

DORSET COUNCIL

BYELAWS GOVERNING THE EMPLOYMENT OF CHILDREN

DORSET COUNCIL, IN EXERCISE OF THE POWERS CONFERRED ON IT BY SECTIONS 18(2) AND 20(2) OF THE CHILDREN AND YOUNG PERSONS ACT 1933 HEREBY MAKES THE FOLLOWING BYELAWS:

Citation and Commencement

1. These Byelaws may be cited as the Dorset Council Byelaws on the employment of Children (1998) and shall come into force on 01/04/19.

Interpretation and Extent

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

“the Authority” means Dorset 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 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.

“Public place” includes any public park, garden, sea, beach or railway station and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

“Street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“Street trading” includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe blacking and other like occupations carried on in any street or public place;

“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 a cinema, theatre, discotheque, dance hall or nightclub, except in connection with a performance given entirely by children;*
 - (b) to sell or deliver alcohol, except in sealed containers;
 - (c) to deliver milk;
 - (d) to deliver fuel oils;
 - (e) 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;
 - (i) to collect money or to sell or canvass door to door, except under the supervision of an adult;
 - (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 any butcher's shop 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 unless under the supervision of a responsible adult.

*This does not prevent children taking part in performances under the provision of a licence granted in accordance with the Children and Young Persons Act 1963, and associated Regulations.

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 aged 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, and collecting payment for same, subject to the provisions of byelaw 3(i);
- (c) shop work, including shelf stacking;
- (d) hairdressing salons;
- (e) office work;
- (f) car washing by hand in a private residential setting;
- (g) in a café or restaurant;
- (h) in riding stables; and
- (i) domestic work in hotels and other establishments offering accommodation.

Permitted employment of children under 13

6. (The Children (Protection at Work) Regulations 2000 expressly prohibit the employment of children under the age of 13 years.)

Employment before school

7. Subject to the 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 condition(s)

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

Notification of employment and employment permits

9. 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.

10. Where, on receipt of a notification, the Authority is satisfied that:

- (a) the proposed employment is lawful;
 - (b) 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 child with an employment permit.
11. Before issuing an employment permit the Authority may require a child to have a medical examination.
12. The employment permit will state:
- (a) the name, address and date of birth of the child;
 - (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 task involved and the place of employment;
13. A child may be employed only in accordance with the details shown on his employment permit.
14. The Authority may amend a child's employment permit from time to time on the application of an employer.
15. The 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 are suffering or likely to suffer as a result of the employment.
16. A child must produce his employment permit for inspection when required to do so by an authorised officer of the Authority or a police officer.

Street Trading

17. No child under the age of 14 may engage in street trading and a child aged 14 or over may not engage in street trading unless:
- (a) he is employed to do so by his parent, in connection with their retail business and under their direct supervision; and
 - (b) he has been granted a licence to do so ("a street traders licence") by the authority and is acting in compliance with the terms of that licence.

(There are further restrictions on the issue of licences for children to be employed in street trading – only in places and at times in accordance with the street trader's licence as issued by the relevant District Council; not on Sundays; the licence shall prohibit the holder from touting or importuning to the annoyance or obstruction to any member of the public in any street or public place; the employment must not be prejudicial to the child's health, welfare or ability to take advantage of his education; the licence will not permit begging, immorality or other improper purpose.)

NOTES (not forming part of the byelaws)

Minimum Age for Employment

No child under the age of 13 shall be employed.

NOTE : Each child who is employed must possess an Employment Permit, issued by the Local Authority according to the byelaws until he/she is able to leave school. A child may leave school on the last Friday in June in the school year during which he/she becomes 16. A child remaining at school after he/she is able to leave does not need an employment permit.

IN ACCORDANCE WITH EMPLOYMENT LAW

Hours of Employment for Children

No child may be employed for more than a total of 12 hours in any week in which they are required to attend school.

On Sundays

No child shall be employed for any period in excess of two hours and must not start before 7.00 a.m. or finish after 7.00 p.m.

Other Times (i.e. Saturdays and holidays – excluding Sundays)

- (i) No child under fifteen years may work for more than five hours net per day with a maximum of 25 hours net in any week.
- (ii) No child over fifteen years may work for more than eight hours net per day with a maximum of 35 hours net in any week.
- (iii) No child may commence employment before 7.00 a.m. nor finish after 7.00 p.m.
- (iv) No child shall be employed continuously for more than 4 hours without a period of at least one-hour for rest and recreation.

For harvesting, children under fifteen to be allowed to work a maximum of 8 hours a day subject to a maximum of 25 hours a week in any school holiday (but not on Saturdays in term time).

Prohibited and Permitted Employment

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

The 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 (section 1(1));

The Prevention of Accidents to Children in Agriculture Regulations 1998 which place restrictions on the operation of agricultural machines such as tractors or trailers when children are present.

The 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 (section 18);

The Betting Gaming and Lotteries Act 1963, which prohibits the employment of persons under 18 in effecting any betting transaction or in a licensed betting office (Section 21);

The Licensing Act 1964, which prohibits the employment of children in the bar of licensed premises (section 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 Schedule);

The Merchant Shipping Act 1970, by virtue of which no person under minimum school leaving age may be employed on a ship in the UK, except as permitted by Regulations made under the Act (section 51); and

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

It should be noted that this is not an exhaustive list.

The Children (Performances) Regulations 1968 provide that no child taking part in a performance for which a licence is required by Section 37 of the 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.

Penalties

Section 21 of the Children and Young Persons Act 1933 as amended by Section 36 of the Children and Young Persons Act 1963 provides as follows:-

1. If a person is employed in contravention of any of the provisions of part II of the Act (that is the general provisions as to employment) or of the provisions of any bye-law made thereunder, to whose act or default the contravention is attributable shall be

liable on summary conviction to a fine not exceeding level 3 of the Standard Scale (£1,000).