

# Sunbeds (Regulation) Act 2010

*Guidance on the implementation  
of the Sunbeds (Regulation) Act 2010*



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# 1. Purpose of the guidance

The purpose of this guidance is to support local authority authorised officers in successfully implementing the Sunbeds (Regulation) Act 2010 (the Act), which comes into force on 8 April 2011.

The main purpose of the Act is to prevent the use of sunbeds on commercial business premises by children and young people under the age of 18.

The Act also contains powers for further regulation. The Welsh Assembly Government intends to introduce the Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011 in October 2011 to further regulate sunbed businesses in Wales. At this time, the Secretary of State for Health has not taken any steps to exercise the powers for further regulation in England.

This guidance has been developed by the Department of Health and the Welsh Assembly Government in consultation with Local Government Regulation, the Chartered Institute of Environmental Health, and the Health and Safety Executive.

## 2. Background to the legislation

The Sunbeds (Regulation) Act 2010 received Royal Assent in April 2010 and will come into force on 8 April 2011. The legislation was introduced into Parliament as a private Member's Bill sponsored by Julie Morgan, the then Member of Parliament for Cardiff North. The Bill received cross-party support.

The health case for this legislation is clear: skin cancer incidence is increasing. The main cause of skin cancer is over-exposure to ultraviolet (UV) rays. This may be from natural sunlight or artificial rays from the use of sunbeds and sunlamps. Skin cancer typically takes decades to develop, so may not become apparent until years after the damaging exposure.

Each year there are around 100,000 new cases of non-melanoma skin cancer in the UK. In the UK in 2007 there were over 84,500 non-melanoma incidences, but the majority would have been treatable. Malignant melanoma, however, is the most dangerous form of skin cancer as it can spread to other organs and is responsible for the most deaths from skin cancer. In 2007 there were over 10,670 incidences of malignant melanoma in the UK. Significantly, malignant melanoma is the second most common cancer in 15–24-year-olds in the UK.

Growing concerns about the association between skin cancer and sunbeds became evident in 2003 when the World Health Organization (WHO) issued *Artificial Tanning Sunbeds: Risks and Guidance*<sup>1</sup> to assist governments in developing public health policy on sunbeds. This highlighted the increasing evidence which showed that cumulative exposure to UV radiation increases the risk of skin cancers, so sunbed exposure added to natural sun exposure would increase the skin cancer risk. The guide also recognised the particular vulnerability of young skin and recommended that young people under 18 should not use sunbeds.

In June 2006 the Scientific Committee on Consumer Products (SCCP) to the European Commission issued an opinion warning of the risks to health of using sunbeds.<sup>2</sup>

It noted that the risk of melanoma seemed particularly high when sunbeds were used at a young age. The SCCP also recommended that those under 18 years should not use sunbeds. The European Union adopted the opinion, and the

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1 [www.who.int/uv/publications/en/sunbeds.pdf](http://www.who.int/uv/publications/en/sunbeds.pdf)

2 [http://ec.europa.eu/health/ph\\_risk/committees/04\\_sccp/docs/sccp\\_o\\_031b.pdf](http://ec.europa.eu/health/ph_risk/committees/04_sccp/docs/sccp_o_031b.pdf)

European Commission then called upon Member States to ensure the appropriate use of sunbeds.

The Committee on Medical Aspects of Radiation in the Environment, an independent expert advisory committee which provides advice to the Government, looked at the health effects and risks arising from exposure to UV radiation from sunbeds. Its report, *The Health Effects and Risks Arising from Exposure to Ultraviolet Radiation from Artificial Tanning Devices*,<sup>3</sup> published in June 2009, confirmed that UV radiation from sunbeds was capable of inducing skin cancer and that young people were particularly vulnerable. A main recommendation in its report was that the commercial use of sunbeds by persons aged under 18 should be prohibited.

