OFFERYNNAU STATUDOL CYMRU

# 2011 Rhif 1130 (Cy.156)

# IECHYD Y CYHOEDD, CYMRU

## Rheoliadau Deddf Gwelyau Haul (Rheoleiddio) 2010 (Cymru) 2011

### NODYN ESBONIADOL

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

**1**. Mae'r Rheoliadau hyn yn gwneud darpariaethau sy'n ymwneud â defnyddio gwelyau haul. Maent yn gosod: dyletswydd ar berson sy'n rhedeg busnes gwelyau haul ar fangre ddomestig i atal gwelyau haul rhag cael eu defnyddio ar y fangre honno gan bersonau sydd o dan 18 oed; gofyniad i berson sy'n rhedeg busnes gwelyau haul i oruchwylio'r modd y mae gwelyau haul yn cael eu defnyddio ar fangre'r busnes; gwaharddiad ar werthu neu hurio gwelyau haul i bersonau sydd o dan 18 oed; gofynion i ddarparu gwybodaeth i ddefnyddwyr gwelyau haul; a gofynion sy'n ymwneud â'r defnydd ar offer amddiffyn llygaid gan ddefnyddwyr gwelyau haul. Mae'r Rheoliadau wedi eu gwneud yn unol â phwerau sydd wedi eu cynnwys yn Neddf Gwelyau Haul (Rheoleiddio) 2010 ("y Ddeddf"), maent yn gymwys o ran Cymru ac yn dod i rym ar 31 Hydref 2011. Mae'r termau Saesneg "sunbed" ("gwely haul"), "sunbed business" ("busnes gwelyau haul"), "domestic premises" ("mangre ddomestig") a "premises" ("mangre") wedi eu diffinio yn y Ddeddf.

**2**. Mae rheoliad 3 yn darparu bod rhaid i berson sy'n rhedeg busnes gwelyau haul sicrhau nad yw'r gwelyau haul yn cael eu defnyddio gan berson sydd o dan 18 oed, nac yn cael eu cynnig iddo eu defnyddio, pan fo'r gwelyau haul hynny yn rhai y mae'r busnes yn ymwneud â hwy ac wedi eu lleoli ar fangre ddomestig. Mae'r rheoliad felly yn estyn i fusnesau gwelyau haul sy'n cael eu cynnal o fangreoedd domestig y ddyletswydd sydd wedi ei nodi yn adran 2 o'r Ddeddf i atal gwelyau haul rhag cael eu defnyddio gan blant. Bydd person sy'n rhedeg busnes gwelyau haul ac sy'n methu â chydymffurfio â gofynion y rheoliad yn cyflawni tramgwydd troseddol.

WELSH STATUTORY INSTRUMENTS

# 2011 No. 1130 (W.156)

# PUBLIC HEALTH, WALES

## The Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011

### 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**. Mae rheoliad 4 yn darparu bod rhaid i berson sy'n rhedeg busnes gwelyau haul sicrhau y bydd y defnydd ar welyau haul y busnes ar fangre'r busnes, a ddiffinnir yn y Rheoliadau hyn yn "mangre gwelyau haul", yn cael ei oruchwylio. Mae goruchwylio yn golygu bod rhaid i oruchwylydd (a gall naill ai'r person sy'n rhedeg y busnes neu gyflogai neu asiant i'r person hwnnw fod yn oruchwylydd) fod yn bresennol ar y fangre pan fo gwely haul yn cael ei ddefnyddio, a bod y goruchwylydd wedi cyflawni gofynion amrywiol mewn perthynas â pherson a gaiff ddefnyddio neu sy'n ceisio defnyddio un o welyau haul y busnes, er enghraifft cynorthwyo'r person i asesu'r math o groen sydd ganddo a rhoi canllawiau iddo ynghylch defnyddio'r gwely haul. Rhaid i berson sy'n rhedeg busnes gwelyau haul sicrhau bod goruchwylydd yn gymwys i gyflawni'r amryfal ofynion goruchwylio a nodir yn rheoliad 4(2)(b). Bydd person sy'n rhedeg busnes gwelyau haul ac sy'n methu â chydymffurfio â gofynion y rheoliad yn cyflawni tramgwydd troseddol.

**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**. Mae rheoliad 5 yn gwahardd gwerthu neu hurio gwely haul i berson sydd o dan 18 oed. Bydd gwerthwr neu huriwr sy'n methu â chydymffurfio â gofynion y rheoliad yn cyflawni tramgwydd.

**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**. Mae rheoliad 6 yn darparu ar gyfer amgylchiadau lle nad yw mangre y mae archeb am werthu neu hurio gwely haul wedi ei rhoi ynddi yr un fath â'r fangre yr anfonir y cyfarpar ohoni. Yn gyffredinol, mae'r gwerthu neu'r hurio i'w drin fel petai wedi digwydd ar y fangre lle y cafodd yr archeb ei derbyn.

