Sutton

Byelaws With Respect To The Employment Of Children

As amended in 1998
and in force from
19th October 1998

Learning for Life

CHILDREN AND YOUNG PERSONS ACTS 1933 to 1963
EDUCATION ACTS 1944 to 1996
CHILDREN ACT 1989
CHILDREN (PROTECTION AT WORK) REGULATIONS 1998
SUTTON COUNCIL BYELAWS 1998

BYELAWS MADE BY THE COUNCIL OF THE LONDON BOROUGH OF SUTTON WITH RESPECT TO THE EMPLOYMENT OF CHILDREN

Made 27th July 1998
Coming into force 19th October 1998

The London Borough of Sutton, 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 London Borough of Sutton Byelaws on the Employment of Children 1998 and shall come into force on 19th October 1998.

Interpretation and Extent

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

   "the authority" means the London Borough of Sutton;

   "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 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 night club, 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;

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.

(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 of any residential care home or nursing home unless under the supervision of a responsible adult.

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.

Permitted Employment of Children under 13

6. A child aged 10 or over may be employed on an occasional basis, by and under the direct supervision of his/her parent in light agricultural or horticultural work.

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

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

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/her 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 tasks 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 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/her education would not be jeopardised; and

(c) the child is fit to undertake the work for which he/she is to be employed, it will issue the child with an employment permit.

11. Before issuing an employment permit, a local 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/her employment permit.

14. The local authority may amend a child's employment permit from time to time on the application of an employer.

15. 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/her health, welfare, or ability to take advantage of his/her education are suffering or likely to suffer as a result of the employment.

16. A child must produce his/her 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/she is employed to do so by his/her parent, in connection with their retail business and under their direct supervision; and

    (b) he/she has been granted a licence to do so ("a street trader's licence") by the authority and is acting in compliance with the terms of that licence.

18. The authority shall not grant a street trader's licence to any child if it has reason to believe that the employment of the child in street trading would be prejudicial to his/her health, welfare, or ability to take full advantage of his/her education or the child's street trader's licence has previously been revoked.

19. A street trader's licence shall prohibit the holder from engaging in street trading on a Sunday;
    and shall :

    (a) be valid for not more than 12 months and shall expire on 31st December;

(b) prohibit the holder from touting or importuning to the annoyance or obstruction of any member of the public in any street or public place; and

(c) require that the child notify the authority within one week of any change of address.

20. 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/her health, welfare, or ability to take full advantage of his/her 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/her 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

21. The Byelaws with respect to the employment of children made by the London Borough of Sutton and confirmed by the Secretary of State on the 7th day of May 1971 and then amended by the London Borough of Sutton and confirmed by the Secretary of State on the 17th day of December 1973 are hereby revoked.

The Common Seal of the Mayor and Burgesses of the London Borough of Sutton was hereunto affixed in the presence of

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Tim Teal
Authorised signatory in accordance with
Standing Order 47

Seal Register No. 17/327

These Byelaws are hereby confirmed by the Secretary of State for Health on 19th October 1998 and shall come into force on 19th October 1998

Signed .....
N F Duncan
A Senior Civil Servant
on behalf of the
Secretary of State for Health