe different amounts for different offences.
- (8) Payments received by the Executive under this section shall be paid into or disposed

of for the benefit of the Exchequer in such manner as the Minister for Public Expenditure and Reform directs.

### **Executive may publish information respecting certain persons**

- 21.** (1) The Executive shall keep and maintain a list (the “Sunbed Non-Compliance List”) of the names and addresses of the following persons and the particulars specified in *subsection (2)*:
- (a) a person on whom a fine or other penalty was imposed by a court under this Act;
  - (b) a person who made a payment to the Executive pursuant to a fixed payment notice under *section 20*.
- (2) The Sunbed Non-Compliance List shall specify, in relation to each person named in the list, such particulars as the Executive considers appropriate in respect of the following:
- (a) the matter occasioning any fine or penalty imposed on the person by the court and the amount or nature of that fine or penalty;
  - (b) the matter occasioning any fixed payment notice under this Act and the amount of that payment.
- (3) The Executive may, at any time and in any form or manner the Executive considers appropriate, publish or cause to be published all or any part of the Sunbed Non-Compliance List.

### **Offences**

- 22.** (1) Summary proceedings for an offence under this Act may be brought by the Executive.
- (2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for any offence under this Act may be commenced at any time within 12 months from the date on which the offence was committed.
- (3) A person who commits an offence under this Act is liable on summary conviction, in the case of a first offence, to a Class B fine or imprisonment for a term not exceeding 6 months or both, and in the case of a second or subsequent offence, to Class A fine or imprisonment for a term not exceeding 12 months or both.
- (4) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of, or to be attributable to any neglect on the part of any person, being a director, manager, secretary, or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person shall, as well as the body corporate, commit an offence and shall be liable to be proceeded against and punished as if he or she had committed the first-mentioned offence.

### **Costs**

- 23.** Where a person is convicted of an offence under this Act, the court shall, unless it is

satisfied that there are special and substantial reasons for not doing so, order the person to pay to the Executive the costs and expenses, measured by the court, incurred by the Executive in relation to the investigation, detection or prosecution of the offence.

**Expenses**

24. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

**Short title and commencement**

25. (1) This Act may be cited as the Public Health (Sunbeds) Act 2014.
- (2) This Act comes into operation on such day or days as the Minister may by order or orders appoint, either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or different provisions.