



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 8

REGULATION OF PROVISION OF SUNBEDS

Offences

96 Prohibition on sale or hire of sunbeds to persons under 18

- (1) A person (the “seller”) who, without reasonable excuse, sells a sunbed to a person who is under 18 commits an offence.
- (2) A person (the “hirer”) who, without reasonable excuse, hires a sunbed to a person who is under 18 commits an offence.
- (3) In proceedings for an offence under subsection (1) or (2), it is a defence for the seller or hirer to show that—
 - (a) the seller or hirer believed the person to be 18 or over; and
 - (b) the seller or hirer had taken reasonable steps to establish the person's age.
- (4) For the purposes of subsection (3)(b), the seller or hirer is to be treated as having taken reasonable steps to establish the person's age if (and only if)—
 - (a) the seller or hirer was shown any of the documents mentioned in subsection (5); and
 - (b) that document would have convinced a reasonable person.
- (5) The documents referred to in subsection (4)(a) are any document appearing to be—
 - (a) a passport;
 - [^{F1}(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.
- (6) In subsections (3)(a) and (b) and (4), references to the seller or hirer include an employee or agent of the seller or hirer.

Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 96. (See end of Document for details)

Textual Amendments

- F1** S. 96(5)(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(3)**; 2020 c. 1, Sch. 5 para. 1(1)
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Commencement Information

- I1** S. 96 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 96.