In July 2009, the International Agency for Research on Cancer (IARC) Working Group, an intergovernmental agency of WHO concerned with research into the causes of cancer, raised its classification of sunbeds from 'probably carcinogenic to humans' to 'carcinogenic to humans' – the highest risk category.<sup>4</sup>

While the scientific evidence showed the link between sunbeds and skin cancer, behavioural studies commissioned by the Department of Health and the Welsh Assembly Government and undertaken by Cancer Research UK showed a worrying level of sunbed use by young people. The studies published in November 2009 showed that around 6% of 11–17-year-olds in England and 8.2% of 11–17-year-olds in Wales had used sunbeds. The mean age of first use was 14 years in England<sup>5</sup> and 15 years in Wales.<sup>6</sup>

Prior to the Act there was no legislation in England and Wales that provided specifically for the regulation of sunbeds and it was clear that voluntary regulation by the sunbed industry was not working. The Act seeks to prevent persons aged under 18 from using sunbeds. Businesses that offer sunbeds for use on their premises are banned from allowing persons aged under 18 to use, or have access to, their sunbeds, and from offering their sunbeds for use by persons aged under 18. The Act includes regulation-making powers that would allow the further regulation of sunbed use.

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3 [www.comare.org.uk/documents/COMARE13thReport.pdf](http://www.comare.org.uk/documents/COMARE13thReport.pdf)

4 [www.iarc.fr/en/media-centre/iarcnews/2009/sunbeds\\_uvradiation.php](http://www.iarc.fr/en/media-centre/iarcnews/2009/sunbeds_uvradiation.php)

5 [www.bmj.com/content/340/bmj.c877.full.pdf+html?sid=683b3594-5387-4579-8f43-f7d714e0dc30](http://www.bmj.com/content/340/bmj.c877.full.pdf+html?sid=683b3594-5387-4579-8f43-f7d714e0dc30)

6 <http://wales.gov.uk/topics/health/protection/environmental/publications/sunbed/?lang=en>

# 3. Duty on sunbed businesses

## Key definitions

### Sunbeds

The Act defines a sunbed as 'an electrically-powered device designed to produce tanning of the human skin by the emission of ultra-violet radiation'.

The definition includes:

- lie-down sunbeds;
- canopy sunbeds;
- vertical stand-in sunbeds;
- sun showers; and
- portable sun lamps.

However, this is not an exhaustive list and any electrically powered model that emits UV radiation to produce a tan is caught by the definition.

Electrically powered devices that may produce the appearance of tanning but that do not emit UV radiation (e.g. chemical spray tans) are not caught by the definition.

### Sunbed business

A sunbed business is a business that has sunbeds available for use on the business premises.

Where a business has sunbeds available but the sunbeds would not be used on the business premises, for example where they are **only** available for sale or hire, the business is not a sunbed business for the purposes of the Act.

Examples of sunbed businesses can include:

- sunbed parlours;
- beauty salons;
- leisure centre gyms;
- sports and fitness clubs;

- hotels; and
- holiday camps.

This list is not exhaustive. Any business that offers sunbeds for use on the premises is caught by the Act.

**There is no requirement for payment to be made, either directly or indirectly, for the use of the sunbeds in order for the business to come under the definition of a sunbed business.**

For the purposes of the Act, sunbed businesses can be fully staffed, partially staffed, coin-operated or unsupervised.

### Application of the duty

The Act imposes a duty on anyone involved in carrying on a sunbed business to ensure that no person under the age of 18 years:

- uses a sunbed (refer to the section 'Use of sunbeds' on page 7);
- is offered the use of a sunbed (refer to the section 'Offer of the use of a sunbed' on page 8); or
- is present in a restricted zone (refer to the section 'Restricted zone' on page 8).

However, the duty only applies on **relevant premises**.

In this guidance 'P' is used to refer to the person or persons involved in carrying on a sunbed business.

'Relevant premises' means premises that are:

- occupied by P; or
- under the management or control of P; and
- not domestic premises.

Relevant premises can be either fixed or mobile premises.

P does not need to occupy the whole of the premises. The premises may be occupied or under the management or control of P but may be an area within larger premises that are under different management.

P could therefore be:

- a sole trader (P) owning and managing a sunbed business, whether that business is exclusively about providing sunbeds for use on the premises or is about the provision of sunbeds for use on the premises together with other services or commodities; or
- a company (P) owning one or more sunbed businesses, with managers employed to run the business or businesses.

