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2011 CHAPTER 19

Offences

Prohibition on allowing use of sunbeds by persons under 18

1.—(1) An operator of sunbed premises who—

- (a) allows a person who is under 18 to use a sunbed on those premises, or
- (b) allows a person who is under 18 to be present (except in the course of providing services to the operator for the purposes of the business of the sunbed premises) in a restricted zone on those premises,

commits an offence.

(2) In proceedings for an offence under subsection (1), it is a defence for the operator to prove that the operator (or an employee or agent of the operator) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(3) Without prejudice to any other means of proving the matters specified in subsection (2), for the purposes of subsection (2) the operator (or an employee or agent of the operator) is to be treated as having taken all reasonable precautions and exercised all due diligence to avoid the commission of such an offence if—

- (a) the operator (or an employee or agent of 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;
- (b) a European Union photocard driving licence; or

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(c) such other document (or description of document) as may be prescribed.

(5) Subsections (6) and (7) have effect for determining what is for the purposes of subsection (1)(b) a restricted zone.

(6) If a sunbed on the sunbed premises is in a wholly or partly enclosed space that is reserved for users of that sunbed, every part of that space is a restricted zone.

(7) If a sunbed is in a room on the sunbed premises but not in a space falling within subsection (6), every part of that room is a restricted zone.

(8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

II S. 1 in operation at 1.5.2012 by S.R. 2012/90, art. 2

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