
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations make provisions relating to sunbed use. They impose: a duty on a person who carries on a sunbed business on domestic premises to prevent sunbed use on those premises by persons aged under 18; a requirement for a person who carries on a sunbed business to supervise the use of sunbeds on the business's premises; a prohibition on the sale or hire of sunbeds to persons aged under 18; requirements for the provision of information to sunbed users; and requirements relating to the use of protective eyewear by sunbed users. The Regulations are made pursuant to powers contained in the Sunbeds (Regulation) Act 2010 ("the Act"), they apply in relation to Wales and come into force on 31 October 2011. The terms "sunbed", "sunbed business", "domestic premises" and "premises" are defined in the Act.

2. Regulation 3 provides that a person who carries on a sunbed business must ensure that sunbeds are not used by, or offered for use to, a person aged under 18, where those sunbeds are those to which the business relates and are located on domestic premises. The regulation therefore extends to sunbed businesses operating from domestic premises the duty set out in section 2 of the Act to prevent sunbed use by children. A person who carries on a sunbed business and who fails to comply with the requirements of the regulation will commit a criminal offence.

3. Regulation 4 provides that a person who carries on a sunbed business must secure that the use of the business's sunbeds on the business's premises, defined in these Regulations as "sunbed premises", are supervised. Supervision means that a supervisor (which can be the person who carries on the business or an employee or agent of that person) must be present on the premises when a sunbed is in use, and that the supervisor has fulfilled various requirements in relation to a person who may use or seek to use one of the business's sunbeds, for example assisting the person to assess their skin type and providing guidance on the use of the sunbed. A person who carries on a sunbed business must ensure that a supervisor is competent to fulfil the various supervisory requirements set out in regulation 4(2)(b). A person who carries on a sunbed business and who fails to comply with the requirements of the regulation will commit a criminal offence.

4. Regulation 5 prohibits the sale or hire of a sunbed to a person who is under 18. A seller or hirer who fails to comply with the requirements of the regulation commits an offence.

5. Regulation 6 provides for circumstances where premises at which an order for the sale or hire of a sunbed is placed are not the same as the premises from which the equipment is despatched. Generally, the sale or hire is to be treated as taking place on the premises at which the order was taken.

6. Regulation 7 provides that a person who carries on a sunbed business must provide to a person each time that person seeks to use or uses a sunbed on the business's premises health information about sunbed use, as prescribed in Schedule 1 to the Regulations. In addition, a notice must be displayed on the business's premises containing health information, as prescribed in Schedule 2 to the Regulations. A person who carries on a sunbed business must not provide or display any material containing statements relating to the health effects of sunbeds, other than the prescribed health information. A person who carries on a sunbed business and who fails to comply with the requirements of the regulation will commit a criminal offence.

7. Regulation 8 provides that a person who carries on a sunbed business must make appropriate protective eyewear available to a person seeking to use a sunbed on the business's premises, or ensure that such a person has with them appropriate protective eyewear; and must secure, as far as is reasonably practicable, that a person who uses a sunbed on the business's premises wears

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such protective eyewear. If the protective eyewear provided by the person who carries on a sunbed business is reusable, it must be appropriately sanitised before being made available for reuse. A person who carries on a sunbed business and who fails to comply with the requirements of the regulation will commit a criminal offence.

8. Regulation 9 makes it a duty of local authorities to enforce the Regulations in their respective areas and to appoint authorised officers for that purpose. Authorised officers have the enforcement powers available to them as set out in the Schedule to the Act in relation to matters arising under the Regulations. The powers are modified to make provision for enforcement in relation to sunbed businesses located on domestic premises and an authorised officer will require the consent of the occupier or a warrant issued by a justice of the peace before entering such premises.

9. A regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

10. A draft of the Regulations was notified to the European Commission in accordance with Article 8 of Directive [98/34/EC](#) of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (OJNo. L204, 21.7.1998, p.37) last amended by Council Directive [2006/96/EC](#) (OJ No. L363, 20.12.2006, p.81).