The Act also identifies that the offence can be committed by a body corporate. This is an organisation or group of persons that is identified by a particular name and that acts, or may act, as a recognised entity or legal person. This includes companies, associations, institutions, non-profit enterprises and public bodies.

Under the Act, senior officials of companies and organisations, such as directors, company secretaries and senior managers of sunbed businesses, can be held accountable where an offence by the body corporate has been proven. This applies where it can be shown that the offence has been committed with or through their:

- consent;
- connivance; or
- neglect.

### *Scenario 1*

Sunbed business C is owned by company A. A director of company A advises staff that they should allow anyone to use the sunbeds who is willing to pay. Customer B was 16 years old and used a sunbed at sunbed business C owned by company A. The incident was reported to the local authority by B's parents. Sunbed business C has committed an offence under the Act. As the director of company A was aware of and encouraged this behaviour, he has also committed an offence.

### **Use of sunbeds**

The purpose of the Act is to prevent the use of sunbeds by children and young people under 18 years on commercial business premises. 'Use' in this context applies to actual physical use of the sunbed.

### Offer of the use of a sunbed

The Act effectively prohibits children and young people from being offered the opportunity to use a commercial, on-premises sunbed by the owner or manager of a sunbed business or by any person on their behalf.

An offer for use is made if someone has indicated that they are prepared to make a sunbed available. It does not matter whether the offer is in return for payment, is complimentary (e.g. as part of a membership package such as for a leisure or fitness club), or is part of the services included by a hotel or holiday camp. Therefore, under-18s should have such complimentary facilities excluded from their membership or from the services available to them.

#### *Scenario 2*

D, who is 15 years old, asks at the reception of a sunbed business whether she can use a sunbed. She is told that she can. An offence has been committed whether or not D decides to proceed and use a sunbed.

#### *Scenario 3*

E, who is 16 years old, pays for the use of a sunbed. Before using the sunbed, E changes his mind. An offence has been committed because an offer has still been made.

### Restricted zone

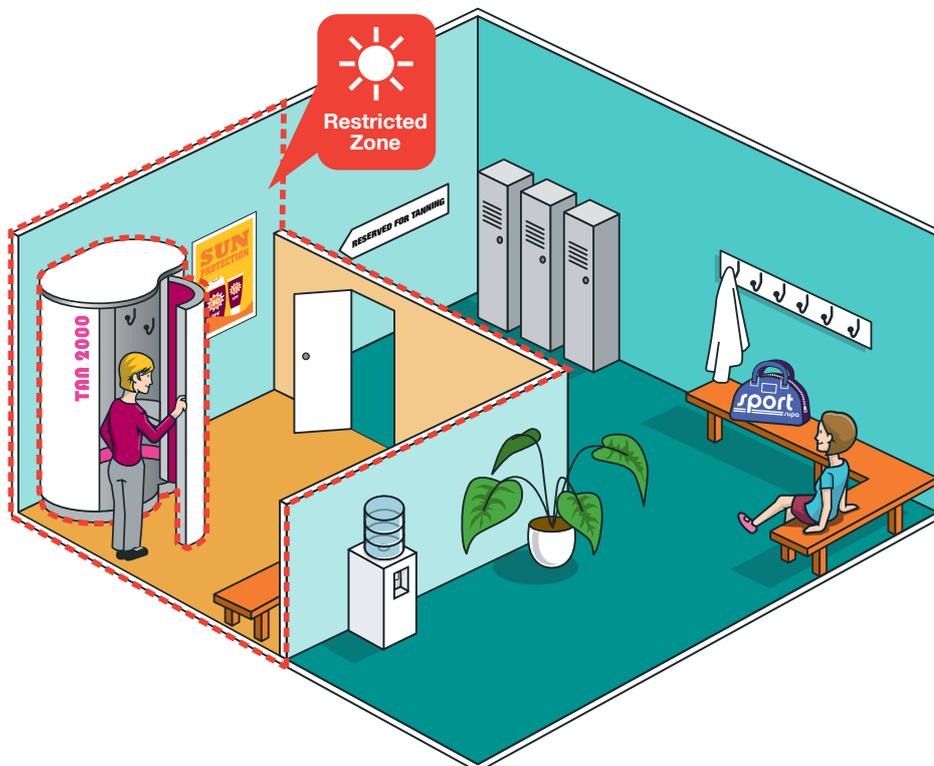
P must ensure that no person under the age of 18 is present in a restricted zone.

