



## ***Sunbeds (Regulation) Bill: Committee Stage Report***

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This note summarises the House of Commons Second Reading and Committee Stage proceedings of the *Sunbeds (Regulation) Bill* (Bill 19 2009-10). It supplements [Library Research Paper 10/07](#) which describes the background and the content of the Bill in more detail.

The Bill seeks to create a duty on sunbed businesses to prevent use of sunbeds by under-18s, to provide for local authority enforcement of this duty, and to give Ministers powers to make regulations imposing further conditions on commercial sunbed use.

Further material and links to the proceedings on the Bill for Members and their staff can be found on the Library's [Bill Gateway](#) pages, and for all other users on the [Parliament website Sunbeds \(Regulation\) Bill page](#).

The Bill was introduced in the House of Commons on 16 December 2009 and had its [Second Reading](#) on 29 January 2010. It is a Private Member's Bill introduced by Julie Morgan MP and has Government support. The Bill was committed to a [Public Bill Committee](#), which consisted of one sitting on 10 February 2010. The Report Stage is scheduled for Friday 26 February 2010.

At the Second Reading, support for the Bill was widespread and came from Members of all parties. Many Members welcomed the Bill because they did not think that voluntary regulation of sunbed businesses had worked. Some concern was raised however, that the Bill might be a "slippery slope" towards a total ban on sunbeds. Questions were also raised as to whether under 18 years was the correct age at which to ban sunbed use.

There were no amendments tabled to the Bill in Committee and so it remained unchanged. Clarification was sought on a number of issues on how the Bill would work in practice, particularly in relation to how the restricted zone around sunbeds would operate, how exactly sunbeds would need to be supervised and to the monitoring and enforcement provisions.

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## Contents

<b>1</b>	<b>Second Reading Debate</b>	<b>2</b>
<b>2</b>	<b>Committee Stage</b>	<b>4</b>
<b>3</b>	<b>Members of the Public Bill Committee</b>	<b>6</b>

### 1 Second Reading Debate

Julie Morgan MP introduced her Bill saying that it was needed because self-regulation in the sunbed industry had not worked. She said that the Bill was important for many reasons, principally, the protection of children. The aims of the Bill were summarised as: to prevent under 18s from accessing sunbeds; to create a duty on sunbed businesses to prevent the use of sunbeds by under 18s; and to give local enforcement officers powers to inspect salons and to penalise them if under 18s are found to be using sunbeds.<sup>1</sup>

The Bill would also introduce regulations to ensure: that under 18s cannot hire or buy sunbeds; that all sunbed salons are staffed; that clear and accurate health information is displayed in all sunbed establishments; and that all adult sunbed users wear protective eyewear.<sup>2</sup> It was confirmed that the Secretary of State for Health and the Welsh Assembly Health Minister, had both committed to introducing regulations if the Bill was passed.<sup>3</sup> It was also highlighted that Scotland already had similar legislation.<sup>4</sup>

Philip Davies worried that the Bill was a “slippery slope” towards a complete ban on sunbed use altogether and said that it was important to preserve people’s individual freedoms.<sup>5</sup> He questioned whether the measures in the Bill were “proportionate” and suggested a system of using parental permission along with clear health warnings as an alternative.<sup>6</sup> He also asked for clarification about whether the Bill would provide a due diligence defence for sunbed operators, explaining that it was “important to try to help responsible operators who are trying to do their best.”<sup>7</sup> He also said the Bill was flawed because it would not restrict sunbed use at home, which may lead to the creation of a “perverse incentive” to encourage more home sunbed use.<sup>8</sup>

Sian James disagreed with these comments and did not think that allowing someone to read a poster in a salon would offer enough protection. She thought that such posters could be misleading and so welcomed the provisions in the Bill for sunbed premises to be staffed.<sup>9</sup> Nia Griffith said that the Bill was needed to allow local authorities to regulate properly and that responsible operators of sunbeds had welcomed “proper regulation”.<sup>10</sup> Bruce George, Chairman of the All Party Parliamentary Group on Skin, said that his group supported the Bill

