



Isle of Man

Ellan Vannin

AT 20 of 2011

BREASTFEEDING ACT 2011



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**Isle of Man***Ellan Vannin*

BREASTFEEDING ACT 2011

Signed in Tynwald: 12 July 2011
Received Royal Assent: 11 November 2011
Announced to Tynwald: 15 November 2011

AN ACT to make provision about the feeding of milk to babies in public places and on licensed premises.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1 Short title

The short title of this Act is the Breastfeeding Act 2011.

2 Right to feed milk to a baby

- (1) A person in charge of a baby may feed milk to the baby in a public place or on licensed premises.
- (2) Subsection (1) does not apply if the baby, at the material time, is not permitted to be in the public place or on the licensed premises.
- (3) However, a person must not deliberately prevent a person in charge of a baby from being in a public place or on licensed premises on the ground that the person in charge of the baby is to, or may, feed milk to the baby whilst in the place or on the premises.
- (4) Subject to subsection (2), a person who is deliberately prevented by another person from —
 - (a) feeding milk to a baby in accordance with subsection (1); or
 - (b) being in a public place on licensed premises on the ground specified in subsection (3),may claim damages against the other person for injury to feelings.
- (5) Subject to subsection (6), the sum awarded as damages under this section is not to exceed £2,500.

- (6) The Treasury may by order amend subsection (5) by varying the sum specified in it.
- (7) An order under subsection (6) may not come into operation unless it is approved by Tynwald.
- (8) In this section —
- “feeding” includes —
- (a) breastfeeding; and
 - (b) feeding from a bottle or other container;
- “licensed premises” means premises licensed under —
- (a) the *Music and Dancing Act 1961* ; or
 - (b) the *Licensing Act 1995* ;
- “milk” includes breastmilk, cow’s milk, goat’s milk, soya milk and infant formula;
- “public place” means any place to which, at the material time, the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- (9) This section does not limit the operation of section 35 of the *Licensing Act 1995* (expulsion of persons from licensed premises).

3 Vicarious liability

- (1) Anything done by a person in the course of the person’s employment is to be treated as done also by the person’s employer, whether or not it was done with the employer’s knowledge or approval.
- (2) Anything done by a person as agent of another person with the authority of the other person (whether express or implied and whether precedent or subsequent) is to be treated as done also by the other person.
- (3) In this section, “employment” means employment under a contract of service or of apprenticeship or a contract personally to do any work; and related expressions are to be construed accordingly.

4 Promotion and support of breastfeeding

[Amends the National Health Service Act 2001 by inserting section 17A promotion and support of breastfeeding.]

ENDNOTES**Table of Legislation History**

| Legislation | Year and No |
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Table of Renumbered Provisions

| Original | Current |
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Table of Endnote References