

**THE METROPOLITAN BOROUGH  
COUNCIL OF STOCKPORT**

**Byelaws with Respect to the  
Employment of Children**

**Operative the 8<sup>th</sup> day of March 2002**

**Paul W. Stonehouse  
Council Solicitor and Secretary  
Town Hall  
Stockport  
SK1 3XE**

# BYELAWS

Made the 7<sup>th</sup> day of December 2001

Coming into force the 8<sup>th</sup> day of March 2002

The Metropolitan Borough Council of Stockport, in exercise of the powers conferred on it by Section 18(2) and 20(2) of the Children and Young Persons Act 1933(1), hereby makes the following byelaws:

## Citation and Commencement

1. These Byelaws may be cited as the Metropolitan Borough Council of Stockport Byelaws on the Employment of Children 2001 and shall come into force on the 8<sup>th</sup> day March 2002.

## Interpretation and Extent

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

“the Authority” means the Metropolitan Borough Council of Stockport;

“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 parental responsibility for the child, Section 3 of the Children Act 1989 or the day to day care of a child within the meaning of Section 576 of the Education Act 1996.

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

“he” also related to “she” within the context of this document.

## **Prohibited Employment**

### **3. No child of any age may be employed:**

- (a) in a cinema, theatre, discothèque, dance hall or night club, except in connection with a performance given entirely by children;<sup>2</sup>
- (b) to sell or deliver alcohol, except in sealed containers;
- (c) to deliver milk;
- (d) to delivery 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 on 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, 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 slaughter-house, abattoir or butcher's shop where meat is prepared 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 any residential care home or nursing home.

## **Permitted Employment of Children Aged 14 or Over**

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

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<sup>2</sup> This does not prevent children taking part in performances under the provisions of a licence granted in accordance with the Children and Young Persons Act 1963, and the associated Regulations.

## **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;
  - (c) shop work, including shelf stacking;
  - (d) hairdressing salons;
  - (e) office work;
  - (f) in a café or restaurant;
  - (g) in riding stables; and
  - (h) domestic work in hotels and other establishments offering accommodation.

## **Employment Before School**

6. Subject to the other provision 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**

7. No child may be employed in any work unless the employer ensures that suitable clothes and footwear are worn.

## **Notification of Employment and Employment Licences**

8. 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 and the outcome shared with the parent and child.
9. Where, on receipt of a notification, the local 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 and the employer with an employment permit.
10. Before issuing an employment permit a local authority may require a child to have a medical examination.
11. 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.
12. A child may be employed only in accordance with the details shown on his employment permit.
13. A local authority may amend a child's employment permit from time to time on the application of an employer.
14. 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 are suffering or likely to suffer as a result of the employment.
15. A child or employer 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**

16. No child shall engage or be employed in street trading.

**Revocation**

17. The Byelaws with respect to the employment of children made by the Metropolitan Borough Council of Stockport on the 26<sup>th</sup> day of May 1978 and confirmed y the Secretary of State on the 15<sup>th</sup> day of August that year, coming into force 1<sup>st</sup> October, are hereby revoked.

**THE COMMON SEAL** of **THE** )  
**METROPOLITAN BOROUGH COUNCIL** )  
**OF STOCKPORT** was hereunto )  
affixed this 7<sup>th</sup> day of )  
December 2001 )

**Mayor**

**Council Solicitor and Secretary**

These Byelaws are confirmed by the Secretary of State for Health on the  
day of 2002 and shall come into operation on  
the day of 2002

**Signed** .....  
A Senior Civil Servant on behalf of  
The Secretary of State for Health

## EXPLANATORY NOTES

(not part of the Byelaws)