**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**. Mae rheoliad 7 yn darparu bod rhaid i berson sy'n rhedeg busnes gwelyau haul ddarparu i berson, bob tro y mae'r person hwnnw yn ceisio defnyddio neu yn defnyddio gwely haul ar fangre'r busnes, wybodaeth iechyd ynglŷn â defnyddio gwelyau haul, fel a ragnodir yn Atodlen 1 i'r Rheoliadau. Yn ychwanegol, rhaid arddangos ar fangre'r busnes hysbysiad yn cynnwys gwybodaeth iechyd, fel y rhagnodir yn Atodlen 2 i'r Rheoliadau. Rhaid i berson sy'n rhedeg busnes gwelyau haul beidio â darparu nac arddangos unrhyw ddeunydd sy'n cynnwys datganiadau sy'n ymwneud ag effeithiau gwelyau haul ar iechyd, ac eithrio'r wybodaeth ragnodedig am iechyd. Bydd person sy'n rhedeg busnes gwelyau haul ac sy'n methu â chydymffurfio â gofynion y rheoliad yn cyflawni tramgwydd troseddol.

**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**. Mae rheoliad 8 yn darparu bod rhaid i berson sy'n rhedeg busnes gwelyau haul drefnu bod offer amddiffyn llygaid priodol ar gael i berson sy'n ceisio defnyddio gwely haul ar fangre'r busnes, neu sicrhau bod gan y person hwnnw offer amddiffyn llygaid priodol gydag ef; a rhaid iddo sicrhau, cyn belled ag y bo'n rhesymol ymarferol, fod person sy'n defnyddio gwely haul ar fangre'r busnes yn gwisgo offer amddiffyn llygaid o'r fath. Os oes modd ailddefnyddio'r offer amddiffyn llygaid a ddarperir gan

**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 such protective eyewear. If the protective eyewear provided by the person who carries on a sunbed business is reusable, it must be appropriately

y person sy'n rhedeg busnes gwelyau haul, rhaid iddynt gael eu glanweithio'n briodol cyn trefnu iddynt fod ar gael i'w hailddefnyddio. Bydd person sy'n rhedeg busnes gwelyau haul ac sy'n methu â chydymffurfio â gofynion y rheoliad yn cyflawni tramgwydd troseddol.

**8**. Mae rheoliad 9 yn ei gwneud yn ddyletswydd i awdurdodau lleol orfodi'r Rheoliadau yn eu priod ardaloedd a phenodi swyddogion awdurdodedig at y diben hwnnw. Mae pwerau gorfodi ar gael i swyddogion awdurdodedig fel a nodir yn yr Atodlen i'r Ddeddf mewn perthynas â materion sy'n codi o dan y Rheoliadau. Mae'r pwerau wedi eu haddasu i wneud darpariaeth ar gyfer gorfodi mewn perthynas â busnesau gwelyau haul sydd wedi eu lleoli ar fangreoedd domestig a bydd angen i swyddog awdurdodedig gael cydsyniad y meddiannydd neu warant a ddyroddir gan ynad heddwch cyn mynd i mewn i fangreoedd o'r fath.

**9**. Paratowyd asesiad effaith rheoleiddiol o'r costau a buddiannau tebygol o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi gan Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

**10**. Hysbyswyd y Comisiwn Ewropeaidd am y drafft o'r Rheoliadau yn unol ag Erthygl 8 o Gyfarwyddeb 98/34/EC Senedd Ewrop a'r Cyngor sy'n gosod gweithdrefn ar gyfer darparu gwybodaeth ym maes safonau technegol a rheoliadau (OJ Rhif L204, 21.7.1998, t.37) a ddiwygiwyd ddiwethaf gan Gyfarwyddeb y Cyngor 2006/96/EC (OJ Rhif L363, 20.12.2006, t.81).

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 (OJ No. L204, 21.7.1998, p.37) last amended by Council Directive 2006/96/EC (OJ No. L363, 20.12.2006, p.81).

OFFERYNNAU STATUDOL CYMRU

# 2011 Rhif 1130 (Cy.156)

# IECHYD Y CYHOEDD, CYMRU

## Rheoliadau Deddf Gwelyau Haul (Rheoleiddio) 2010 (Cymru) 2011

| | |
|---|---|
| *Gwnaed* | *14 Ebrill 2011* |
| *Yn dod i rym* | *31 Hydref 2011* |

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 4, 5, 6 a 10 o Ddeddf Gwelyau Haul (Rheoleiddio) 2010(**1**) ac maent wedi ymgynghori â'r personau y mae'n ymddangos iddynt fod ganddynt fuddiant ym mhwnc y Rheoliadau.

Cafodd drafft o'r Rheoliadau hyn ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad, cyn iddo gael ei wneud, fel sy'n ofynnol gan adran 11 o Ddeddf Gwelyau Haul (Rheoleiddio) 2010.

**Enwi, cychwyn a chymhwyso**

**1**.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Gwelyau Haul (Rheoleiddio) 2010 (Cymru) 2011.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru a deuant i rym ar 31 Hydref 2011.

