businesscompanion
trading standards law explained

Sunbeds

In the guide

The law
Requirements
Defence
Keeping within the law
- Age verification checks
- Operate a Challenge 25 policy
- Staff training
- Maintain a refusals log
- Till prompts
- Signage and documentation

Trading Standards
In this update
Key legislation

In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

This guidance is for Scotland

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 Public Health etc (Scotland) Act 2008 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 are advised to 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 Public Health etc (Scotland) Act 2008 applies to you. It also

applies if you sell or hire sunbeds.

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 being "an electrically-powered device designed to produce tanning of the skin by the emission of artificial ultraviolet radiation"; 'sunbed premises' are defined as "premises in which persons are permitted to use a sunbed for payment". 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 also applies to sunbeds that are hired for use in the home.

Requirements

The Public Health etc (Scotland) Act 2008:

- prohibits operators from allowing under-18s to use sunbeds on their premises
- prohibits operators from allowing unsupervised sunbed use on their premises
- prohibits the sale and hire of sunbeds to under-18s
- requires operators of sunbed premises to provide prescribed information to a person each time that person proposes to use a sunbed
- requires operators of sunbed premises to display a prescribed information notice in a position where it is readily visible to persons proposing to use a sunbed

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.

Keeping within the law

If you own, manage or have control over a sunbed business, it is your responsibility to ensure that no one under the age of 18 uses or is offered the use of a sunbed. This also applies if you sell or hire a sunbed.

In order to keep within the law and satisfy the legal defence, you are advised to introduce an age-verification policy and have effective systems in place to prevent use by under-18s. To ensure these systems stay effective, they need to be regularly monitored and updated (where necessary) to identify and put right any problems or weaknesses, and 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 Scottish Government and Police Scotland 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. The Scottish Government also endorses the Young Scot card.

A passport, photocard driving licence, Ministry of Defence form 90, European Union national identity card or a biometric immigration document is also acceptable, but make sure that the card matches the person using it and that the date of birth shows they are at least the minimum age of 18.

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, refuse the service.

Operate a Challenge 25 policy

This means that if the person appears to be under the age of 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 need to 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 the age of 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 can then be checked and signed on a regular basis by management or the owner.

Maintain a refusals log

It is best practice to record all refusals (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. It is advisable that the manager / owner checks the log to ensure that all members of staff are using it.

A specimen refusals log is attached.

Some tills have a refusals system built in. If you use a till-based system, ensure that refusals can be retrieved at a later date. Be aware that some refusals are made before a product is scanned.

Till prompts

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

Signage and documentation

A notice should be displayed where sunbeds are available for hire or sale, stating that no one under the age of 18 can use a sunbed. This would then deter potential users and act as a reminder to members of staff.

There is no set text for this notice, but it should be something like the following.

WARNING

No person under the age of 18 may use a sunbed on these premises

You must also display the following notice, with this exact text. It must be at least A3 in size, printed in black characters at least 20 mm in size, on a yellow background.

HEALTH WARNING

Sunbed use may damage your skin and will increase your risk of skin cancer

Finally, you must provide your customers with the following document. It must be at least A5 in size, printed in black characters that can be easily read, on a yellow background.

HEALTH WARNING
INFORMATION FOR SUNBED USERS

You should be aware that using sunbeds may harm your health in the long term. They have been linked to:

- a significantly higher risk of skin cancer, including malignant melanoma (the most serious form of skin cancer)
- eye damage, including a higher risk of cataracts - if appropriate eye protection is not worn
- accelerated skin damage, including premature ageing of the skin

These health risks outweigh any potential benefits in using sunbeds to supplement Vitamin D.

There are also short term health effects:

- sunburnt skin, which may become red, painful and blister
- skin dryness
- an itchy 'heat' rash
- eye irritation or conjunctivitis if appropriate eye protection is not worn

You may be at increased risk from sunbed use if you:

- have a history of skin cancer or someone in your close family has a history
- have fair or sensitive skin that burns easily in sunlight
- have a history of sunburn especially in childhood

- have a large number of freckles and/or red hair
- have a large number of moles
- already have skin damage due to sunlight
- have a medical condition that is made worse by sunlight
- are taking medication or using certain creams that may sensitise the skin to sunlight
- have an immune system which is suppressed

Maintain written records for each user of a sunbed and ask them to sign to acknowledge that they have received the required information.

If there is still doubt, do not allow the person to use, purchase or hire the sunbed and do not allow them entry to the premises.

If you employ members of staff who are under the age of 18, you must ensure they do not use the sunbeds.

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: October 2025

Key legislation

- Public Health etc (Scotland) Act 2008
- Public Health etc (Scotland) Act 2008 (Sunbed) Regulations 2009

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 go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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