POLICY NOTE

THE PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008 (SUNBED) AMENDMENT REGULATIONS 2013

SSI 2013/201

The above instrument was made in exercise of the powers conferred on Scottish Ministers by sections 95(4)(c) and 96(5)(c) of the Public Health etc. (Scotland) Act 2008(a) and all other powers enabling them to do so. The instrument is subject to negative resolution procedure.

Policy Objectives

The instrument expands the list of prescribed documents that may be accepted by operators as proof of a person's age before the person is permitted to use sunbeds.

It is an offence for an operator of sunbeds, without reasonable excuse, to allow a person who is under 18 to use, hire or purchase a sunbed. However, it is a defence if the operator (or an employee or agent of the operator) took all reasonable steps to establish the customers age and has been shown a proof of age document which Scottish Ministers have listed as being acceptable.

At present, the documents which can be used as proof of age are:

- a passport;
- an EU photocard driving licence; and,
- a photographic identity card bearing the national Proof of Age Standards Scheme hologram.

This instrument prescribes additional documents which are:

- Ministry of Defence Military Identity Cards;
- European Union Identity Cards; and
- Biometric Residence Permits.

These additional documents will allow those who may not be in possession of other forms of identification with a means to prove their age in order to use, hire or purchase sunbeds.

Public Consultation

A public consultation was conducted in 2012. Views were received from retailers, licensing authorities and others with an interest. Representations were received from EU countries whose citizens can visit Scotland without a passport and therefore may not have ready access to any of the existing acceptable forms of identification.

Financial Effects

The order will not have financial effects for the Scottish Government and we do not anticipate costs for enforcement. Operators may face additional costs in training staff in the additional acceptable forms of identification. It will be a commercial decision for them to decide upon the level of training required.

Scottish Government
CMO and Public Health Directorate
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