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Sunbeds (Regulation) Act 2010:



Guidance on the implementation of the
Sunbeds (Regulation) Act 2010
Information for Sunbed Businesses

This document was developed in association with the Department of Health.

Information for sunbed businesses

On 8 April 2011, sunbed use on commercial business premises in England and Wales will be regulated by new legislation – the Sunbeds (Regulation) Act 2010 (the Act). The requirements of the new law are in addition to your existing responsibilities under health and safety legislation or any requirements under local licensing.

The aim of this information sheet is to help sunbed businesses to comply with the new law when it comes into effect on 8 April. If you are in any doubt about your legal obligations, you should seek your own independent legal advice or consult your local authority.

The Act will apply to you if you offer sunbeds for use on premises which are occupied by you or are under your management or control. The Act will not apply to you if the premises are used wholly or mainly as a private home.

Under the Act, you will be required to ensure that no person under the age of 18 years:

- uses a sunbed;
- is offered the use of a sunbed; or
- is present in a **restricted zone**.

Use of a sunbed

The purpose of the Act is to prevent the use of sunbeds on commercial business premises by children and young people under 18 years. '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 a person 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 package or from the services available to them.

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**.



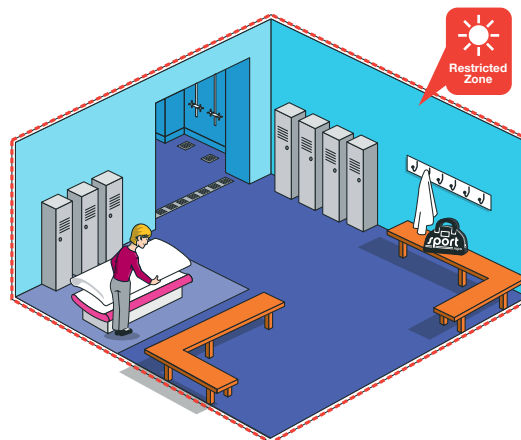
The cubicle sunbed is a wholly or partly enclosed space within the canteen and is therefore a restricted zone.

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



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.

All the space around a sunbed is part of the **restricted zone**. This can mean that even if a sunbed is in only one corner of a large, open-plan area, that whole area counts as a restricted zone. There are some simple and inexpensive ways to limit the restricted zone that do not involve building new walls – for example, the use of screens around the sunbed will limit the restricted zone to the screened area.



The sunbed is not within a wholly or partly enclosed space within the changing room so the whole changing room is a restricted zone.

Proof of age

Although not prescribed by the Act, the following documents could be used 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.

Management controls

The way in which you comply with the law will be for you to decide but introducing the following procedures may assist you in this process:

- 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 advising 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).

In most cases, failure to comply with the Act is a criminal offence. There is a penalty of up to £20,000.

For further information, please refer to the main guidance document, *Sunbeds (Regulation) Act 2010: Guidance on the implementation of the Sunbeds (Regulation) Act 2010*.