



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 8

#### REGULATION OF PROVISION OF SUNBEDS

##### *Offences*

#### **95 Prohibition on allowing use of sunbeds by persons under 18**

- (1) An operator of sunbed premises who, without reasonable excuse, allows a person who is under 18 to use a sunbed on those premises commits an offence.
- (2) In proceedings for an offence under subsection (1), it is a defence for the operator to show that—
  - (a) the operator believed the person to be 18 or over; and
  - (b) the operator had taken reasonable steps to establish the person's age.
- (3) For the purposes of subsection (2)(b), the operator is to be treated as having taken reasonable steps to establish the person's age if (and only if)—
  - (a) the operator was shown any of the documents mentioned in subsection (4); and
  - (b) that document would have convinced a reasonable person.
- (4) The documents referred to in subsection (3)(a) are any document appearing to be—
  - (a) a passport;
  - [<sup>F1</sup>(aa) a UK driving licence,]
  - (b) a European Union photocard driving licence; or
  - (c) such other document (or description of document) as may be prescribed.
- (5) In subsections (2)(a) and (b) and (3), references to the operator include an employee or agent of the operator.

#### **Textual Amendments**

- F1** S. 95(4)(aa) inserted (31.12.2020) by [The Public Health and Tobacco \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/142\)](#), regs. 1, **2(2)**; 2020 c. 1, Sch. 5 para. 1(1)

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**Changes to legislation:** *There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 95. (See end of Document for details)*

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**Commencement Information**

**II** S. 95 in force at 1.12.2009 by [S.S.I. 2009/404](#), art. 2(1), **Sch. 1**

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 95.