### The Legal Framework

1. Control of children's employment is exercised under a combination of primary legislation, i.e. The Children and Young Persons Act 1933 and local authority Byelaws. Section 18 of the 1933 Act sets out the basic restrictions and empowers local authorities to make Byelaws containing further conditions. Section 18 has been amended and now reads:
  - (1) Subject to the provisions of this section and of any Byelaws made thereunder **no child shall be employed:**
    - (a) so long as he is under the age of fourteen years;
    - (aa) to do any work other than light work;
    - (b) before the close of school hours on any day on which he is required to attend school; or
    - (c) before seven am or after seven pm on any day; or
    - (d) for more than two hours on any day on which he is required to attend school; or
    - (e) for more than two hours on any Sunday; or
    - (f) (repealed);
    - (g) or more than eight hours or, if he is under the age of fifteen years, for more than five hours in any day;
    - (h) for more than thirty-five hours or, if he is under the age of fifteen years, for more than twenty-five hours in any week in which he is not required to attend school; or
    - (i) for more than four hours in any day without a rest break of one hour; or
    - (j) at any time in a year unless at the time he has had, or still could have during a period in the year in which he is not required to attend school, at least two consecutive weeks without employment.
  - (2) A local authority may make Byelaws with respect to the employment of children, and any such Byelaws may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances, and may contain provisions.
    - (a) Authorising:

- (i) the employment on an occasional basis of children under the age of fourteen years (notwithstanding anything in paragraph (a) of the last foregoing sub-section) by their parents or guardians in light agricultural work;
- (ia) the employment of children aged thirteen years (notwithstanding anything in paragraph (a) of the last foregoing sub-section) in categories of light work specified in the Byelaw;
- (ii) on employment of children (notwithstanding anything in paragraph (b) of the last foregoing sub-section) for not more than one hour before the commencement of school hours on any day on which they are required to attend school;
- (b) prohibiting absolutely the employment of children in an specified occupation;
- (c) Prescribing:
  - (i) the age below which children are not to be employed;
  - (ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed;
  - (iii) the intervals to be allowed for them for meals and rest;
  - (iv) the holidays or half holidays to be allowed to them;
  - (v) any other conditions to be observed in relation to their employment;

so, however that no such Byelaws shall modify the restrictions in the last foregoing sub-section save in so far as is expressly permitted by paragraph (a) of this sub-section, and any restriction contained in any such Byelaw shall have effect in addition to the said restrictions.

(3) In this section:

“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) it 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;



“week” means any period of seven consecutive days; and

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

- (3) Nothing in this section, or in any Byelaw made under this section, shall prevent a child from doing anything:
  - (a) under the authority of a licence granted under this part of this Act; or
  - (b) in a case where by virtue of Section 37(3) of the Children and Young Persons Act 1963 no licence under that section is required for him to do it.

### **Changes from the Existing Framework**

2. Changes are as follows:
  - 13 year old children may in future work only in occupations listed in local authority Byelaws.
  - Children will now have a two week period free from work during their school holidays each year.
  - Restrictions on working hours on Saturdays and during school holidays are now included in the 1933 Act, rather than in Byelaws.
  - Provision for rest breaks is similarly now in the 1933 Act.

### **The Byelaws**

3. The Byelaw is framed to contain only those restrictions that are not contained elsewhere, except where there is an additional reason for their inclusion. In effect this means that the Byelaw now contains:
  - A list of permitted jobs for 13 year olds
  - A list of prohibited jobs for all children
  - The procedure of obtaining an Employment Permit

### **Additional Information**

These Byelaws regulate the types of occupation in which children under school leaving age may be employed and other conditions of their employment.

They provide for checks on a child's fitness for employment and for the issue of employment permits, setting out the occupation in which the child may be employed and his hours of work. Employers are obliged to notify local authorities of their child employees.

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, hours of work and street trading in particular.

By virtue of Section 560 of the Education Act 1996, enactments relating to the prohibition or regulation of 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 work experience.

### **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 Agriculture (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 (Section 7);

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 registered in the UK, except as permitted by Regulations made under the Act (Section 51); and

The Manual Handling Operations Regulations 1992, which prohibits 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 children taking part in 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, provides, inter alia, that:

If a person is employed in contravention of Section 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 (£1,000).



