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Welsh Government

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The Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011

Questions and Answers
to assist businesses



Questions and Answers

What does the law require?

From 8 April 2011 the Sunbeds (Regulation) Act 2010 prevents the use of sunbeds on commercial business premises by children and young people under the age of 18.

From 31 October 2011 the Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011 places additional controls on sunbed use in Wales.

What will the new law require from 31 October 2011?

The new law will apply to businesses that provide sunbeds for use on the business's premises. It will:

- require the supervision of sunbed use that takes place on the business's premises;
- prevent the use of sunbeds by children and young people under the age of 18 where the business operates from domestic premises;
- require specified health information about sunbed use to be provided to users; and
- require the use of protective eyewear.

In addition the new law prohibits the sale or hire of sunbeds to children and young people under the age of 18.

What happens if a business fails to comply with the requirements; or a child or young person under the age of 18 is sold or hired a sunbed?

Failure to comply with the new law is a criminal offence that carries a maximum fine of £5,000.

The new law provides that the person who owns the business is the person who has committed the offence – not employees of that person who may, for example, be the supervisor (see below).

Does the new law apply to all sunbed businesses?

Yes, even those who offer complementary sunbed use e.g. as part of the hotel package.

Do the regulations apply if an individual is not charged to use a sunbed?

Yes, there is no requirement for payment to be made, either directly or indirectly, for the use of the sunbeds in order for a business that provides sunbeds to fall within the scope of the new law.

What happens if someone under 18 years of age uses the sunbed outside of business working hours?

This will be a failure to comply with the new law and therefore a criminal offence.

Does a business owner always have to be at the premises during business working hours?

No, but a supervisor must be present any time a person uses a sunbed or visits the premises to use a sunbed.

Who is the supervisor?

A supervisor can be the person who carries on the business or an employee or agent of that person.

Does the owner or supervisor need specific training?

No, but the supervisor must be competent to supervise as required by the new law.

Can a supervisor continue to undertake additional duties while a customer is seeking to use a sunbed e.g. offering manicures?

Yes, but the supervisor must meet the responsibilities placed on them in order to comply with the new law.

What must a supervisor do?

In summary, a supervisor must:

- verify that users are aged 18 or over;
- assist users to assess their skin type;
- provide guidance to users on use of the sunbed;
- advise users about the safe operation of the sunbed;
- provide users with specified health information; and
- provide and ensure, as far as possible, users use protective eyewear.

How does a supervisor verify someone's age?

This is not set out in the new law. A supervisor could request the following documents to verify the age of the user:

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

It is a criminal offence if a child or young person aged under 18 uses a sunbed. It is not enough for the supervisor to conclude that the young person looks to be over 18. All reasonable precautions must be taken to avoid committing an offence.

Does a supervisor need to provide the prescribed health information to a customer each time they visit?

Yes, the information must be provided every time the person proposes to use the sunbed on the premises.

Can you display other information relating to health in premises offering sunbeds?

No, sunbed businesses must not provide or display any material containing statements relating to the health effects of sunbeds. This includes statements that sunbeds 'boost Vitamin D levels, enhance your immune system or improve skin conditions'.

Who is responsible for enforcing the new law?

Local authorities enforce the new law in their respective areas.

Where can I get more information?

Detailed guidance is available for businesses and the public: www.wales.gov.uk/health; or advice can be obtained from your local authority.