



CHILDREN AND FAMILIES

EMPLOYMENT OF CHILDREN BYELAWS

The City of Edinburgh Council, in exercise of the powers conferred on it by Sections 28(2) and 30 (2) of the Children and Young Persons (Scotland) Act 1937¹, hereby makes the following Byelaws:

Citation

1. These Byelaws may be cited as the City of Edinburgh Council Byelaws on the Employment of Children 2001.

Interpretation and extent

2. In these Byelaws, unless the context otherwise requires:
“*the Authority*” means the City of Edinburgh Council:

“*child*” means a person who is not for the purposes of the Education (Scotland) Act 1980² over school age;

“*light work*” means all work which, on the account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed, is not likely to be harmful to the safety, health or development of children and is not such as to be harmful to their attendance at school, their participation in vocational guidance or training programmes or a work experience scheme under Section 123 of the Education (Scotland) Act 1980 or their capacity to benefit from the instruction received;

“*parent*” in Byelaw 8(d), includes any person who has parental responsibilities in relation to a child (within the meaning of Section 1(3) of the Children (Scotland) Act 1995)³

“*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.

¹ 1937 c.37

² 1980 c.44

³ 1995 c.36

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 children¹;
- 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 canvas 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 of any residential care home or nursing home unless under the supervision of a responsible adult.

¹ This does not prevent children taking part in performances under the provision of a licence granted in accordance with the Children and Young Persons Act 1963, and associated Regulations.

Permitted employment of children aged 14 years and over.

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

Permitted employment of children aged 13 years.

5. A child aged 13 years of age 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 provision 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 café or restaurant;
- h) in a riding stables;
- 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 in which they are required to attend school.

Additional conditions

7.
 - (a) No child may be employed in any work out-of-doors unless wearing suitable clothes and shoes.
 - (b) It is the duty of an employer to ensure that any child employed by him/her is provided, where necessary, with the appropriate clothing and footwear for the job.
 - (c) No child may be employed while being kept off school owing to an infectious or contagious disease.

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/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 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.

(Section 8 above will be fulfilled by the employer by completing and signing the child's Application for Employment Permit which is obtainable from all City of Edinburgh Council Secondary Schools)

9. Where, upon receipt of notification, the education 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.
10. Before issuing an employment permit, the education 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/her employment permit.
13. The education authority may amend a child's employment permit from time to time on the application of an employer.

14. The education 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 is suffering or likely to suffer as a result of the employment.
15. 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

16. No child under the age of 14 years may engage in street trading and a child aged 14 years or over may not engage in street trading unless:
- (a) he/she is employed to do so by his/her parents, 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.
17. 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 the child's health, welfare or ability to take full advantage of the child's education, or the child's street trader's licence has been previously revoked.
18. A street trader's licence which may be considered in relation to any places or times other than a Sunday shall:
- (a) be valid for not more than 12 months and shall expire on 31 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;
 - (c) define the days and hours during which and the places at which the child may engage or be employed in street trading, and
 - (d) require that the child notify the Authority within one week of any change of address.
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/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 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 of 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 Lothian Regional Council on the Seventh day of June 1977 and confirmed by the Secretary of State on the fifteenth Day of May 1978 are hereby revoked.