

3 IMPLEMENTATION OF PART 8 OF THE PUBLIC HEALTH ETC (SCOTLAND) ACT 2008 AND THE PUBLIC HEALTH ETC (SCOTLAND) ACT 2008 (SUNBED) REGULATIONS 2009 (AN3-2010)

New sunbed laws that regulate the use, sale and hire of sunbeds came into effect on 1st December, 2009. From that date it became illegal for sunbed operators to allow unsupervised use of sunbeds, to allow persons under 18 to use a sunbed and to sell or hire sunbeds to persons under 18.

Operators must also display a Health Notice in their premises and provide customers with information about the health effects of sunbed use. An agenda note was previously submitted to Committee on 25th August, 2008 (AN145-2008) advising of the new powers contained in the Act. Authorised officers in EHTS have been checking that sunbed operators are displaying Notices, which provide information to patrons, and are taking reasonable steps to check a person's age and prohibiting the use of sunbeds by persons under 18.

The Act provides for seven offences in relation to the operation of sunbed premises and one offence in relation to the sale or hire of sunbeds.

In relation to the operation of sunbed premises the offences are:

- allowing a person under 18 to use a sunbed;
- allowing a person to use a sunbed without supervision;
- failure to provide prescribed information to sunbed users;
- intentionally obstructing an officer in entering and inspecting premises (or dwelling houses, if appropriate and relevant);
- failure to comply with a requirement for the production of records and information;
- failure to provide the name and address of the operator of the premises.

In relation to the sale or hire of sunbeds the offence is:

- selling or hiring a sunbed to a person who is under 18.

Enforcement officers may issue a Fixed Penalty Notice if they have reason to believe that a person is committing or has committed an offence. The current amounts which will be applied for each of the offences varies from £50 - £100.

Should a person who has received a fixed penalty notice fail to pay the fixed penalty notice by the end of the 28 day period, then the person will be reported to the Procurator Fiscal. There is no provision in the Act for the local authority to enforce the unpaid fixed penalty by means of Sheriff Officers.