**Dehongli**

**2**. Yn y Rheoliadau hyn—

ystyr "Deddf" ("*Act*") yw Deddf Gwelyau Haul (Rheoleiddio) 2010;

ystyr "mangre gwelyau haul" ("*sunbed premises*") yw'r fangre sydd wedi ei meddiannu gan berson sy'n rhedeg busnes gwelyau haul, neu sydd i unrhyw raddau o dan reolaeth person o'r fath neu sydd yn cael ei rheoli ganddo; ac

ystyr "parth dan gyfyngiad" ("*restricted zone*") yw lle ar fangre gwelyau haul sydd wedi ei amgáu'n gyfan gwbl neu'n rhannol ac sy'n cynnwys gwely haul a'r lle hwnnw'n un sydd wedi ei neilltuo ar gyfer defnyddwyr y gwely haul hwnnw neu, os nad

(**1**) 2010 p.20.

WELSH STATUTORY INSTRUMENTS

# 2011 No. 1130 (W.156)

# PUBLIC HEALTH, WALES

## The Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011

| | |
|---|---|
| *Made* | *14 April 2011* |
| *Coming into force* | *31 October 2011* |

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 4, 5, 6 and 10 of the Sunbeds (Regulation) Act 2010(**1**) and have consulted such persons as appear to them as having an interest in the subject matter of the Regulations.

A draft of these Regulations has been laid before, and approved by resolution of, the National Assembly for Wales before being made, as required by section 11 of the Sunbeds (Regulation) Act 2010.

**Title, commencement and application**

**1**.—(1) The title of these Regulations is the Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011.

(2) These Regulations apply in relation to Wales and come into force on 31 October 2011.

**Interpretation**

**2**. In these Regulations—

"Act" ("*Deddf*") means the Sunbeds (Regulation) Act 2010;

"restricted zone" ("*parth dan gyfyngiad*") means a wholly or partly enclosed space on sunbed premises that contains a sunbed and that space is reserved for users of that sunbed or, if the sunbed is not in a wholly or partly enclosed space, every part of the room that contains the sunbed; and

"sunbed premises" ("*mangre gwelyau haul*") means the premises occupied by, or to any extent under the control or management of, a person who carries on a sunbed business.

(**1**) 2010 c.20.

yw'r gwely haul mewn lle sydd wedi ei amgáu'n gyfan gwbl neu'n rhannol, pob rhan o'r ystafell sy'n cynnwys y gwely haul.

**Dyletswydd i atal gwelyau haul rhag cael eu defnyddio gan blant ar fangre ddomestig**

**3**.—(1) Rhaid i berson sy'n rhedeg busnes gwelyau haul mewn mangre gwelyau haul sy'n fangre ddomestig sicrhau—

(a) na fydd neb sydd o dan 18 oed yn defnyddio yn y fangre honno wely haul y mae'r busnes yn ymwneud ag ef;

(b) na fydd unrhyw gynnig yn cael ei wneud ganddo neu ar ei ran i drefnu bod gwely haul y mae'r busnes yn ymwneud ag ef ar gael i'w ddefnyddio yn y fangre honno gan berson sydd o dan 18 oed.

(2) Mae person sy'n rhedeg busnes gwelyau haul ac sy'n methu â chydymffurfio â pharagraff (1) yn cyflawni tramgwydd.

(3) Mewn achos cyfreithiol am dramgwydd o dan y rheoliad hwn, mae'n amddiffyniad i berson sy'n rhedeg busnes gwelyau haul brofi bod y person (neu gyflogai neu asiant i'r person) wedi cymryd pob rhagofal rhesymol ac wedi arfer pob diwydrwydd dyladwy i osgoi cyflawni'r tramgwydd hwnnw.

(4) Mae person sy'n euog o dramgwydd o dan y rheoliad hwn yn atebol ar gollfarn ddiannod i ddirwy heb fod yn uwch na lefel 5 ar y raddfa safonol.

**Goruchwylio'r defnydd ar welyau haul**

**4**.—(1) Rhaid i berson sy'n rhedeg busnes gwelyau haul sicrhau bod y defnydd ar welyau haul y mae'r busnes yn ymwneud â hwy yn cael ei oruchwylio gan oruchwylydd.

