

2012 No. 93

PUBLIC HEALTH

**The Sunbeds (Fixed Penalty) (General) Regulations (Northern
Ireland) 2012**

Made - - - -

5th March 2012

Coming into operation -

1st May 2012

The Department of Health, Social Services and Public Safety makes the following Regulations, in exercise of the powers conferred by sections 12(3) and 16(1) of, and paragraph 14 of Schedule 2 to, the Sunbeds Act (Northern Ireland) 2011(a).

Citation and commencement

1. These Regulations may be cited as the Sunbeds (Fixed Penalty) (General) Regulations (Northern Ireland) 2012 and shall come into operation on 1st May 2012.

Form of fixed penalty notice

2. A fixed penalty notice shall be in the form set out in the Schedule.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on
5th March 2012



Dr Elizabeth Mitchell
A senior officer of the
Department of Health, Social Services and Public Safety

SCHEDULE

Regulation 2

THE SUNBEDS ACT (NORTHERN IRELAND) 2011

FIXED PENALTY NOTICE

[NAME OF DISTRICT COUNCIL]
[ADDRESS OF DISTRICT COUNCIL]

PART 1

RECIPIENT COPY

Penalty Notice Number: _____

Full name and address of alleged offender: _____

Postcode: _____

Date of birth (if known): _____ Male/female (circle one)

I, _____ (name), an authorised officer of the [name of District Council] under section 11 of the Sunbeds Act (Northern Ireland) 2011, have reason to believe that you committed the following offence under the Sunbeds Act (Northern Ireland) 2011.

Alleged offence: The circumstances alleged to constitute it are that at _____ (time) on _____ (date) you, at/on the following premises (where alleged offence took place, including address, if any) _____

_____ allegedly (details of offence): _____

This fixed penalty notice, “notice”, offers you the opportunity of discharging any liability for conviction for that offence by the payment of a fixed penalty, “penalty” of _____ (insert the amount of fixed penalty in figures and words). No proceedings will be taken for this offence before the expiration of 28 days beginning _____ (insert the date on which this notice is given). You will not be liable to conviction for the offence if you pay the penalty within that period. In this notice this period is referred to as the 28 day period.

Information for the immediate attention of the person who has been issued with this notice is at Part 2. Details of how to pay this fixed penalty are at Part 3. Details of how to request a court hearing in relation to this alleged offence are at Part 4.

Signature

Date

PART 2

THE SUNBEDS ACT (NORTHERN IRELAND) 2011

INFORMATION FOR THE IMMEDIATE ATTENTION OF THE PERSON WHO HAS BEEN ISSUED WITH THIS PENALTY NOTICE

You have received this notice because the authorised officer of [*name of District Council*] named in Part 1 has reason to believe that you have committed an offence under the Sunbeds Act (Northern Ireland) 2011. Within the 28 day period you **must either** pay the penalty **or** request that the matter be heard by a court. You may not do both.

If you fail to do either, [*name of District Council*] as an enforcement authority by virtue of section 11 of the Sunbeds Act (Northern Ireland) 2011, may pursue this matter in court. A person found guilty of the offence is liable on summary conviction to a fine not exceeding level _____ [*insert level*] on the standard scale, as specified in the Sunbeds Act (Northern Ireland) 2011.

PART 3

THE SUNBEDS ACT (NORTHERN IRELAND) 2011

PAYING THE FIXED PENALTY

The amount of the fixed penalty is _____ (*insert the amount of the penalty in figures and words*) which must be paid within 28 days of the date of issue of this notice, as shown in Part 1.

If you choose to pay this penalty, no further action will be taken in respect to the alleged offence described at Part 1. The payment of the penalty involves no admission of guilt and will not result in a record of criminal conviction being made against you.

Payment may be made by completing and returning Part 3A below, with payment, to the address stated on Part 3A. Alternatively you can complete Part 3A below and pay in person at the [*name of District Council*].

Acceptable methods of payment are cash, cheque, postal order or money order.

Cheques, postal orders or money orders should be made payable to (*name and address of enforcement authority*). If you chose to pay this penalty in cash by post, this must be sent by registered post, and proof of posting must be retained. If you require a receipt, you must ask for one at the time of payment. If paying by post and you require a receipt you must provide a stamped, self-addressed envelope.

WARNING: IF YOU PAY LATE OR IF A BANK REFUSES A CHEQUE YOU WILL BE TREATED AS NOT HAVING PAID THE FIXED PENALTY

PART 3A

THE SUNBEDS ACT (NORTHERN IRELAND) 2011

PAYMENT OF FIXED PENALTY

This slip must accompany all payments

To: [Name and address of District Council where payment should be remitted]

Penalty Notice number: _____

I enclose the amount of _____

Full name: _____

Address: _____

_____ **Post code:** _____

Signature

Date

PART 4

THE SUNBEDS ACT (NORTHERN IRELAND) 2011

REQUESTING A COURT HEARING

If you choose to request a court hearing, you must do so by completing Part 4A and sending it to [name of District Council], or by writing to [name of District Council] at the address stated on Part 4A, giving your details, the penalty notice number (which can be found in Part 1 of this notice) and an address at which a summons can be served on you. The summons will tell you when and where to attend court. Only the recipient of this penalty notice (the person named at Part 1) may request a court hearing.

If you have any questions or any representations about this notice, please contact [name of District Council and contact details].

PART 4A

THE SUNBEDS ACT (NORTHERN IRELAND) 2011

REQUEST FOR ALLEGED OFFENCE TO BE DEALT WITH BY A COURT OF LAW

To: *[Name and address of District Council].*

Penalty Notice number: _____

I wish to be dealt with by a court of law for the alleged offence.

Full name of alleged offender: _____

Address of alleged offender: _____

_____ **Post code:** _____

Signature

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide the form of fixed penalty notice which may be issued in respect of particular offences under the Sunbeds Act (Northern Ireland) 2011.

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