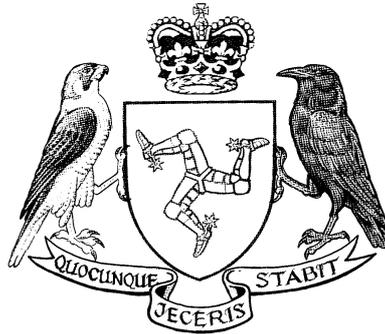


BREASTFEEDING ACT 2011

Arrangement of Sections

Section

1. Short title
2. Right to feed milk to a baby
3. Vicarious liability
4. Promotion and support of breastfeeding



Isle of Man } Signed in Tynwald: 12th July 2011
 to Wit } Received Royal Assent: 11th November 2011
 Announced to Tynwald: 15th 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. The short title of this Act is the Breastfeeding Act 2011. Short title

2. (1) A person in charge of a baby may feed milk to the baby in a public place or on licensed premises. Right to feed milk to a baby
 - (2) Subsection (1) does not apply if the baby, at the material time, is not lawfully 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 or 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 —

[XIX p.468]

(a) the Music and Dancing Act 1961; or

[c. 8]

(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).

Vicarious liability

3. (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. After section 17 of the National Health Service Act 2001
insert — Promotion and
support of
breastfeeding

^{“Breastfeeding”} **17A.** (1) The Department must make arrangements to support and encourage the breastfeeding of babies. [c.14]

(2) Support and encouragement may be given in any manner the Department considers appropriate and may include financial support.

(3) Without limiting subsection (2), the Department may provide support and encouragement to other persons or organisations that promote and encourage breastfeeding of babies.

(4) The Department may disseminate, by whatever means, information promoting and encouraging the breastfeeding of babies.”.