

# STAFFORDSHIRE COUNTY COUNCIL BYELAWS REGULATING THE EMPLOYMENT OF CHILDREN

Made: 9 July 1998

Coming into force: 2 September 1998

Staffordshire County Council, in exercise of the powers conferred on it by sections 18(2) and 20(2) of the Children and Young Person's Act 1933, hereby makes the following Byelaws:

## Citation and commencement

1. These Byelaws may be cited as the Staffordshire County Council Byelaws on the Employment of Children 1998 and shall come into force on 2 September 1998.

## Interpretation and extent

2. In these Byelaws, unless the context otherwise requires:

"the authority" means Staffordshire County Council;

"child" means a person who is not yet over compulsory school age as defined in section 8 of the Education Act 1996.

"employment" includes assistance in any trade or occupation, which is carried on for profit, whether or not payment is received for that assistance;

"light work" means work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed-

a) is not likely to be harmful to the safety, health or development of children; and

b) is not such as to be harmful to their attendance at school, their participation in work experience in accordance with section 560 of the Education Act 1996, or their capacity to benefit from the instruction received or, as the case may be, the experience gained.

"parent" includes any person who has for the time being parental responsibility for a child within the meaning of section 3 of the Children Act 1989.

"shop" includes the definition described within the Town and Country Planning (Use Classes) Order 1987 as amended from time to time.

"year", except in expressions of age, means a period of twelve months beginning with 1st January.

## Prohibited employment

3. No child of any age may be employed -

a) in any cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children;

b) to sell or deliver alcohol, except in sealed containers;

c) in work involving the distribution and delivery of milk;

d) to deliver fuel oils;

e) in any work involving the preparation of food in a commercial kitchen;

f) to collect or sort refuse;

g) in any work, which is more than three metres above ground level or, in the case of internal work, more than three metres above floor level;

h) in employment involving harmful exposure to physical, biological or chemical agents;

l) to collect money or to sell or canvass door to door;

j) in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children;

k) in telephone sales;

l) in any slaughterhouse or in that part of a butcher's shop or other premises connected with the killing of livestock, butchery, or the preparation of carcasses or meat for sale;

m) as an attendant or assistant in a fairground or amusement arcade or in any other premises used for the purpose of public amusement by means of automatic machines, games of chance or skill or similar devices;

n) in the personal care of residents of any residential care home or nursing home;

o) in any other occupation which may from time to time be prohibited by other legislation, (e.g. factories and any "industrial undertaking").

## Permitted employment of children aged 14 and over

4. A child aged 14 or over may be employed only in light work.

## Permitted employment of children aged 13

5. A child of 13 may not be employed except in light work in one or more of the following specified categories:

a) agricultural or horticultural work;

b) delivery of newspapers, journals and other printed material;

c) shop work, including shelf stacking

d) office work

e) car washing by hand

f) in a cafe or restaurant (but not in the kitchen)

g) in riding stables.

### Employment before school

7. Subject to other provisions of these Byelaws, children may be employed for up to one hour before the commencement of school hours on any day on which they are required to attend school.

### Additional conditions

8. Children of compulsory school age who are not registered pupils at a school may not be employed between 8.30 a.m. and 3.30 p.m. on any day which is not a school holiday.

9. No child may be employed in any work out of doors unless wearing suitable clothes and shoes.

### Notification of employment and employment permits

10. Within one week of employing a child, the employer must send to the authority written notification stating:

- a) his own name and address;
- b) the name, address and date of birth of the child;
- c) the hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the task involved, and, if different from a) above, the place of employment;
- d) a statement of the child's fitness to work, and of approval for the child to be employed, completed by the child's parent;
- e) details of the school at which the child is a registered pupil; and
- f) a statement to the effect that an appropriate risk assessment has been carried out by the employer

11. Where on receipt of a notification, the local authority is satisfied that:

- a) the proposed employment is lawful;
- b) that the child's health, welfare or ability to take full advantage of his education would not be jeopardised; and
- c) the child is fit to undertake the work for which he is to be employed,

It will issue the employer with an employment permit with respect to the child.

12. Before issuing an employment permit the local authority may require a child to have a medical examination.

13. The employment permit will state:

- a) the name, address and date of birth of the child; and
- b) the hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the tasks and place of employment.