Where a sunbed is located in a wholly or partly enclosed space and that space is reserved for the users of that sunbed, every part of that space is a restricted zone.

The wholly or partly enclosed space could be a private room, changing cubicle, booth, cabin or pod, but this is not an exhaustive list. The space does not have to be created by a permanent or fixed structure. For example, where a sunbed is located in a room but a screen is drawn around the sunbed, the screen creates a partly enclosed space for the sunbed so only this space would be the restricted zone. This provides a simple and inexpensive option for sunbed businesses to create restricted zones within larger rooms.

### Scenario 4

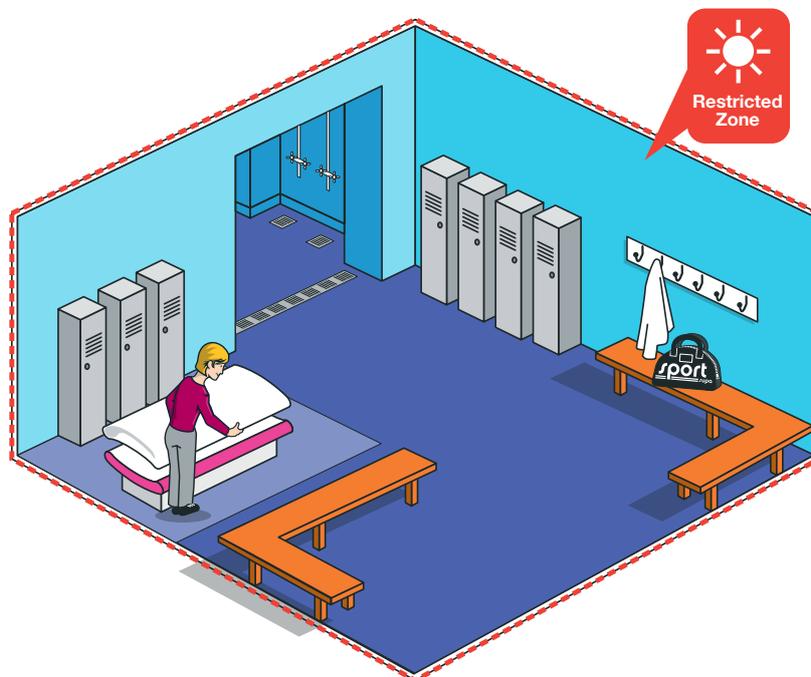
A cubicle-type sunbed is in a private room reserved for users of the sunbed. Two sisters, F who is 19 and G who is 17, both enter the private room. The private room is an enclosed space reserved for users of that sunbed and so the whole of the private room and the cubicle-type sunbed inside it are a restricted zone. An offence has been committed as G should not be present in a restricted zone.



Where a sunbed is located in a room but is not also located in a wholly or partly enclosed space which is reserved for the users of that sunbed, every part of the room is a restricted zone.

### Scenario 5

A leisure centre keeps a freestanding, open tanning canopy sunbed in the corner of its changing room. Using the sunbed involves lying below it on a sun lounger. The changing room is for use by all leisure centre users. The sunbed is not within a wholly or partly enclosed space within the changing room so the whole changing room is a restricted zone. A mother enters the changing room with her daughter, who is 3 years old. The whole of the changing room is a restricted zone so an offence has been committed.



There is a simple remedy to prevent an offence from being committed in Scenario 5: P could erect a partition between the sunbed and the rest of the changing room. The space enclosed by the partition would be a restricted zone. A person under 18 could then enter the changing room without an offence being committed as long as they did not go beyond the partition.

The partition would not have to be a fixed structure, but its design should be sufficient to provide an enclosed space reserved for the sunbed user and the entrance should be signposted to indicate that those under 18 are not permitted to enter.

