

NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



EMPLOYMENT OF CHILDREN

BYELAWS

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The North East Lincolnshire Borough 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-

Interpretation and Extent

1. In these Byelaws, unless the context otherwise requires

“The authority” means North East Lincolnshire Borough 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

“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 on any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

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

Prohibited Employment

- 2 No child of any age may be employed -

- (a) in a cinema, theatre, discotheque, dancehall or night club, except in connection with a performance given entirely by children²,
- (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 3 metres above ground level or, in the case of internal work, more than 3 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;
- (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 butchers shop or other premises in connection with the killing of livestock, butchery, or the preparation of carcasses or meat for sale,
- (m) as an attendant or assistant in a fair ground 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) the personal care of residents in any residential care home or nursing home

² 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 14 and Over

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

Permitted Employment of Children Aged 13

4. 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 newspaper, journals and other printed material,
 - (c) Shop work including shelf stacking;
 - (d) Hairdressing salons;
 - (e) Office work;
 - (f) In a cafe or restaurant,
 - (g) In riding stables;
 - (h) Domestic work in hotels and other establishments offering accommodation

Employment before School

5. 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 Conditions

6. No child may be employed in any work unless wearing suitable clothes and shoes.

Notification of Employment and Employment Permits

- 7 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 in 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 parents;
 - (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.
- 8 Where, upon 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 with an employment permit.
- 9 Before issuing an employment permit the authority may require a child to have a medical examination
- 10 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.
- 11 A child may be employed only in accordance with the details shown on his employment permit
- 12 A local authority may amend a child's employment permit from time to time on the application of an employer
- 13 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
- 14.
 - (a) 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
 - (b) An employer must provide details of any child employed when required to do so by an officer of the authority or a police officer.

Revocation

- 15 The Byelaws in respect of the employment of children made by the Humberside County Council on the 1st August, 1978 and confirmed by the Secretary of State on the 17th July, 1978, insofar as they relate to the Borough of North East Lincolnshire, are hereby revoked.

NOTE

PENALTIES

Section 21 of the Children and Young Persons Act 1933, as amended, provides that:-

If a person is employed in contravention of any of the provisions of Section 18 of the Act or of the provisions of any Byelaw made thereunder 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 (£1 ,000).

THE COMMON SEAL of the)
NORTH EAST LINCOLNSHIRE)
BOROUGH COUNCIL.)
was hereunto affixed the)
28th day of August, 1998)
in the presence of-)

C F C Dixon
Mayor

(LS)

M J Walters
Director of Legal Services

These Byelaws are hereby confirmed by the Secretary of State for Health and shall come into operation on the eighth day of October 1998

Signed by authority of the Secretary of State

N. F. Duncan
Senior Civil Servant