(2) Yn y rheoliad hwn—

(a) ystyr "cael ei oruchwylio" ("*supervised*") yw bod goruchwylydd yn bresennol ar y fangre gwelyau haul ar unrhyw bryd y bydd person yn ceisio defnyddio neu yn defnyddio gwely haul ar y fangre honno a bod y goruchwylydd wedi cyflawni, mewn perthynas â'r person hwnnw, y gofynion a nodir yn is-baragraff (b); a

(b) ystyr "goruchwylydd" ("*supervisor*") yw person sy'n rhedeg busnes gwelyau haul neu gyflogai neu asiant i'r person hwnnw y mae'n ofynnol iddo, mewn perthynas â pherson sy'n ceisio defnyddio gwely haul ar y fangre gwelyau haul—

(i) gwirio ei fod yn 18 oed neu drosodd;

(ii) ei gynorthwyo i asesu'r math o groen sydd ganddo;

(iii) rhoi canllawiau iddo ynghylch defnyddio'r gwely haul, gan ystyried asesiad y person

**Duty to prevent sunbed use by children on domestic premises**

**3**.—(1) A person who carries on a sunbed business on sunbed premises that are domestic premises must secure—

(a) that no person aged under 18 uses on those premises a sunbed to which the business relates;

(b) that no offer is made by him or her or on his or her behalf to make a sunbed to which the business relates available for use on those premises by a person aged under 18.

(2) A person who carries on a sunbed business who fails to comply with paragraph (1) commits an offence.

(3) In proceedings for an offence under this regulation, it is a defence for a person who carries on a sunbed business to prove that the person (or an employee or agent of the person) took all reasonable precautions and exercised all due diligence to avoid committing it.

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

**Supervision of sunbed use**

**4**.—(1) A person who carries on a sunbed business must secure that the use of sunbeds to which the business relates is supervised by a supervisor.

(2) In this regulation—

(a) "supervised" ("*cael ei oruchwylio*") means that a supervisor is present on the sunbed premises at any time a person is seeking to use or is using a sunbed on those premises and, in relation to such a person, that the supervisor has fulfilled the requirements set out in sub-paragraph (b); and

(b) "supervisor" ("*goruchwylydd*") means a person who carries on a sunbed business or an employee or agent of that person who, in relation to a person seeking to use a sunbed on the sunbed premises, is required to—

(i) verify that the person is aged 18 or over;

(ii) assist the person to assess their skin type;

(iii) provide guidance to the person on use of the sunbed taking into account the person's

o'r math o groen sydd ganddo ac unrhyw gyflyrau croen neu unrhyw gyflyrau meddygol perthnasol eraill sy'n amlwg i'r goruchwylydd neu wedi eu datgelu iddo;

(iv) ei hysbysu am y modd diogel o weithredu'r gwely haul;

(v) darparu'r wybodaeth ragnodedig am iechyd fel sy'n ofynnol gan reoliad 7; a

(vi) sicrhau bod offer amddiffyn llygaid yn cael eu darparu a'u defnyddio fel sy'n ofynnol gan reoliad 8.

(3) Rhaid i berson sy'n rhedeg busnes gwelyau haul sicrhau bod goruchwylydd yn gymwys, ac mae goruchwylydd yn gymwys pan fo ganddo ddigon o hyfforddiant a phrofiad neu ddigon o wybodaeth a rhinweddau eraill i'w alluogi i gyflawni'n briodol ofynion paragraff (2).

(4) Bydd person sy'n rhedeg busnes gwelyau haul ac sy'n methu â chydymffurfio â pharagraff (1) neu baragraff (3) yn cyflawni tramgwydd.

(5) Mewn achos cyfreithiol am dramgwydd o dan y rheoliad hwn, mae'n amddiffyniad i berson sy'n rhedeg busnes gwelyau haul brofi bod y person (neu gyflogai neu asiant i'r person) wedi cymryd pob rhagofal rhesymol ac wedi arfer pob diwydrwydd dyladwy i osgoi cyflawni'r tramgwydd hwnnw.

(6) Bydd person sy'n euog o dramgwydd o dan y rheoliad hwn yn atebol ar gollfarn ddiannod i ddirwy heb fod yn uwch na lefel 5 ar y raddfa safonol.

**Gwerthu neu hurio gwelyau haul i bersonau o dan 18 oed**

**5**.—(1) Rhaid i berson ("gwerthwr") beidio â gwerthu gwely haul i berson sydd o dan 18 oed.

(2) Rhaid i berson ("huriwr") beidio â hurio gwely haul i berson sydd o dan 18 oed.

(3) Bydd gwerthwr neu huriwr sy'n methu â chydymffurfio â pharagraff (1) neu baragraff (2) yn cyflawni tramgwydd.

(4) Mewn achos cyfreithiol am dramgwydd o dan y rheoliad hwn, mae'n amddiffyniad i'r gwerthwr neu'r huriwr brofi ei fod ef (neu gyflogai neu asiant iddo) wedi cymryd pob rhagofal rhesymol ac wedi arfer pob diwydrwydd dyladwy i osgoi cyflawni'r tramgwydd hwnnw.

(5) Bydd person sy'n euog o dramgwydd o dan y rheoliad hwn yn atebol ar gollfarn ddiannod i ddirwy heb fod yn uwch na lefel 5 ar y raddfa safonol.

