

BYE-LAWS

ON THE EMPLOYMENT OF CHILDREN

1998

**(amended by the Norfolk County Council
(Amendment) Bye-Laws on the Employment of
Children 2003)**

NORFOLK COUNTY COUNCIL

BYE LAWS

Made *18th November 2002*
Coming into force *16th May 2003*

Norfolk County 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 make the following Byelaws:

Citation and commencement

- 1 These Bye-laws may be cited as the Norfolk County Council (*Amendment*) Byelaws on the Employment of Children 2003 and shall come into force on *16th May 2003*.

Interpretation and extent

- 2 In these Byelaws,

“the 1998 Byelaws” means the Norfolk County Council Byelaws on the Employment of Children 1998

unless the context other requires:

“the authority” means Norfolk 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 in 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.

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

Note

A child ceases to be of compulsory school age on the last Friday of June in the school year in which they reach 16. The school year starts on 1st September and finishes on 31st August (Education (School Leaving Date) Order 1997).

¹1933 c.12

Prohibited Employment

- 3 No child of any age may be employed -
- (a) in a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children; ²
 - (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 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 within a 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 associate 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 cafe or restaurant;
- (h) in riding stables; and
- (i) domestic work in hotels and other establishments offering accommodation.

Employment before school

- 6 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

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

Notification of Employment and employment

- 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.
- 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 issue is fit to undertake the work for which he is employed, it will issue the child 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; 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 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 must produce his employment permit for inspection when required to do so by an authorised officer of the authority or a police officer.

Revocation

- 16 The Byelaws with respect to the employment of children made by Norfolk County Council on the 5th day of February 1993 and confirmed by the Secretary of State on the 11th day of May 1993 *were revoked on the 11th day of September 1998.*

Note: 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 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).

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

THE COMMON SEAL of Norfolk County Council
was hereunto affixed to these *amended* Byelaws on the *18th day of
November 2002* in the presence of

Keir Hounsome
Head of Law

These Byelaws are hereby confirmed by the Secretary of State for
Health on *16th day of May 2003* and shall come into operation on
16th May 2003

J Grauberg
A Senior Civil Servant on behalf of the Secretary
of State for Health

