

The Public Health etc (Scotland) Act 2008 (Sunbed) Regulations 2009

August 2009

Introduction

The Federation of Small Businesses is Scotland's largest direct member business organisation, representing almost 20,000 members. It campaigns for a social, economic and political environment in which small businesses can grow and prosper.

The FSB welcomes the opportunity to submit our comments to this consultation, as among our membership we do have members that will be affected by the changes proposed. The FSB previously responded to the *Regulation of Sunbed Parlours Bill* consultation in 2006.

Prescribed Documents

The new regulations set out the various forms of identification that will need to be provided by an individual to prove that they are over the age of 18 and therefore eligible to use a sunbed legally under the new regulations. The FSB agrees that the documents stated, namely, a passport, driving licence or another such photographic identity card, such as a PASS card, which has been approved by the British Retail Consortium, is sensible and would be acceptable to most businesses. The FSB does not have any additional suggestions about 'proof of age' documents.

While we have previously spoken out about our opposition to the use of unstaffed, coin-operated machines, we do have a concern about the age limit set out in these regulations. In the UK, individuals are able to participate in various activities between the ages of 16-18; and so we would suggest that 16 would be a fairer age at which to set the limit.

Provision of Health Information

The FSB is content with the health warnings as laid out in Schedule 1, (regulation 3).

Display Notice

The FSB is content with the health warning as laid out in Schedule 2, (regulation 4).

Regulatory Impact Assessment (RIA)

The FSB is generally content with the information contained within the regulatory impact assessment; however, we would just like to reinforce our view that most responsible businesses are already involved in promoting safe tanning among their customers, and there has to be a limit to what can reasonably be expected to be the responsibility of the business and that of the customer.

It is good that the Scottish Government will be providing information materials, thus removing a cost for business; however, no calculation has been made in the RIA about the potential loss of income from lower demand of sunbed use which is clearly a shortcoming.

Conclusion

The FSB has always tried to approach this subject in a constructive manner. Our view is that regulation of small businesses should always be seen as a last resort, as it can often be costly, time consuming and does not always achieve the desired outcome. Small businesses are the lifeblood of the Scottish economy and, particularly in the current economic climate, we should be careful not to stifle enterprise and entrepreneurialism.

We also believe it is important to stress once again, as is stated in the RIA, that these businesses are already bound by Health & Safety legislation to ensure that their equipment does not present a danger to the customer.

If you require clarification on any aspect of our remarks, please do not hesitate to contact us on the details below.

For further information on any of the points raised in this submission, please contact Martyn McIntyre Policy Officer, on martyn.mcintyre@fsb.org.uk or 0141 221 0775.