### Scenario 6

A hotel keeps its sunbed in a room. The room also contains vending machines and toilets. The sunbed is not within a wholly or partly enclosed space within the room so the whole room is a restricted zone. The hotel must ensure that no person under the age of 18 enters the room, even if their intention is to use the toilets or buy from the vending machines.

### Scenario 7

A leisure centre keeps a cubicle-type sunbed in the corner of its canteen. The cubicle is fully enclosed and has a lockable door. It has space for disrobing and hanging clothes. The canteen is for use by all leisure centre users. The cubicle sunbed is a wholly or partly enclosed space within the canteen and is therefore a restricted zone. A father enters the canteen with his son, who is 10 years old. No offence has been committed as the canteen is not a restricted zone, only the sunbed cubicle.



### Exception

A person under the age of 18 is permitted to be present in a restricted zone where it is for the purpose of providing a service to P that relates to the sunbed business. These services may be provided by, for instance: a member of staff; or an agency employee; a self-employed person; an employee of a contractor carrying out work for the sunbed business; or a young person gaining work experience.

### *Scenario 8*

H, who is 16, has been hired by P to paint the premises. This requires H to enter a restricted zone. P has not committed an offence since H's presence in the restricted zone is in the course of providing a service to the sunbed business.

### *Scenario 9*

P asks J, an employee who is under 18, to use the sunbed to test that it works. An offence will not have been committed by virtue of J entering the restricted zone as he does so in the course of providing a service to P. However, an offence will have been committed because J has been allowed to use the sunbed.

## **Exemption for medical treatment**

A person under the age of 18 can use a sunbed if:

- the use is for the purpose of medical treatment;
- the treatment is provided under the supervision or direction of a registered medical practitioner;
- the sunbed is only available for use for the purposes of medical treatment (a dedicated sunbed); and
- the sunbed is in, or provided by, a healthcare establishment (as defined in the Act).<sup>7</sup>

**All** conditions need to be satisfied for the exemption to apply.

There is no definition of medical treatment and it will be for clinicians and registered medical practitioners to decide which treatments require the use of a sunbed.

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<sup>7</sup> 'Healthcare establishment' means:

(a) in England, a hospital as defined by section 275 of the National Health Service Act 2006; and  
(b) in Wales, a hospital as defined by section 206 of the National Health Service (Wales) Act 2006 or an independent hospital, independent clinic or independent medical agency within the meaning of the Care Standards Act 2000.

### Scenario 10

K, who is 17 years old, uses a sunbed located within a hospital complex. The hospital provides the sunbed but it is also available for cosmetic purposes. The exemption does not apply because this is not a dedicated sunbed solely for hospital treatment services. This is the case even where K is using the sunbed for medical treatment under the supervision of a registered medical practitioner.

## Defence

The strictness of the duty means that even if one under-18-year-old has slipped through and used or accessed a sunbed in the restricted zone an offence has been committed. However, the Act offers a defence if the person who has committed the offence shows that all reasonable steps were taken to prevent commission of the offence and that these were being properly carried out.

*Information for Sunbed Businesses*, the guidance for sunbed businesses which accompanies this document, sets out examples of reasonable precautions and due diligence that P could take. These include:

- examples of acceptable evidence of identity to ensure that a sunbed user is over 18 years of age; and
- examples of management controls.

Although not prescribed by the Act, the following documents could reasonably be used by P to check the age of the user:

- a passport;
- a European Union photocard driving licence; or
- a photographic identity card bearing the national Proof of Age Standards Scheme (PASS) hologram.

The following procedures may be used by P to assist with compliance with the Act:

- Train and advise staff on how to check the age of users, including the types of document that can be used to prove age.
- Have written procedures for staff for dealing with people who may be under 18, train staff in these procedures and keep records of this training.

