

### Sunbeds

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#### **This guidance is for England**

The risks to health caused by over-exposure to ultraviolet (UV) rays from sunlight and the use of sunbeds are well documented. The risks are greater for those over-exposed to UV rays at a young age. It is for this reason that the Sunbeds (Regulation) Act 2010 imposes duties on those who operate sunbed businesses to prevent sunbed use by children.

If you own, manage or have control over a sunbed business, you should have effective systems in place to avoid committing an offence.

#### **The law**

If you own a tanning salon where sunbeds are available for use on the premises, or a business - such as a beauty salon, fitness centre or hotel - where sunbeds that are under your management or control are available for use on the premises, then the Sunbeds (Regulation) Act 2010 applies to you.

The Act was introduced in recognition of the fact that young people are at greater risk of developing skin cancer from over-exposure to UV rays. A person who has a sunbed business is legally required to prevent sunbed use by children.

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". Vertical tanning booths, lie-flat sunbeds, canopy sunbeds,

sun showers and sun lamps are all examples of what the law considers a sunbed.

There is no requirement for payment to be made for the use of sunbeds in order to satisfy the definition of a sunbed business. The Act does not apply to sunbeds in the home.

## Requirements

Under the Act a person who carries on a sunbed business in premises they occupy, manage or have control over (referred to as 'relevant premises') must make sure that:

- no one under 18 uses a sunbed on relevant premises to which the business relates
- no offer is made by, or on behalf of, the sunbed business to make a sunbed available for use on relevant premises to a person under 18
- no person under 18 is present at any time in a restricted zone\* unless they are providing services to the sunbed business - for example, if they are an employee

[\*A 'restricted zone' is a wholly or partly enclosed space (for example, a partitioned area) within relevant premises where the sunbed is located and which is reserved for people who are using that sunbed. If the sunbed is located in a room, but not within a wholly or partly enclosed space within that room, then the entire room is classed as a restricted zone.]

## Exemption for medical treatment

A person under 18 can use a 'dedicated sunbed' (one that is used only for medical treatment) if it is for the purpose of medical treatment under the supervision and direction of a registered medical practitioner and is located in, or provided by, a healthcare establishment. The Act has a specific definition of what 'healthcare establishment' means.

## Defence

If you are charged with an offence under this Act, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing it. Note the exemption for medical treatment, which is explained above.

## Keeping within the law

It is your responsibility if you own, manage or have control over a sunbed business to ensure that no one under 18 uses or is offered the use of a sunbed. In order to keep within the law and therefore satisfy the legal defence, you should introduce an age-verification policy and have effective systems in place to prevent use by under-18s. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, or to keep pace with any advances in technology.

Key best practice features of an effective system include the following.

## Age verification checks

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the National Police Chiefs' Council support the UK's national [Proof of Age Standards Scheme \(PASS\)](#), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age.

A passport or a UK photocard driving licence is also acceptable but make sure that the card matches the person using it and the date of birth shows they are 18 or over. Military identification cards can be used as proof of age but, as with other forms of identification, make sure the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17-year-old service people.

You do not have to accept all of the above forms of identification and it may be best to exclude any type of document that your staff are not familiar with.

Some young people may present false identification cards so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

If the person cannot prove that they are at least the minimum legal age - or if you are in any doubt - the service should be refused.

Please see the Home Office [False ID Guidance](#) for more information.

## Operate a Challenge 21 or Challenge 25 policy

This means that if the person appears to be under 21 or 25, they will be asked to verify that they are 18 or over by showing valid proof of age.

## Staff training

Make sure your staff are properly trained. They should know that the use of sunbeds is age restricted, what the age restriction is and the action they must take if they believe a person under 18 is attempting to use the service. It is important that you can prove your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking your staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner.

## Maintain a refusals log

All refusals should be recorded (date, time, incident, description of potential buyer). Maintaining a refusals log will help to demonstrate that you actively refuse sales and have an effective system in place. Logs should be checked by the manager / owner to ensure that all members of staff are using them.

A specimen [refusals log](#) is attached.

Some tills have a refusals system built in. If using a till-based system, you should ensure that refusals can

be retrieved at a later date. You should also be aware that some refusals are made before a product is scanned.

## **Till prompts**

If you possess an EPoS system then it may be possible to use it to remind staff of age restrictions via a prompt.

## **Signage**

Notices should be displayed stating that no one under 18 can use a sunbed and that no one under 18 can enter a restricted zone (see exceptions for employees etc). This would then deter potential users and act as a reminder to members of staff.

If there is still doubt, do not allow the person to use the sunbed and do not allow them entry to a restricted zone.

If you employ members of staff who are under 18, you must ensure they do not use the sunbeds, even if they are allowed in a restricted zone.

## **Further information**

The Department of Health and Social Care has produced [guidance](#) on the law relating to sunbeds, which is available on the GOV.UK website.

Visit the '[Are sunbeds safe?](#)' page on the NHS website for more information on sunbed use.

## **Trading Standards**

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see '[Trading Standards: powers, enforcement and penalties](#)'.

## **In this update**

No major changes.

Last reviewed / updated: March 2023

## **Key legislation**

[Sunbeds \(Regulation\) Act 2010](#)

## Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links often only shows the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on changes to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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