**Gwerthu neu hurio gwelyau haul o bell**

**6**.—(1) Mae'r rheoliad hwn yn gymwys os, mewn cysylltiad â gwerthu neu hurio gwely haul, nad yw'r fangre lle y derbynnir yr archeb am y gwely haul yr un

assessment of their skin type and any skin conditions or other relevant medical conditions apparent or disclosed to them;

(iv) advise the person as to the safe operation of the sunbed;

(v) provide the prescribed health information as required by regulation 7; and

(vi) ensure the provision and use of protective eyewear as required by regulation 8.

(3) A person who carries on a sunbed business must ensure that a supervisor is competent and a supervisor is competent where he or she has sufficient training and experience or knowledge and other qualities to enable him or her properly to fulfil the requirements of paragraph (2).

(4) A person who carries on a sunbed business who fails to comply with paragraph (1) or paragraph (3) commits an offence.

(5) In proceedings for an offence under this regulation, it is a defence for a person who carries on a sunbed business to prove that the person (or an employee or agent of the person) took all reasonable precautions and exercised all due diligence to avoid committing it.

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

**Sale or hire of sunbeds to persons aged under 18**

**5**.—(1) A person ("seller") must not sell a sunbed to a person who is under 18.

(2) A person ("hirer") must not hire a sunbed to a person who is under 18.

(3) A seller or a hirer who fails to comply with paragraph (1) or paragraph (2) commits an offence.

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

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

**Remote sale or hire of sunbeds**

**6**.—(1) This regulation applies where, in connection with the sale or hire of a sunbed, the premises where the order for the sunbed is taken are not the same as the

fath â'r fangre yr anfonir y gwely haul ohoni i'w draddodi yn unol â'r gwerthu neu'r hurio.

(2) Yn ddarostyngedig i baragraff (3), mae'r gwerthu neu'r hurio i'w drin, at ddibenion rheoliad 5, fel petai wedi digwydd ar y fangre lle y derbyniwyd yr archeb.

(3) O ran y mangreoedd—

(a) os nad yw'r fangre lle y derbynnir yr archeb am y gwely haul yng Nghymru; a

(b) os yw'r fangre lle'r anfonir y gwely haul ohoni yng Nghymru,

mae'r gwerthu neu'r hurio i'w drin fel petai'n digwydd ar y fangre yr anfonir y gwely haul ohoni.

premises from which the sunbed is despatched for delivery in pursuance of the sale or hire.

(2) Subject to paragraph (3), the sale or hire is to be treated, for the purposes of regulation 5, as taking place on the premises where the order was taken.

(3) Where—

(a) the premises where the order for the sunbed is taken are not in Wales; and

(b) the premises from which the sunbed is despatched are in Wales,

the sale or hire is to be treated as taking place on the premises from which the sunbed is despatched.

**Darparu ac arddangos gwybodaeth ragnodedig am iechyd**

**7**.—(1) Rhaid i berson sy'n rhedeg busnes gwelyau haul roi i berson, bob tro y mae'r person hwnnw yn ceisio defnyddio neu yn defnyddio gwely haul ar fangre gwelyau haul, yr wybodaeth ragnodedig am iechyd sydd wedi ei gosod yn Atodlen 1, a rhaid cynnwys yr wybodaeth honno mewn dogfen sy'n wastad ac yn betryal ac yn A4 o leiaf o ran maint ac wedi ei hargraffu mewn llythrennau duon, y gellir eu darllen yn rhwydd, ar gefndir melyn.

(2) Rhaid i berson sy'n rhedeg busnes gwelyau haul arddangos mewn man amlwg, lle y mae'n hawdd i berson ei weld bob tro y mae'r person hwnnw yn ceisio defnyddio neu yn defnyddio gwely haul ar fangre gwelyau haul, hysbysiad sydd—

(a) yn cynnwys yr wybodaeth ragnodedig am iechyd sydd wedi ei gosod yn Atodlen 2;

(b) yn A3 o leiaf o ran maint; ac

(c) wedi ei argraffu mewn llythrennau duon, o leiaf 20 milimetr eu maint, ar gefndir melyn.

(3) Bydd hysbysiad wedi ei arddangos mewn man amlwg lle y mae'n hawdd i berson ei weld bob tro y mae'r person hwnnw yn ceisio defnyddio neu yn defnyddio gwely haul ar fangre gwelyau haul os yw wedi ei osod yn y fath fodd ag i ddod i'w olwg ar unwaith wrth iddo fynd i mewn i'r fangre gwelyau haul ac wrth iddo fynd i mewn i bob parth dan gyfyngiad ar y fangre honno.

(4) Rhaid i berson sy'n rhedeg busnes gwelyau haul beidio â darparu nac arddangos unrhyw ddeunydd sy'n cynnwys datganiadau sy'n ymwneud ag effeithiau gwelyau haul ar iechyd ac eithrio'r wybodaeth ragnodedig am iechyd o dan baragraffau (1) a (2).

(5) Ond nid yw paragraff (4) yn gymwys ar gyfer darparu neu arddangos unrhyw wybodaeth berthnasol am iechyd a diogelwch.

