



STATUTORY INSTRUMENTS.

S.I. No. 60 of 2015



PUBLIC HEALTH (SUNBEDS) (FIXED PAYMENT NOTICE)
REGULATIONS 2015

S.I. No. 60 of 2015

PUBLIC HEALTH (SUNBEDS) (FIXED PAYMENT NOTICE)
REGULATIONS 2015

I, LEO VARADKAR, Minister for Health, in exercise of the powers conferred on me by sections 2 and 20 of the Public Health (Sunbeds) Act 2014 (No. 12 of 2014), hereby make the following regulations:

1. These Regulations may be cited as the Public Health (Sunbeds) (Fixed Payment Notice) Regulations 2015.

2. These Regulations come into operation on 2 March 2015.

3. In these Regulations—

“Act” means the Public Health (Sunbeds) Act 2014 (No. 12 of 2014);

“Health Information Regulations” means the Public Health (Sunbeds) (Health Information) Regulations 2015 (S.I. No. 50 of 2015);

“Marketing Regulations” means the Public Health (Sunbeds) (Prohibition of Certain Marketing Practices) Regulations 2015 (S.I. No. 51 of 2015);

“Notification Regulations” means the Public Health (Sunbeds) (Notification) Regulations 2015 (S.I. No. 52 of 2015);

“Warning Signs Regulations” means the Public Health (Sunbeds) (Warning Signs) Regulations 2015 (S.I. No. 53 of 2015).

4. The form set out in Schedule 1 is prescribed, for the purposes of section 20(3) of the Act, as the form of a fixed payment notice.

5. The amounts set out in Schedule 2 are prescribed, for the purposes of section 20(7) of the Act, as the amounts of the fixed payments to be paid in respect of the corresponding offences under the provisions of the Act set out in that Schedule.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 24th February, 2015.*

Schedule 1

Regulation 4

Public Health (Sunbeds) Act 2014

Section 20(3)

Fixed Payment Notice

To: [insert full name]

Address: [insert address]

It is alleged that, at [insert address of place where the offence is alleged to have been committed] on 20, at [insert time] you committed an offence under:

[Provision in the Act providing for the offence]

Particulars of offence:

[Description of factual situation constituting the contravention alleged]

A prosecution in respect of the alleged offence will not be instituted during the period of 28 days beginning on the date of this Notice. If, during that period, you pay to the Health Service Executive at [insert address], the sum of—

€[Amount of fixed payment payable in respect of the offence]

accompanied by the original or a copy of this Notice, a prosecution will not be instituted at any time in respect of the aforementioned alleged offence.

However, you will be prosecuted for the alleged offence if you do not make payment as mentioned above.

[Signature]

Authorised Officer

[Date]

IMPORTANT:

Payment should be made to the Health Service Executive at [insert address]. A receipt will be issued.

Refund of a payment made pursuant to this Notice will not be made in any circumstance.

Section 21(1) of the Public Health (Sunbeds) Act 2014 requires the Health Service Executive to maintain a Sunbed Non-Compliance List of, among other things, the details of each person who makes a payment to the Health Service Executive pursuant to a fixed payment notice and the matter occasioning the fixed payment notice. The Health Service Executive may publish all or any part of the Sunbed Non-Compliance List relating to persons making payments pursuant to fixed payment notices.

You are entitled to disregard this Notice and defend the prosecution of the alleged offence in court.