14. A child may be employed only in accordance with the details shown on his employment permit.

15. The local authority may amend a child's employment permit from time to time on application of an employer.

16. The local authority may at any time revoke a child's employment permit if it has reasonable grounds to believe -

- a) that the child is being unlawfully employed, or
- b) that his health, welfare or ability to take advantage of his education is suffering or likely to suffer as a result of the employment.

17. An employer must produce the employment permit in respect of any child employed by him for inspection when required to do so by an authorised officer of the authority or a Police Officer.

(No byelaw is made with respect to permitting street trading by children)

The Byelaws with respect to the employment of children made by the Staffordshire County Council on 24 February 1977 and confirmed by the Secretary of State on 31 October 1977 are hereby revoked.

Issued By:

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September 1998

**STAFFORDSHIRE COUNTY COUNCIL  
BYELAWS REGULATING THE EMPLOYMENT OF CHILDREN 1998**

**EXPLANATORY NOTE**

(This note is not part of the Byelaws)

These Byelaws regulate the types of occupation in which children under school leaving age may be employed (Byelaws 3-5), and other conditions of their employment. They provide for checks on a child's fitness for employment (Byelaws 11 and 12) and for the issue of employment permits, setting out the occupations in which a child may be employed and his/her hours of work (Byelaws 7-8). Employers are obliged to notify local authorities of their child employees within one week of them commencing work (byelaw 10).

**NOTE:** "School leaving age" relates to all children who have not yet reached the last Friday in June in the school year in which he/she attains the age of 16.

These Byelaws are not a comprehensive statement of the law relating to the employment of children and should be read in conjunction with other legislation relating to prohibited occupations and the hours of work in particular.

By virtue of Section 560 of the Education Act 1996, enactments relating to the prohibition or regulation of the employment of children do not apply to children undertaking work experience within the meaning of the Act. "Enactment" for this purpose includes Byelaws having effect under an enactment, so nothing in these Byelaws applies to a child's (approved) work experience.

**Prohibited and Permitted Employment**

Children aged 13 are limited to employment in the occupations listed at bylaw 5. Children aged 14 and over are not limited in this way, but all children may only undertake light work (bylaw 4). Byelaw 3 lists various occupations, which are prohibited for children, even if they would constitute light work. Many occupations or specific tasks are prohibited by other legislation, including:

**Employment of Women, Children and Young Persons Act 1920**, which prohibits the employment of children in any "industrial undertaking" including mines and quarries, manufacturing industry, construction and the transport of passengers or goods by road, rail or inland waterway (s.1 (1));

**Agricultural (Safety, Health and Welfare Provisions) Act 1956**, under which it is an offence to cause or permit a child to ride on or drive a vehicle, machine or agricultural implement (s.7);

**Offices, Shops and Railway Premises Act 1963** which provides that no young person may clean machinery if to do so would expose him to risk of injury (s.18);

**Betting, Gaming and Lotteries Act 1963**, which prohibits the employment of a person under 18 in effecting any betting transaction or in a licensed betting office (s.21). National Lottery tickets may be sold by someone who has reached the age of 16 but not by any younger child.

**Licensing Act 1964** which prohibits the employment of children in the bar of licensed premises (s.170) and the **Licensing (Occasional Permissions) Act 1983** which prohibits any person under 18 from selling or serving alcohol in premises authorised under the Act (paragraph 5(1) of the relevant Schedule);

**Merchant Shipping Act 1970** by virtue of which no person under minimum school leaving age may be employed on a ship registered in the UK, except as permitted by regulations under the Act (s.5) and

**Manual Handling Operations Regulations 1992**, which prohibit children from handling any, load which is likely to cause injury to them.

(This is not the complete list).

The **Children (Performances) Regulations 1968** provide that no child taking part in a performance for which a licence is required by s.37 **Children and Young Persons Act 1963**, may be employed in any other occupation on the day or days of that performance or the following day.

### **Hours of Work**

In accordance with the **Children and Young Persons Act 1933** the following restrictions apply to hours of work:

No child may be employed for more than two hours on any day on which he is required to attend school; (maximum one hour before school).