(6) Bydd person sy'n rhedeg busnes gwelyau haul ac sy'n methu â chydymffurfio â pharagraff (1), paragraff (2) neu baragraff (4) yn cyflawni tramgwydd.

**Provision and display of prescribed health information**

**7**.—(1) 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 sunbed premises the prescribed health information set out in Schedule 1 which must be contained in a document that is flat and rectangular and at least A4 in size and is printed in black characters, which can be easily read, on a yellow background.

(2) A person who carries on a sunbed business must display in a prominent position where it is readily visible to a person each time that person seeks to use or uses a sunbed on sunbed premises a notice which—

(a) contains the prescribed health information set out in Schedule 2;

(b) is at least A3 in size; and

(c) is printed in black characters, at least 20 millimetres in size, on a yellow background.

(3) A notice is displayed in a prominent position where it is readily visible to a person each time that person seeks to use or uses a sunbed on sunbed premises if it is placed so as to be within their immediate view on entering the sunbed premises and on entering each restricted zone on those premises.

(4) A person who carries on a sunbed business must not provide or display any material that contains statements relating to the health effects of sunbeds other than the prescribed health information under paragraphs (1) and (2).

(5) But paragraph (4) does not apply to the provision or display of any relevant health and safety information.

(6) A person who carries on a sunbed business who fails to comply with paragraph (1), paragraph (2) or paragraph (4) commits an offence.

(7) Mewn achos cyfreithiol am dramgwydd o dan y rheoliad hwn, mae'n amddiffyniad i berson sy'n rhedeg busnes gwelyau haul brofi ei fod ef (neu gyflogai neu asiant iddo) wedi cymryd pob rhagofal rhesymol ac wedi arfer pob diwydrwydd dyladwy i osgoi cyflawni'r tramgwydd hwnnw.

(8) Bydd person sy'n euog o dramgwydd o dan y rheoliad hwn yn atebol ar gollfarn ddiannod i ddirwy heb fod yn uwch na lefel 5 ar y raddfa safonol.

**Offer amddiffyn llygaid**

**8**.—(1) Rhaid i berson sy'n rhedeg busnes gwelyau haul—

(a) trefnu bod offer amddiffyn llygaid ar gael i berson bob tro y mae'r person hwnnw'n ceisio defnyddio gwely haul ar fangre gwelyau haul; neu

(b) sicrhau bod gan berson offer amddiffyn llygaid gydag ef bob tro y mae'n ceisio defnyddio gwely haul ar fangre gwelyau haul,

a rhaid iddo sicrhau, cyn belled ag y bo'n rhesymol ymarferol, fod person sy'n defnyddio gwely haul ar fangre gwelyau haul yn gwisgo offer amddiffyn llygaid o'r fath.

(2) Yn y rheoliad hwn ystyr "offer amddiffyn llygaid" ("protective eyewear") yw offer llygaid sy'n ddiogel ac y mae'n briodol eu defnyddio gyda'r gwely haul ac sy'n amddiffyn llygaid person sy'n defnyddio'r gwely haul rhag effeithiau bod mewn cysylltiad ag ymbelydredd a allyrrir gan y gwely haul.

(3) Caiff offer amddiffyn llygaid y trefnir iddynt fod ar gael yn unol â pharagraff (1)(a) fod yn offer llygaid untro, y mae'n rhaid cael gwared arnynt ar ôl iddynt gael eu defnyddio; neu offer llygaid amlddefnydd y mae'n rhaid eu glanweithio'n briodol cyn eu hailddefnyddio.

(4) Mae person sy'n rhedeg busnes gwelyau haul ac sy'n methu â chydymffurfio â gofynion paragraff (1) neu baragraff (3) yn cyflawni tramgwydd.

(5) Mewn achos cyfreithiol am dramgwydd o dan y rheoliad hwn, mae'n amddiffyniad i berson sy'n rhedeg busnes gwelyau haul brofi ei fod ef (neu gyflogai neu asiant iddo) wedi cymryd pob rhagofal rhesymol ac wedi arfer pob diwydrwydd dyladwy i osgoi cyflawni'r tramgwydd hwnnw.

(6) Mae person sy'n euog o dramgwydd o dan y rheoliad hwn yn agored ar gollfarn ddiannod i ddirwy heb fod yn uwch na lefel 5 ar y raddfa safonol.

**Gorfodi**

**9**.—(1) Mae'n ddyletswydd ar awdurdod lleol i orfodi yn ei ardal y darpariaethau sydd yn y Rheoliadau hyn.

(7) In proceedings for an offence under this regulation, it is a defence for a person who carries on a sunbed business to prove that the person (or an employee or agent of the person) took all reasonable precautions and exercised all due diligence to avoid committing it.

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

**Protective eyewear**

**8**.—(1) A person who carries on a sunbed business must—

(a) make protective eyewear available to a person each time that person seeks to use a sunbed on sunbed premises; or

(b) ensure that a person has with them protective eyewear each time they seek to use a sunbed on sunbed premises,

and must secure as far as reasonably practicable that a person who uses a sunbed on sunbed premises wears such protective eyewear.