- Keep a written record of any incident (and outcome) where a member of staff challenges a potential user about their age.
- Maintain written records for each user for each session.
- Use till prompts for sunbed use transactions, if the facility is available.
- Display prominent and clear notices that no under-18s are permitted to use sunbeds.
- Display prominent notices by the restricted zone that no under-18s may enter the zone.
- Have a system in place to check that under-18s have not entered the restricted zone.
- Ensure when sunbed facilities are provided as part of a membership package, such as at a leisure centre or fitness club, that access to sunbeds is excluded from the membership package for under-18s.
- Provide information on restricted services in brochures and service directories.
- Train and advise staff who are under the age of 18 on the requirement not to use sunbeds (and explain that this is not affected by the fact that they can be present in a restricted zone).

# 4. Enforcement

## Local authorities

The local authorities responsible for enforcing this Act are:

- in England:
  - a district council;
  - a county council (for an area where there is no district council);
  - a London borough council;
  - the Common Council of the City of London in its capacity as a local authority;
  - the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple; and
  - the Council of the Isles of Scilly;
- in Wales, a county council or county borough council; and
- a port health authority, to the extent that a local authority's functions under the Act are assigned to it.

## Authorised officers

Local authorities will need to appoint appropriate authorised officers to carry out duties to secure compliance with the Act.

An 'authorised officer' means all those officers who have been authorised by a local authority to undertake the work of securing compliance with the Act.

Existing officers who are experienced in carrying out enforcement duties in relation to businesses, such as environmental health officers, could carry out this work and could incorporate this work into their other inspection activities.

Officers will need to be authorised under the Act in accordance with their normal local authority procedures.

## Inspection

Authorised officers have the right to enter premises which they believe are sunbed businesses and carry out inspections. This does not include domestic premises.

Inspections by authorised officers will be either:

- reactive, i.e. in response to a complaint; or
- proactive, i.e. compliance visits to check awareness of and compliance with the Act as part of a risk-based approach.

Local authorities will need to decide how they deal with complaints and intelligence they receive from various sources.

It will be appropriate for proactive and reactive inspections to be carried out as part of other compliance work. Authorised officers will not need to give notice of their inspection visits for the purposes of this Act.

Authorised officers have the right to require the production of, and to inspect, any book, document or record and take copies and extracts as appropriate. They can also take possession of any book, document or record and retain it for as long as they consider necessary.

'Book, document or record' includes customer records, appointment books and CCTV footage, but this list is not exhaustive.

An authorised officer has the right to require any person to provide any facilities, assistance or information which the authorised officer reasonably requires of the person for the performance of their functions.

Authorised officers must produce their written authority, on the request of a sunbed business, before they enter any premises.

### **'Test purchasing'**

Generally it is envisaged that enforcement of the Act can be achieved without the use of juvenile test purchasing but that in a minority of cases it may be appropriate.

The Schedule to the legislation indicates that '[a]n authorised officer may make such purchases and secure the provision of such services as the officer considers necessary for the purpose of proper exercise of the officer's functions under this Act'. This would allow authorised officers to utilise the services of a suitable person under the age of 18 to enter a sunbed business to make a test purchase by trying to procure an 'offer' for the use of a sunbed.

It is neither appropriate nor necessary for an authorised officer to ask an under-18-year-old to attempt to use a sunbed.

### Scenario 11

A local authority receives a complaint that a sunbed business is letting under-18-year-olds use sunbeds on its premises. The authorised officer undertakes a risk assessment and, using the test-purchasing powers under the Act, asks a suitable 16-year-old volunteer, L, to enter the sunbed business to secure the provision of services. L asks to use a sunbed, is given a positive response and is allowed to pay the operator of the business, so an offer has been made. L does not use a sunbed.

There may be certain instances where the authorised officer asks the person under 18 to try to access the restricted zone, for example where the procurement of the offer takes place within the restricted zone. Any test purchase carried out within a restricted zone should be carefully risk assessed for the likelihood of exposure to UV radiation, and the under-18-year-old should be instructed not to attempt to use the sunbed. If an offer to use a sunbed has been made outside the restricted zone then an offence has already been committed under the Act and it would not be necessary for the under-18 to enter the restricted zone.