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<sup>1</sup> HC Deb 29 January 2010 c1054

<sup>2</sup> HC Deb 29 January 2010 c1054

<sup>3</sup> HC Deb 29 January 2010 c1058

<sup>4</sup> *The Public Health etc (Scotland) Act 2008*

<sup>5</sup> HC Deb 29 January 2010 c1061

<sup>6</sup> HC Deb 29 January 2010 c1066

<sup>7</sup> HC Deb 29 January 2010 c1065

<sup>8</sup> HC Deb 29 January 2010 c1066

<sup>9</sup> HC Deb 29 January 2010 c1069

<sup>10</sup> HC Deb 29 January 2010 c1075

and that it was important to target those salons that offered unlimited sessions, did not ask for proof of age and did not provide information about the risks of sunbeds.<sup>11</sup>

Shadow Minister for Health, Mark Simmonds agreed with Philip Davies that the House should not introduce legislation lightly, but said that clinical evidence supported the premise behind the Bill. He called some of the statistics that Julie Morgan had cited previously as “very significant” namely, that more than 11% of 15 to 17-year-olds have used a sunbed and that 6% of 11 to 17-year-olds (250,000 children) a year use sunbeds. He also said that as the existing voluntary regulatory structure had proved ineffective, the Bill was a “necessary step”.<sup>12</sup>

He “strongly” agreed with clause 5, which would require sunbed businesses to display information about the health risks associated with sunbed use, but asked for clarification about who would be responsible for this information and whether it would come from the Department of Health. He asked for the Government to set out in the Bill a timetable for when the EU standard<sup>13</sup> on the UV radiation emission limits for sunbeds would start to apply to all existing sunbed equipment, rather than just new equipment as at present.<sup>14</sup> He also wondered whether 18 was the right age to regulate at and asked whether people aged 16 or 17 might also have the ability to make informed choices about tanning.<sup>15</sup>

Liberal Democrat spokesperson, Sarah Teather supported the Bill and called it a proportionate response to the potential danger of sunbed use, particularly for young people.<sup>16</sup>

Gillian Merron, the Minister of State at the Department of Health, said that the Government “fully supports the Bill” and set out exactly why she felt that legislation was now needed. Her main points were:

- that voluntary self-regulation had not worked, because only a fraction of sunbed businesses were covered by the voluntary code;
- that special licensing powers given to some local authorities had “not done the job”; and
- that guidance from the Health and Safety Executive and SunSmart had not been effective at changing behaviour among young people.<sup>17</sup>

She also cited a study which suggested that melanomas from sunbeds had caused about 100 deaths a year in the UK and predicted that cancer rates would “triple over the next 20 to 30 years.” She explained “we have a duty to do all we can to protect young people today so that we can save their lives tomorrow.”<sup>18</sup>

The Minister confirmed that should the Bill be passed, Government would begin consulting on further regulations to tackle unsupervised sunbed use “at the earliest opportunity.” She argued that 18 years was the right age for regulation because it was consistent with other age regulations for alcohol and tobacco and that this limit had been recommended by the

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<sup>11</sup> HC Deb 29 January 2010 c1074

<sup>12</sup> HC Deb 29 January 2010 c1077

<sup>13</sup> EN 60335-2-2: Specification for safety of household and similar electrical appliances: Particular requirements for appliances for skin exposure to ultraviolet and infrared radiation

<sup>14</sup> HC Deb 29 January 2010 c1078

<sup>15</sup> HC Deb 29 January 2010 c1078

<sup>16</sup> HC Deb 29 January 2010 c1080

<sup>17</sup> HC Deb 29 January 2010 c1080-1

<sup>18</sup> HC Deb 29 January 2010 c1082

Scientific Committee on Consumer Products, the World Health Organisation and the Committee on Medical Aspects of Radiation in the Environment.<sup>19</sup>

The Bill was given a Second Reading without division.

