



Northern Ireland  
Assembly

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COMMITTEE FOR  
HEALTH, SOCIAL SERVICES AND  
PUBLIC SAFETY

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**OFFICIAL REPORT**  
(Hansard)

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**Sunbeds Bill: Evidence Session with  
Departmental Officials**

3 February 2011

**NORTHERN IRELAND ASSEMBLY**

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HEALTH, SOCIAL SERVICES  
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**Members present for all or part of the proceedings:**

Mr Jim Wells (Chairperson)  
Mrs Michelle O'Neill (Deputy Chairperson)  
Mr Mickey Brady  
Mr Pól Callaghan  
Dr Kieran Deeny  
Mr Alex Easton  
Mr Tommy Gallagher  
Mr Sam Gardiner  
Mr Paul Girvan

**Witnesses:**

Mr Craig Allen            )        Department of Health, Social Services and Public Safety  
Ms Julie Stewart        )

**The Chairperson (Mr Wells):**

With the Committee today are Julie Stewart and Craig Allen, who have been with us before to discuss the Sunbeds Bill. I remind Committee members that the Sunbeds Bill has passed its Committee Stage. I also remind them that agreement and consensus was reached between the Department of Health, Social Services and Public Safety and the Committee after the Committee worked well on the Bill and ironed out a great number of issues. We were concerned that the Bill had drifted away, but we are glad that it has come back and will have its Consideration Stage next

Tuesday. I ask the witnesses to bring us up to date on what has happened since the Bill left us.

**Ms Julie Stewart (Department of Health, Social Services and Public Safety):**

The Committee will have received a letter earlier this week from Minister McGimpsey explaining why the Bill has not been able to proceed as quickly as we had hoped. I will now explain those reasons. After the Committee published its report on the Bill in October, concerns were raised that clause 3 could be outside the legislative competence of the Assembly, and our draftsmen in the Office of the Legislative Counsel (OLC) came up with a solution to address that concern. They suggested removing clause 3 entirely and replacing it with new text that would be inserted at the end of clause 18, which relates to interpretation. The new text has the same legal meaning as the original intention of clause 3, but it clarifies the position and, importantly, ensures that there is no issue with the legislative competence of the Bill.

I will refresh your memories. Clause 3 dealt with the remote sale and hire of sunbeds. It was intended to ensure that if, for example, a sunbed operator located the transaction of buying or hiring a sunbed somewhere outside of Northern Ireland but dispatched it from premises inside Northern Ireland, the offence would be seen to have occurred in Northern Ireland. The offence meant that operators could not sell or hire a sunbed to someone aged under 18 and would have to provide health information on the risks of sunbed use to those who were over 18.

I will explain how the change will be dealt with at Consideration Stage. The Minister will speak to the House early in the proceedings and explain the rationale for removing clause 3 and replacing it with the new text. When the Speaker comes to clause 3, he will indicate to the House that the Minister has proposed that the clause should be removed from the Bill and will put the Question that clause 3 should stand part of the Bill. The Minister will vote no, and it is intended that that vote will be supported by the rest of the House. If Members agree, clause 3 will be removed from the Bill. Later in the proceedings, Members will vote on the amendment to insert the new text at the end of clause 18.

The Committee has supported the Sunbeds Bill and its ban of the remote sale or hire of sunbeds to young people. The two new amendments that have been tabled by the Minister since the publication of the Committee's report on the Bill will ensure that that provision remains.

**The Chairperson:**

Are the changes simply a matter of procedure?

**Ms Stewart:**

Yes; they will ensure the competence of the Bill.

**Mr Craig Allen (Department of Health, Social Services and Public Safety):**

The original policy intent remains. It has simply been drafted in a slightly different way to satisfy the concern that was raised about the Bill's legislative competence.

**The Chairperson:**

Will it make it any easier?

**Mr Allen:**

The original intention of the Bill was that it would prohibit an operator trying to make a sale of a sunbed somewhere else and dispatching it from Northern Ireland. The addition to clause 18 will make exactly the same provision as was previously contained in clause 3.

**The Chairperson:**

As you know, the Committee attempted to strengthen the Bill and, for example, there is now provision for licensing that was not previously there. If the proposed change is simply technical, there are no worries, but there was a concern that it may have been an attempt by outsiders to water down the content of the Bill.

**Mr Allen:**

No. We were faced with two options: we could either deal with the concerns that were raised now or wait until the Bill fell as a result of the issue of its legislative competence, and, at that stage, it would have been too late to do anything about it. The proposed changes are not an attempt by anyone else to influence the Bill. They are simply the result of the Department being aware of a concern, dealing with that concern and ensuring that the Bill still does what it was originally intended to do, while allaying any worries about its legislative competence.

**The Chairperson:**

Are the Business Office and the Office of the Speaker on board with this? Has this all been

choreographed?

**Ms Stewart:**

Yes, it has.

**The Chairperson:**

Therefore, if anyone asks the question why the Committee allowed the change to go through in this form, there is a good reason for it?

**Ms Stewart:**

Yes, there is.

**The Chairperson:**

That is good.

**Mr Gallagher:**

Will all of clause 3 be deleted if the Assembly votes no?

**Mr Allen:**

Yes; clause 3 will be removed from the Bill.

**Ms Stewart:**

That is our intention.

**The Chairperson:**

We may need to speak to all our colleagues to ensure that they play ball and do the right thing. The Bill contains some of the most progressive and far-reaching controls of sunbeds in Europe, and we want to keep those.

**Mr Allen:**

Absolutely. The Department is grateful to the Committee for the amount of time and effort that it invested in the Bill. We could let the Bill proceed as drafted, but there is a risk that the issue of legislative competence would have been raised after the Bill had passed its Final Stage. At that time, we would have been unable to do anything about it, and the Bill may have fallen.

**The Chairperson:**

We are running very tight with the Assembly due to be suspended on 25 March.

**Mr Allen:**

We are still on schedule to get the Bill through its various stages before the end of this mandate. We hope to do that with the support of the Committee and the will of the Assembly.

**The Chairperson:**

I am relieved about that. Some of the cancer charities have been asking me what had happened with the Bill, so it is good that the hold-up was totally innocent.

**Mr Allen:**

It is regrettable that it has taken this amount of time, but it was important to resolve that issue.

**The Chairperson:**

Well, folks, that is a relief. As no member wants to raise any points on that area of the Bill, I remind the Committee that the Sunbeds Bill will go back to the House next Tuesday for its Consideration Stage. I will be speaking on behalf of the Committee in that debate and wishing the Bill a fair wind. I thank the witnesses for coming before the Committee today.