(2) In this regulation "protective eyewear" ("offer amddiffyn llygaid") means eyewear that is safe and appropriate for use with the sunbed and which protects the eyes of a person using the sunbed from the effects of exposure to radiation emitted by the sunbed.

(3) Protective eyewear made available in accordance with paragraph (1)(a) may be single-use eyewear, which must be disposed after use; or multi-use eyewear which must be appropriately sanitised before reuse.

(4) A person who carries on a sunbed business who fails to comply with the requirements of paragraph (1) or paragraph (3) commits an offence.

(5) In proceedings for an offence under this regulation, it is a defence for a person who carries on a sunbed business to prove that the person (or an employee or agent of the person) took all reasonable precautions and exercised all due diligence to avoid committing it.

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

**Enforcement**

**9**.—(1) It is the duty of a local authority to enforce in its area the provisions of these Regulations.

(2) At y diben hwnnw mae'n ddyletswydd ar bob awdurdod lleol i benodi swyddogion awdurdodedig.

(3) Yn ddarostyngedig i'r addasiadau ym mharagraff (4), mae darpariaethau'r Atodlen i'r Ddeddf yn gymwys i swyddogion awdurdodedig mewn perthynas â materion sy'n codi o dan y Rheoliadau hyn.

(4) Bydd yr Atodlen i'r Ddeddf yn cael effaith—

(a) fel pe mewnosodid ar ôl paragraff 2(a)—

"(aa) to enter with the consent of the occupier any domestic premises at which the officer has reason to believe that a sunbed business is being carried on;";

(b) fel pe hepgorid yr ymadrodd ", other than domestic premises," o baragraff 5(1);

(c) fel pe mewnosodid ym mharagraff 5(1)(b), cyn y geiriau "of either"—

"in the case of a warrant to enter non domestic premises,";

(ch) fel pe rhoddid "; or" yn lle "." ar ddiwedd paragraff 5(1)(b); a

(d) fel pe mewnosodid ar ôl paragraff 5(1)(b)—

"(c) in the case of a warrant to enter domestic premises, that admission to the premises has been refused and that notice of the intention to apply for a warrant under this Schedule has been given to the occupier.".

(2) For that purpose it is the duty of every local authority to appoint authorised officers.

(3) Subject to the modifications in paragraph (4) the provisions of the Schedule to the Act apply to authorised officers in relation to matters arising under these Regulations.

(4) The Schedule to the Act will have effect as if—

(a) after paragraph 2(a) there is inserted—

"(aa) to enter with the consent of the occupier any domestic premises at which the officer has reason to believe that a sunbed business is being carried on;";

(b) the phrase ", other than domestic premises," is omitted from paragraph 5(1);

(c) in paragraph 5(1)(b) before the words "of either" there is inserted—

"in the case of a warrant to enter non domestic premises,";

(d) at the end of paragraph 5(1)(b) for "." there is substituted "; or"; and

(e) after paragraph 5(1)(b) there is inserted—

"(c) in the case of a warrant to enter domestic premises, that admission to the premises has been refused and that notice of the intention to apply for a warrant under this Schedule has been given to the occupier.".

*Edwina Hart*

Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

14 Ebrill 2011

Minister for Health and Social Services, one of the Welsh Ministers

14 April 2011

## ATODLEN 1

(Rheoliad 7(1))

Yr Wybodaeth Ragnodedig am Iechyd sydd i'w Darparu

"GWYBODAETH IECHYD I DDEFNYDDWYR GWELYAU HAUL

Gall defnyddio gwelyau haul niweidio'ch iechyd yn y tymor hir. Maent wedi eu cysylltu â'r canlynol:—

- risg uwch o ganser y croen — mae pobl sy'n defnyddio gwelyau haul am y tro cyntaf cyn iddynt fod yn 35 oed yn cynyddu eu risg o ddatblygu melanoma malaen (y ffurf fwyaf difrifol ar ganser y croen) 75 y cant;
- niwed i'r llygaid gan gynnwys risg uwch o gael cataractau — os na fydd offer priodol i amddiffyn y llygaid yn cael eu gwisgo; a
- heneiddio'r croen cyn pryd sy'n golygu y bydd eich croen yn mynd yn arw, fel lledr ac yn grychiog mewn oedran iau.

Mae'r risgiau iechyd o ddefnyddio gwely haul yn uwch nag unrhyw fuddion posibl y gallent eu rhoi o ran cynorthwyo'r corff i greu Fitamin D.

Mae effeithiau iechyd byrdymor hefyd, sef:—

- croen sydd wedi llosgi yn yr haul, ac a all fynd yn goch, yn boenus ac yn bothellog;
- sychder croen;
- brech "wres" goslyd; a
- cosi yn y llygaid neu lid pilen y llygad os na wisgir offer priodol i amddiffyn y llygaid.

