



Child Employment Byelaws

The Midlothian Council in exercise of the powers conferred on it by Sections 28(2) and 30(2) of the Children and Young Persons (Scotland) Act 1937 hereby makes the following Byelaws:

Citation

1. These Byelaws may be cited as the Midlothian Council Byelaws in the Employment of Children 1999.

Interpretation and Extent

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

“The Authority” means the Midlothian Council;

“Child” means a person who is not, for the purposes of the Education (Scotland) Act 1980, over school age;

“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 all work which, on 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 9(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);

“Public place” includes any public park, garden or railway station or any other 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 throughfare or not;

“Street trading” has the same meaning as is fully defined in Section 39 of the Civic Government (Scotland) Act 1982;

“Year”, except in expressions of age, means the period of 12 months beginning with 1 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. 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 associated regulations;
 - (b) to sell or deliver alcohol;
 - (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 slaughter house 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 the same, subject to the provisions of Byelaw 3(h);
 - (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;
 - (i) domestic work in hotels or 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 parent or guardian 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 Conditions

8.
 - (a) No child may be employed in any work out of doors unless wearing suitable clothes and shoes; such suitable clothes and shoes must be provided by the employer if not otherwise available; and
 - (b) Where the use of any form of transport is necessary during the child's employment, the employer must ensure that proper safety precautions are enforced at all times.

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 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 or 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 education authority is satisfied that:
 - (a) the proposed employment is lawful;
 - (b) the child's health, welfare or ability to take full advantage of her/his education would not be jeopardised; and
 - (c) the child is fit to undertake the work for which she/he is to be employed, it will issue the child with an employment permit.
11. Before issuing an employment permit, an education 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; 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.
13. A child may be employed only in accordance with the details shown on her/his employment permit.
14. An education authority may amend a child's employment permit from time to time on the application of an employer.
15. The education authority may at any time revoke the child's employment permit if it has reasonable grounds to believe:
 - (a) the child is being unlawfully employed, or
 - (b) that her/his health, welfare or ability to take advantage of her/his education are suffering or likely to suffer as a result of the employment.

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 parents, in connection with their retail business and under their direct supervision; and
 - (b) the parent has been granted a Street Trader's licence by the authority and is acting in compliance with the terms of that licence.

Revocation

18. The Byelaws with respect to the Employment of Children made by the Lothian Regional Council on the Seventh day of June nineteen hundred and seventy seven and confirmed by the Secretary of State on the Fifteen day of May nineteen hundred and seventy eight are hereby revoked in so far as they apply within the area of Midlothian Council.

Further information

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