### Scenario 12

A local authority receives a complaint that an unattended sunbed business that has coin-operated sunbed booths has let under-18-year-olds use sunbeds on its premises. The authorised officer undertakes a risk assessment and asks a suitable 16-year-old volunteer, M, to enter the sunbed business under their power to secure the provision of services. M is able to enter the sunbed booth so is present in a restricted zone. M does not put coins into the machine or attempt to use the sunbed.

Further guidance on the wider application of test purchasing can be found in *A Practical Guide to Test Purchasing* published by Local Government Regulation (formerly Local Authorities Coordinators of Regulatory Services – LACORS).<sup>8</sup> The guidance provides practical advice for those organisations involved in the conduct of test-purchasing operations involving young people and age-restricted products. It is to be noted that test purchasing in relation to the Act is procuring a service.

<sup>8</sup> [www.lacors.gov.uk/lacors/upload/23992.pdf](http://www.lacors.gov.uk/lacors/upload/23992.pdf)

## 5. Further offences

When inspections and investigations of sunbed businesses are taking place, it is expected that the majority of sunbed businesses will cooperate with the authorised officer.

However, where the authorised officer is prevented through obstructive activity from fulfilling the necessary tasks to complete the inspection or investigation, the person causing this obstruction commits an offence under the Act, unless they have a reasonable excuse for their behaviour.

There is no specific definition of 'reasonable excuse', and what is reasonable may vary from person to person and depend on the particular circumstances of a case.

An offence is committed by any person who fails (without reasonable excuse) to meet an authorised officer's requests for facilities, assistance or information to help them carry out their function under the Act:

- Offer any facilities – this might include an area in which to sit and check records, or access to equipment to view CCTV footage.
- Provide assistance – this might involve showing where information is held or demonstrating how equipment operates.
- Give information – this might include responding to questions or providing requested information.

It is also an offence for any person to make a false or misleading statement that relates to the inspection or investigation where it is made:

- deliberately; or
- carelessly, with a lack of concern.

The offence carries a fine not exceeding level 5 on the standard scale (currently £5,000).

## 6. Health and Safety Executive

The Health and Safety Executive (HSE) is not responsible for enforcing the Act but will fully support its aims by raising awareness of the requirements of the legislation, including among local authorities that operate sunbeds (for example within local authority leisure centres).

HSE will continue to enforce the Health and Safety at Work etc. Act 1974 (HSWA) in respect of persons or bodies that carry out a sunbed business for those premises that fall to it for enforcement of the HSWA (i.e. local authority leisure centres).

HSE inspectors will assist local authorities by:

- drawing any obvious breach of the legislation to the attention of employers; and
- if appropriate, notifying local authorities of breaches that require further action.

HSE will also provide information to assist in understanding the requirements of the Act or advising where information and advice can be obtained.

Further information on the safety of sunbeds is available from HSE in the leaflet *Reducing Health Risks from the Use of Ultraviolet (UV) Tanning Equipment*<sup>9</sup> and its accompanying poster.<sup>10</sup>

The HSE guidance covers areas that may reduce the health risks from the use of UV tanning equipment, such as:

- the importance of correctly identifying skin types, especially of those people who should not use a sunbed;
- following the advice given by manufacturers on the correct operation of UV tanning equipment, including use of the correct lamps; and
- not using cosmetics, deodorants or accelerants while tanning.

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9 [www.hse.gov.uk/pubns/indg209.pdf](http://www.hse.gov.uk/pubns/indg209.pdf)

10 [www.hse.gov.uk/pubns/misc869.pdf](http://www.hse.gov.uk/pubns/misc869.pdf)