Ni ddylech ddefnyddio gwely haul:

- os ydych wedi cael canser y croen yn y gorffennol;
- os oes gennych hanes teuluol o ganser y croen;
- os oes gennych groen golau neu sensitif;
- os ydych yn llosgi'n hawdd yng ngolau'r haul;
- os oes gennych lawer o frychau haul a/neu wallt coch;
- os oes gennych lawer o fannau duon;
- os ydych yn defnyddio meddyginiaeth neu elïau sy'n gwneud eich croen yn fwy sensitif i olau'r haul;
- os oes gennych gyflwr meddygol sy'n cael ei waethygu gan olau'r haul;
- os oes gennych system imiwnedd sydd wedi ei gwanhau;
- os methwch ag amddiffyn eich llygaid — peidiwch byth â defnyddio gwely haul heb wisgo offer priodol i amddiffyn eich llygaid; neu

## SCHEDULE 1

(Regulation 7(1))

Prescribed Health Information to be Provided

"GWYBODAETH IECHYD I DDEFNYDDWYR GWELYAU HAUL

Gall defnyddio gwelyau haul niweidio'ch iechyd yn y tymor hir. Maent wedi eu cysylltu â'r canlynol:—

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- os oes gennych gyflwr meddygol sy'n cael ei waethygu gan olau'r haul;
- os oes gennych system imiwnedd sydd wedi ei gwanhau;
- os methwch ag amddiffyn eich llygaid — peidiwch byth â defnyddio gwely haul heb wisgo offer priodol i amddiffyn eich llygaid; neu

- os ydych o dan 18 oed (ac ni chaiff neb o dan 18 oed ddefnyddio gwely haul yn y fangre hon).

Mae rhai menywod yn canfod bod eu croen yn fwy sensitif yn ystod beichiogrwydd. Gallai hyn olygu bod eich croen chi yn fwy tebygol o losgi yn yr haul neu os byddwch yn defnyddio gwely haul.

HEALTH INFORMATION FOR SUNBED USERS

Using sunbeds can harm your health in the long term. They have been linked to:—

- a higher risk of skin cancer — people who use sunbeds for the first time before the age of 35 increase their risk of developing malignant melanoma (the most serious form of skin cancer) by 75 per cent;
- eye damage including a higher risk of cataracts — if appropriate eye protection is not worn; and
- premature skin ageing which means that your skin becomes coarse, leathery and wrinkled at a younger age.

The health risks of using a sunbed are greater than any possible benefits they might provide in helping the body create Vitamin D.

There are also short term health effects:—

- sunburnt skin, which may become red, painful and blister;
- skin dryness;
- an itchy "heat" rash; and
- itchy eyes or conjunctivitis if appropriate eye protection is not worn.

You should not use a sunbed if you:

- have had skin cancer in the past;
- have a family history of skin cancer;
- have fair or sensitive skin;
- burn easily in sunlight;
- have a large number of freckles and/or red hair;
- have a large number of moles;
- are using medication or creams that make your skin more sensitive to sunlight;
- have a medical condition that is made worse by sunlight;
- have an immune system which is weakened;
- fail to protect your eyes — never use a sunbed without wearing appropriate eye protection; or
- are under 18 (and no person under 18 may use a sunbed on these premises).

Some women find their skin is more sensitive during pregnancy. This could mean that your skin may be more likely to burn in the sun or if you use a sunbed."

- os ydych o dan 18 oed (ac ni chaiff neb o dan 18 oed ddefnyddio gwely haul yn y fangre hon).

Mae rhai menywod yn canfod bod eu croen yn fwy sensitif yn ystod beichiogrwydd. Gallai hyn olygu bod eich croen chi yn fwy tebygol o losgi yn yr haul neu os byddwch yn defnyddio gwely haul.

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- have an immune system which is weakened;
- fail to protect your eyes — never use a sunbed without wearing appropriate eye protection; or
- are under 18 (and no person under 18 may use a sunbed on these premises).

Some women find their skin is more sensitive during pregnancy. This could mean that your skin may be more likely to burn in the sun or if you use a sunbed."

## ATODLEN 2

(Rheoliad 7(2))

Yr Wybodaeth Ragnodedig am Iechyd sydd i'w Harddangos

"GWYBODAETH IECHYD

Gall defnyddio gwely haul niweidio'ch croen a'ch golwg a chynyddu eich risg o ddioddef gan ganser y croen.

HEALTH INFORMATION

Sunbed use can damage your skin and eyesight and increase your risk of suffering from skin cancer."

## SCHEDULE 2

(Regulation 7(2))

Prescribed Health Information to be Displayed

"GWYBODAETH IECHYD

Gall defnyddio gwely haul niweidio'ch croen a'ch golwg a chynyddu eich risg o ddioddef gan ganser y croen.

HEALTH INFORMATION

Sunbed use can damage your skin and eyesight and increase your risk of suffering from skin cancer."

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