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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 388**

**PUBLIC HEALTH**

**The Public Health etc. (Scotland)  
Act 2008 (Sunbed) Regulations 2009**

*Made - - - - 5th November 2009*  
*Laid before the Scottish*  
*Parliament - - - - 9th November 2009*  
*Coming into force - - 1st December 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 95(4)(c), 96(5)(c), 100(5) and 101(4) of the Public Health etc. (Scotland) Act 2008<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 122(3) of that Act they have consulted such persons as they consider appropriate.

**Citation and commencement**

1. These Regulations may be cited as the Public Health etc. (Scotland) Act 2008 (Sunbed) Regulations 2009 and come into force on 1st December 2009.

**Prescribed documents**

2. The description of document prescribed<sup>(2)</sup> for the purposes of sections 95(4)(c) and 96(5)(c) of the Public Health etc. (Scotland) Act 2008 (documents establishing a person's age) is a photographic identity card bearing the national Proof of Age Standards Scheme<sup>(3)</sup> hologram.

**Provision of health information**

3. Information provided to a person who proposes to use a sunbed on sunbed premises shall be provided in a document which—

- (a) contains the information set out in Schedule 1;
- (b) is at least A5 in size; and

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(1) 2008 asp 5.

(2) See section 124 for the meaning of "prescribed".

(3) The national Proof of Age Standards Scheme is run by PASSCO, company number 4570623, a company limited by guarantee with its registered office at 21 Dartmouth Street, London SW1 9BP.

(c) is printed in black characters, which can easily be read, on a yellow background.

**Display Notice**

4. A notice displayed in sunbed premises shall—
- (a) contain the information set out in Schedule 2;
  - (b) be at least A3 in size; and
  - (c) be printed in black characters, at least 20 millimetres in size, on a yellow background.

St Andrew's House,  
Edinburgh  
5th November 2009

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

## SCHEDULE 1

(Regulation 3)

### 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 of harm 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.

## SCHEDULE 2

(Regulation 4)

### “HEALTH WARNING

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision under Part 8 of the Public Health etc. (Scotland) Act 2008 in relation to the regulation of provision of sunbeds.

Regulation 2 provides that a photographic identity card bearing the national Proof of Age Standards Scheme hologram is a prescribed document for establishing proof of age for the purposes of sections 95(4) and 96(5) of the Act.

Regulation 3 prescribes the health information which must be provided in terms of section 100 of the Act by a sunbed operator to a person who proposes to use a sunbed and the form in which that information must be provided.

Regulation 4 prescribes the content and form of notices to be displayed in sunbed premises in accordance with section 101 of the Act.

These Regulations were notified in draft to the European Commission in accordance with Directive [98/34/EC](#) of the European Parliament and of the Council (Official Journal No. L 204, 21.7.98, p.37), as amended by Directive [98/48/EC](#) of the same institutions (Official Journal No. L 217, 5.8.98, p.18), which lays down a procedure for the provision of information in the field of technical standards and regulations.