## 7. Useful links

- Cancer Research UK, <http://info.cancerresearchuk.org/cancerstats/types/skin/sunbeds>
- Chartered Institute of Environmental Health, 'Skin cancer and sunbeds', [www.cieh.org/policy/skin\\_cancer\\_sunbeds.html](http://www.cieh.org/policy/skin_cancer_sunbeds.html)
- Committee on Medical Aspects of Radiation in the Environment, *The Health Effects and Risks Arising from Exposure to Ultraviolet Radiation from Artificial Tanning Devices*, [www.comare.org.uk/documents/COMARE13thReport.pdf](http://www.comare.org.uk/documents/COMARE13thReport.pdf)
- Health and Safety Executive, *Reducing Health Risks from the Use of Ultraviolet (UV) Tanning Equipment*, [www.hse.gov.uk/pubns/indg209.pdf](http://www.hse.gov.uk/pubns/indg209.pdf), and accompanying poster, [www.hse.gov.uk/pubns/misc869.pdf](http://www.hse.gov.uk/pubns/misc869.pdf)
- International Agency for Research on Cancer Working Group, [www.iarc.fr/en/media-centre/iarcnews/2009/sunbeds\\_uvradiation.php](http://www.iarc.fr/en/media-centre/iarcnews/2009/sunbeds_uvradiation.php)
- Local Government Regulation, [www.lacors.gov.uk/lacors/upload/23992.pdf](http://www.lacors.gov.uk/lacors/upload/23992.pdf)
- Scientific Committee on Consumer Products to the European Commission, *Opinion on Biological Effects of Ultraviolet Radiation Relevant to Health with Particular Reference to Sunbeds for Cosmetic Purposes*, [http://ec.europa.eu/health/ph\\_risk/committees/04\\_sccp/docs/sccp\\_o\\_031b.pdf](http://ec.europa.eu/health/ph_risk/committees/04_sccp/docs/sccp_o_031b.pdf)
- South West Public Health Observatory, *Sunbed Outlets and Area Deprivation in the UK*, [www.swpho.nhs.uk/resource/item.aspx?RID=68377](http://www.swpho.nhs.uk/resource/item.aspx?RID=68377)
- World Health Organization, *Artificial Tanning Sunbeds: Risks and Guidance*, [www.who.int/uv/publications/en/sunbeds.pdf](http://www.who.int/uv/publications/en/sunbeds.pdf)

# Annex 1: Summary of offences under the Act

Offence	Statutory defence	Maximum fine
<p><b>Section 2(1)(a)*</b> A person who carries on a sunbed business ('P') must secure that no person aged under 18 uses on relevant premises a sunbed to which the business relates</p>	It is a defence for a person ('D') charged with this offence to show that they took all reasonable precautions and exercised all due diligence to avoid committing it	<b>£20,000</b>
<p><b>Section 2(1)(b)*</b> A person who carries on a sunbed business ('P') must secure that no offer is made by P or on P's behalf to make a sunbed to which the business relates available for use on relevant premises by a person aged under 18</p>	It is a defence for a person ('D') charged with this offence to show that they took all reasonable precautions and exercised all due diligence to avoid committing it	<b>£20,000</b>
<p><b>Section 2(1)(c)*</b> A person who carries on a sunbed business ('P') must secure that no person aged under 18 is at any time present, otherwise than in the course of providing services to P for the purposes of the business, in a restricted zone</p>	It is a defence for a person ('D') charged with this offence to show that they took all reasonable precautions and exercised all due diligence to avoid committing it	<b>£20,000</b>
<p><b>Section 8</b> (1) A person who without reasonable excuse obstructs an authorised officer, acting in the exercise of the officer's functions under this Act  (2) A person who without reasonable excuse fails to give to an authorised officer, acting in the exercise of the officer's functions under this Act, any facilities, assistance or information which the authorised officer reasonably requires of the person for the performance of those functions  (3) A person ('P') commits an offence if, in purported compliance with any requirement of an authorised officer mentioned in subsection (2)—  (a) P makes a statement which is false or misleading in a material respect, and  (b) P either knows that it is false or misleading or is reckless as to whether it is false or misleading</p>	<b>No statutory defence (i.e. none specified on the face of the Act)</b>	<b>Level 5 (currently £5,000)</b>
<p>* Exemption applies for medical treatment if the use is for the purpose of medical treatment provided under the supervision or direction of a registered medical practitioner and the sunbed is a dedicated sunbed in, or provided by, a healthcare establishment</p>		

References to 'P' in the Offence column and 'D' in the Statutory defence column are from the Sunbeds (Regulation) Act 2010. For the purposes of the Act, a person ('P') become a defendant ('D') when charged.



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