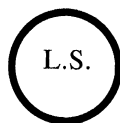
Schedule 2

Regulation 5

Fixed Payments

Relevant Provision Contravened	Nature of Alleged Contravention	Fixed Payment Amount
Hygiene		
Section 8(1)(a)	Failure to maintain the sunbed premises in good repair and in a clean and hygienic condition.	€300
Section 8(1)(b)	Failure to ensure that a sunbed provided for use in a sunbed premises is maintained at all times in a clean and hygienic condition.	€300
Prohibition of Certain Marketing Practices		
Section 9(1)	Offering the use, sale or hire of a sunbed free of charge.	€300
Regulations under Section 9(2)	Use of prohibited marketing practices as prescribed in the Marketing Regulations.	€300
Prohibition on Health Claims		
Section 10(1)	Publish any material that promotes a claim to any health or other benefit resulting from the use of sunbeds, unless the information is prescribed in the Warning Signs Regulations or the Health Information Regulations.	€300
Section 10(2)	Make available or display any material that promotes a claim to any health or other benefit resulting from the use of sunbeds, unless the information is prescribed in the Warning Signs Regulations or the Health Information Regulations.	€300
Section 10(3)	Displays on websites or social media sites that promote the sale, use or hire of sunbeds, any material that promotes a claim to any health or other benefit resulting from the use of sunbeds, unless the information is prescribed in the Warning Signs Regulations.	€300
Warning Signs		
Section 11(1)	Failure to display warning signs, prescribed in the Warning Signs Regulations, on the sunbed premises or the website of the sunbed business concerned.	€300
Section 11(1)	Failure to display prescribed warning signs, in the manner prescribed in the Warning Signs Regulations, on a sunbed premises or on the website of the sunbed business concerned.	€300
Section 11(2)	Failure to display warning signs, prescribed in the Warning Signs Regulations, on websites or social media sites that promote the sale, use or hire of sunbeds.	€300
Section 11(2)	Failure to display prescribed warning signs, in the manner prescribed in the Warning Signs Regulations, on websites or social media sites that promote the sale, use or hire of sunbeds.	€300
Notification		
Section 13(2)	Failure of the owner of an existing sunbed business to notify the Health Service Executive within 6 months of commencement of section 13 of the Public Health (Sunbeds) Act 2014 in the form prescribed in the Notification Regulations.	€300

Relevant Provision Contravened	Nature of Alleged Contravention	Fixed Payment Amount
Section 13(3)	Failure of a person who intends to carry on a sunbed business to notify the Health Service Executive 30 days before commencing the new business in the form prescribed in the Notification Regulations.	€300
Section 13(4)	Failure of a new owner of a transferred sunbed business to notify the Health Service Executive within 30 days of the transfer of ownership in the form prescribed in the Notification Regulations.	€300
Section 13(8)	Failure of the owner of a sunbed business to inform the Health Service Executive of any change to information notified to the Health Service Executive within 30 days of such change occurring.	€300
Section 13(10)	Failure to display on the sunbed premises, in the manner prescribed in the Warning Signs Regulations, the notification number assigned to that sunbed premises.	€300
Section 13(11)	Failure to pay the Health Service Executive the fee, as prescribed in the Notification Regulations, at such intervals as prescribed in those Regulations.	€300
Section 13(12)(b)	Provision of false or misleading information to the Health Service Executive as respects notifying information.	€300
Health Information		
Section 15(2)(a)	Failure to provide a copy of the information prescribed in the Health Information Regulations to a person proposing to use, hire or purchase a sunbed.	€300
Section 15(2)(b)	Failure to take reasonable steps to ensure the person reads and understands the information prescribed in the Health Information Regulations.	€300
Section 15(2)(c)	Failure to require the person to sign the form prescribed in the Health Information Regulations, confirming that they have been provided with a copy of the information prescribed in those Regulations and have had an opportunity to read and consider that information.	€300
Section 15(2)(d)	Failure to stop a person, except in the course of employment or provision of services, from being in a restricted area unless they have signed the form prescribed in the Health Information Regulations.	€300
Section 15(3)	Failure to retain for two years on the sunbed premises the form prescribed in the Health Information Regulations and completed in accordance with section 15(2)(c).	€300



GIVEN under my Official Seal,
19 February 2015.

LEO VARADKAR,
Minister for Health.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations prescribe the form of a fixed payment notice under the Public Health (Sunbeds) Act 2014 and the fixed payments payable in respect of different offences under that Act.

These Regulations may be cited as the Public Health (Sunbeds) (Fixed Payment Notice) Regulations 2015 and come into operation on 2 March 2015.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B31118). 285. 2/15. Clondalkin. Gr 30-15.