



2011 CHAPTER 19

Offences

Duty to provide information to sunbed users, or buyers etc.

4.—(1) An operator of sunbed premises who fails to comply with a requirement in subsection (2) or (3) commits an offence.

(2) The operator must provide a person who proposes to use a sunbed on those premises with such health information and such other information as may be prescribed in accordance with subsection (11).

(3) That information is to be provided each time the person proposes to use a sunbed on those premises.

(4) A person (“the seller”) who sells a sunbed to a person and who fails to comply with the requirement in subsection (5) commits an offence.

(5) The seller must provide a person who is buying the sunbed with such health information and such other information as may be prescribed in accordance with subsection (11).

(6) A person (“the hirer”) who hires a sunbed to a person and who fails to comply with the requirement in subsection (7) commits an offence.

(7) The hirer must provide a person who is hiring the sunbed with such health information and such other information as may be prescribed in accordance with subsection (11).

(8) 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.

(9) In proceedings for an offence under subsection (4), it is a defence for the seller to prove that the seller (or an employee or agent of the seller) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(10) In proceedings for an offence under subsection (6), it is a defence for the hirer to prove that the hirer (or an employee or agent of the hirer) took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(11) The Department may prescribe—

- (a) the health information and other information which is to be provided;
- (b) the form and manner in which that information is to be provided.

(12) 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.