A motion for a money resolution was debated and agreed on 9 February 2010.<sup>20</sup> The Minister clarified that she believed “proper enforcement” of the ban on sunbeds for under 18s would cost £88,000 annually, based on information from the Local Government Association.<sup>21</sup>

## 2 Committee Stage

There was one Committee Stage sitting on 10 February 2010. No amendments were tabled to the Bill and so the discussion was on clauses stand part debate only.<sup>22</sup>

Shadow Minister for Health, Mark Simmonds complained that he had not been given adequate prior notice of when the Committee would sit; he had wanted to table a series of probing amendments to elicit further information from the Minister, but had not been given enough time. The Chairman confirmed that the proper amount of time of three sitting days had been provided.<sup>23</sup>

**Clause 2** of the Bill would create a duty on sunbed businesses to ensure that nobody under the age of 18 uses a sunbed. Julie Morgan called this the “main” clause of the Bill and said that it was “crucial”, explaining:

The scientific evidence is clear: young skin is more vulnerable to harm from ultra-violet radiation. Restricting under-18s from using sunbeds is proportionate, based first on the science evidence and, secondly, on practical considerations. Under-18s are not allowed to buy alcohol or cigarettes, so the Bill would bring the age at which people are able to use commercial sunbeds in line with other age restrictions across the UK. I believe this to be practicable and workable, and it will ensure clarity of messages. That is the medical reason for the Bill.<sup>24</sup>

Clause 2 would also create a restricted zone around a sunbed into which a person under 18 years could not enter. It was explained that this provision had been created to eliminate the possibility that an under-18 could enter a private sunbed area with an adult and for the sunbed operator not to know which one of them had used it. Julie Morgan thought that it would be easy for sunbed businesses to create restricted zones by using simple screens or curtains.<sup>25</sup>

Second Reading concerns that sunbed operators might be charged with an offence even if they had taken all reasonable steps to prevent use by under 18s were also addressed. It was confirmed that legal advisers had clarified that no operator would be charged if they had taken “reasonable precautions” to stop under 18s from using sunbeds.<sup>26</sup> The Minister of State at the Department of Health, Gillian Merron gave an example of where an operator might have a defence:

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<sup>19</sup> HC Deb 29 January 2010 c1082

<sup>20</sup> HC Deb 9 February 2010 c881-2

<sup>21</sup> HC Deb 9 February 2010 cc882

<sup>22</sup> PBC Deb 10 February 2010

<sup>23</sup> PBC Deb 10 February 2010 c4

<sup>24</sup> PBC Deb 10 February 2010 c6-7

<sup>25</sup> PBC Deb 10 February 2010 c7

<sup>26</sup> PBC Deb 10 February 2010 c8

If a young person came up with a good quality, fake identity card, which was checked by the business owner, it would be a reasonable defence that the owner had not contravened the law.<sup>27</sup>

For the Conservatives, Mark Simmonds asked the Government three things:

- to add a timetable into the Bill for when the EU standard on the UV radiation emission limits for sunbeds would start to apply all existing sunbed equipment;
- for clarification about whether the Bill went far enough to ensure that qualified people would be available in sunbed businesses to give advice on their use; and
- for clarification about who would be responsible for monitoring the Bill; whether it would be the Department of Health or the Health Protection Agency.<sup>28</sup>

The Minister replied that the EU standard was the responsibility of the Department for Business, Innovation and Skills (BIS), and so it was not therefore an appropriate addition for a public health Bill. She said the requirements for the type of person required to supervise the sunbed would be a matter for the regulations. It was confirmed that the Department of Health would be responsible for monitoring compliance with the ban, whilst working closely with other bodies.<sup>29</sup>

**Clause 4** would allow further regulations to be made to restrict use, sale or hire of sunbeds. Julie Morgan said that should the Bill be passed, regulations would be introduced, subject to consultation, to ensure that salons are supervised.<sup>30</sup> Mark Simmonds asked for further clarification about what “supervised” might mean and whether the regulations might have the effect of banning coin-operated sunbeds. The Minister responded that a consultation would be carried out on the regulations as soon as possible after the Bill is passed, but did not want to comment further, as she did not want to predict its outcome.<sup>31</sup>

