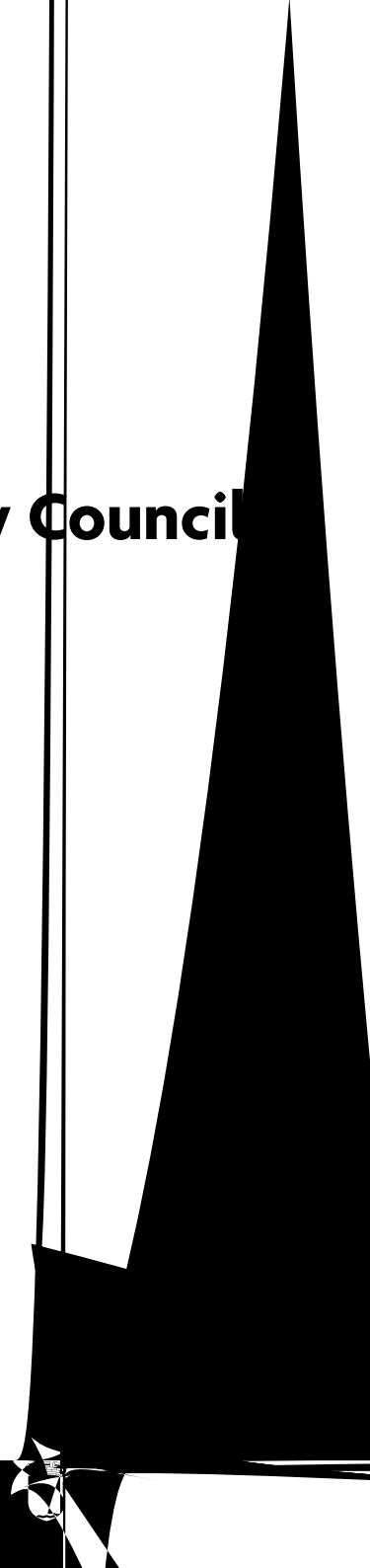


Worcestershire County Council Byelaws

Worcestershire County Council **Byelaws**

Made: 19/02/1999

Coming into force: 09/04/1999



Worcestershire 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 makes the following Byelaws:

Citation and commencement

1. These Byelaws may be cited as the Worcestershire County Council Byelaws on the Employment of Children 1999 and shall come into force on (09/04/1999).

Interpretation and extent

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

"the authority" means Worcestershire 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 -

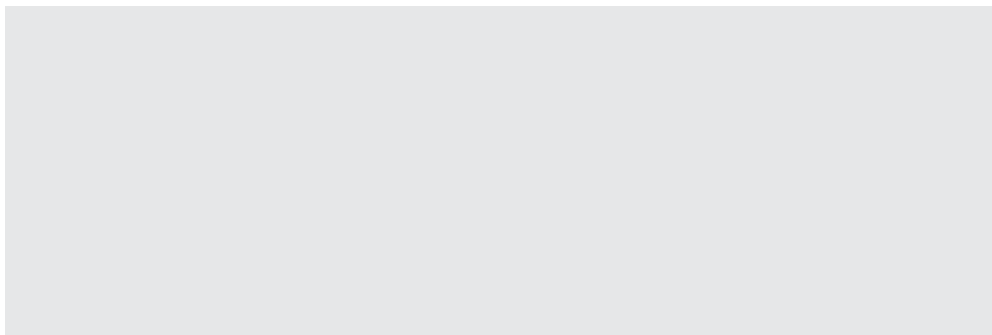
a) is not likely to be harmful to the safety, health or development of children;
and

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.

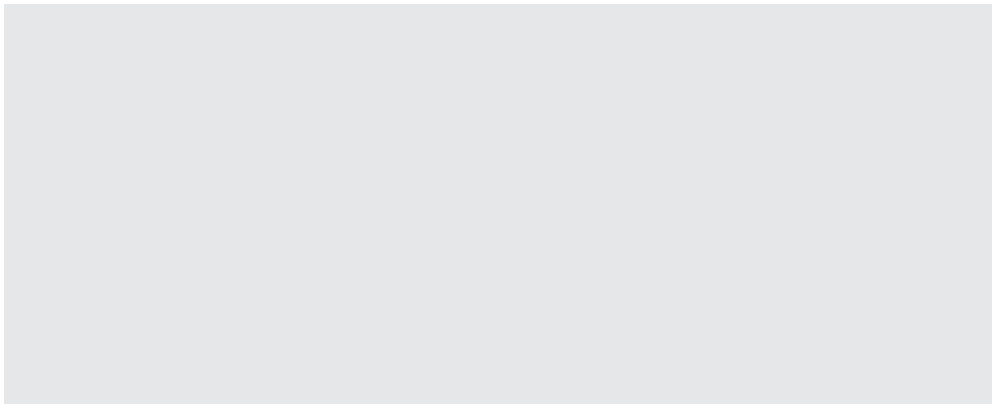
"parent" includes any person who has for the time being parental responsibility for

the child in question

under the Children Act 1989, or who is, or is treated as, a parent of the child in question under the Children Act 1989.



Prohibited Employment



- c) shop work, including shelf stacking;
- d) hairdressing salons;
- e) office work;
- f) in a café or restaurant: and
- g) in kennels, catteries, livery and riding stables.

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(s)

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

Notification of Employment and Employment Permits

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 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 of the effect that an appropriate risk assessment had 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
 - d) the child is fit to undertake the work for which he is to be employed;
- it will issue an employment permit to the employer.

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

- 19.** The authority may suspend or revoke a street trader's licence if it has reason to believe that the holder's continued employment in street trading would be prejudicial to his health, welfare or ability to take full advantage of his education, or if the holder;
- a)** is found guilty of any offence connected with the street trading;
 - b)** commits any breach of these Byelaws or the terms of his street trader's licence;
 - c)** uses the licence as a means for begging, immorality or any other improper purpose; or
 - d)** fails to notify the authority within one week of any change of address.

Revocation

- 20.** The Byelaws with respect to the employment of children (and street trading) made by

Explanatory Note

(This 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

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.

Street Trading

Byelaws 16-19 permit the employment of children by their parents in street trading, provided that they have been issued with a licence by the local authority. Children who are licensed for street trading will be subject to the byelaws limiting their hours and other conditions of employment by virtue of being employed.

Street trading is also regulated under section 20 of the Children and Young persons Act 1933, which provides that no child may engage in street trading unless authorised to do so by local authority byelaws. Such authorisation may only be given for children aged 14 or over who are employed by their parents.

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 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 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); a person under compulsory school age who engages in street trading in contravention of the provisions in Section 20, or of any Byelaws made thereunder, shall be liable on summary conviction to a fine not exceeding level 1 on the Standard Scale (£200).

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