No child shall be employed on any Saturday or day on which he is not required to attend school, except as hereafter provided:

(i) A child under 15 years may be employed between the hours of 7.00 a.m. and 7.00 p.m. for a maximum of five hours a day subject to a maximum of 25 hours per week;

(ii) A child of 15 years and over may be employed between the hours of 7.00 a.m. and 7.00 p.m. for a maximum of eight hours a day subject to a maximum of 35 hours per week;

(iii) Where a child is employed by virtue of the provision of (i) or (ii) above, no child shall be employed for more than four hours in any day without a rest break of one hour;

(iv) Where a child is employed by virtue of provision (i) or (ii) above, no child shall be employed at any time in a year unless at that time he has had, or could still have, during a period in the year in which he is not required to attend school, at least two consecutive weeks without employment.

No child shall be employed on Sundays except for a maximum of two hours between 7.00 a.m. and 7.00 p.m.

**NOTE: REGULATIONS INTRODUCED IN 2000 MEAN THAT NO CHILD MAY WORK MORE THAN 12 HOURS IN ANY SCHOOL WEEK (INCLUDING THE WEEKEND)**

### **Street Trading**

These Byelaws do not authorise the employment of children in street trading.

### **Penalties**

S.21 **Children and Young Persons Act 1933**, as amended provides, inter alia that:

If a person is employed in contravention of s.18 of the Act, or of the provisions of any byelaws made thereunder, the employer and any other person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale (£1000).

If a person is employed in contravention of s.20 of the Act, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale (£1000); a person of compulsory school age who engages in street trading in contravention of the provisions of s.20, or of any byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding level 1 on the Standard Scale (£200)

**CARRIED ON FOR PROFIT” IS ILLEGAL UNLESS A LICENCE HAS BEEN ISSUED TO THE EMPLOYER. APPLICATION MUST BE MADE WITHIN ONE WEEK OF THE CHILD COMMENCING WORK.**

**AGE** No child may be employed under the age of 13.

**WORK** All work must be “light duties” only and not interfere with the child’s education.

**PROHIBITED EMPLOYMENT** No child of any age may be employed -

- in any cinema, theatre, discotheque, dance hall or night club;
- to sell or deliver alcohol, except in sealed containers;
- in work involving the distribution and delivery of milk;
- to deliver fuel oils;
- in any work involving the preparation of food in a commercial kitchen;
- to collect or sort refuse;
- in any work which is more than three metres above ground level or, in the case of internal work, more than three metres above floor level;
- in employment involving harmful exposure to physical, biological or chemical agents;
- to collect money or to sell or canvass door to door;
- in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children;
- in telephone sales;
- in any slaughterhouse or in that part of a butcher’s shop or other premises connected with the killing of livestock, butchery, or the preparation of carcasses or meat for sale;
- as an attendant or assistant in a fairground or amusement arcade or in any other premises used for the purpose of public amusement by means of automatic machines, games of chance or skill or similar devices;
- in the personal care of residents of any residential care home or nursing home.
- in any other occupation which may from time to time be prohibited by other legislation including any “industrial undertaking” (factory, manufacture, transport etc.)

**PERMITTED EMPLOYMENT OF CHILDREN AGED 13**

A child of 13 may not be employed except in light work in one or more of the following specified categories:

- agricultural or horticultural work;
- delivery of newspapers, journals and other printed material;
- shop work, including shelf stacking
- office work
- car washing by hand
- in a cafe or restaurant (but not in the kitchen)
- in riding stables.

**HOURS** these are also tightly defined and cannot be varied.

No child may work before 7.00 a.m. or after 7.00 p.m. on ANY day (incl. school holidays)

**On school days** a child may work a maximum of 2 HOURS; either 2 hours after school (before 7.00 p.m.) or one hour before school (after 7.00 a.m.) and one hour after school (before 7.00 p.m.) A maximum of 12 hours per school week, including weekends. No child may work during school hours.

**On Saturdays and school holidays:**

Children aged 13/14 can work up to 5 hours a day (max. 25 per week)

Children aged 15/16 can work up to 8 hours a day (max. 35 per week)

(No more than 4 hours without a one-hour break. A child who works the whole year must have a two-week consecutive break at either Easter or in the summer.)

**On Sundays** a child may work a maximum of 2 HOURS between 7.00 a.m. and 7.00 p.m. only.

A maximum of 12 hours per school week (Mon-Sun)