**Clause 5** would allow regulations to be made to require prescribed information about the risks of sunbeds to be displayed to users. Mark Simmonds asked who would be responsible for the “prescribing”.<sup>32</sup> The Minister replied that the question of who prescribes would be “a matter for the Secretary of State to prescribe in his regulations”, following consultation. She also made clear that the Department of Health would co-ordinate with BIS and the Advertising Standards Authority to ensure that there is no duplication of the law regarding misleading advertisements in the regulations.<sup>33</sup>

**Clause 7** would put a duty on local authorities to enforce the provisions in the Bill and the Schedule would set out the powers of entry of entry for enforcement officers. Mark Simmonds asked whether there would be a minimum notice period of 24 hours before an officer could enter premises.<sup>34</sup> The Minister confirmed that no notice period would be required, but said that if entry was not granted voluntarily, a warrant from a justice of the peace would be needed. Bruce George asked whether the enforcement officers would have training to deal with this “quite onerous responsibility” and whether there would be a required

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<sup>27</sup> PBC Deb 10 February 2010 c15

<sup>28</sup> PBC Deb 10 February 2010 c9-10

<sup>29</sup> PBC Deb 10 February 2010 c15-16

<sup>30</sup> PBC Deb 10 February 2010 c18

<sup>31</sup> PBC Deb 10 February 2010 c19

<sup>32</sup> PBC Deb 10 February 2010 c21

<sup>33</sup> PBC Deb 10 February 2010 c22

<sup>34</sup> PBC Deb 10 February 2010 c23

standard of competence.<sup>35</sup> The Minister replied that standards would be set by local authorities and that the Department of Health would produce guidance to assist enforcement.<sup>36</sup> Julie Morgan said that local authorities would be able to determine the most appropriate person to do the enforcement work. She explained that it has been suggested by the Local Government Association that environmental health officers, who are already trained to deal with a wide range of legal requirements, should do the work.<sup>37</sup>

At the end of the discussion, the resolution procedures for the Bill's regulations were set out by Julie Morgan:

All regulations under clause 4 need to be laid in draft and approved by resolution of each House of Parliament and the National Assembly for Wales. They are subject to the affirmative resolution procedure. Regulations under clauses 5 and 6 are subject to affirmative resolution procedures where they create offences. In all other circumstances it is negative resolution.<sup>38</sup>

### **3 Members of the Public Bill Committee**

#### *Chairman*

Binley, Mr. Brian (*Northampton, South*) (Con)

#### *Members*

Bottomley, Peter (*Worthing, West*) (Con)

Clwyd, Ann (*Cynon Valley*) (Lab)

Evans, Mr. Nigel (*Ribble Valley*) (Con)

George, Mr. Bruce (*Walsall, South*) (Lab)

Gidley, Sandra (*Romsey*) (LD)

Griffith, Nia (*Llanelli*) (Lab)

James, Mrs. Siân C. (*Swansea, East*) (Lab)

Kirkbride, Miss Julie (*Bromsgrove*) (Con)

Merron, Gillian (Minister of State, Department of Health)

Morden, Jessica (*Newport, East*) (Lab)

Morgan, Julie (*Cardiff, North*) (Lab)

O'Brien, Mr. Mike (Minister of State, Department of Health)

Simmonds, Mark (*Boston and Skegness*) (Con)

Williams, Mrs. Betty (*Conwy*) (Lab)

Williams, Hywel (*Caernarfon*) (PC)

#### *Committee Clerk*

Sarah Davies

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<sup>35</sup> PBC Deb 10 February 2010 c24

<sup>36</sup> PBC Deb 10 February 2010 c25

<sup>37</sup> PBC Deb 10 February 2010 c25

<sup>38</sup> PBC Deb 10 February 2010 c27