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# **Byelaw**

with respect to

# **The Employment of Children**

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# London Borough of Redbridge Byelaws

Made: **21st October 2002**

Coming into force: **7th January 2003**

The London Borough of Redbridge, 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 Redbridge Byelaws on the Employment of Children 2002 and shall come into force on 7th January 2003.

\*1933 c.1

## Interpretation and extent

2 In these byelaws, unless the context otherwise requires:

“the council” means the London Borough of Redbridge;

“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;

“guardian” in relation to any child or young person, includes any person who, in the opinion of the court having cognisance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the care of the child or young person

“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:

“the schedule” means the schedule to these byelaws

“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;

“week” means any period of seven consecutive days

“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;

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\*\* 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 the associated Regulations.

- h) in employment involving harmful exposure to physical, biological or chemical agents;
- i) to collect money or to sell or canvass door to door;
- 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 butchers 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.
- o) Domestic work in hotels and other establishments offering accommodation.

## **Permitted employment of children aged 13 in light agricultural or horticultural work**

4. A child aged 13 years may be employed on an occasional basis by their parents or guardians in light agricultural or horticultural work.

## **Other 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) delivery of newspapers, journals and other printed material, subject to the provisions of Byelaw 3 (i);
  - b) shop work, including shelf stacking;
  - c) hairdressing salons;
  - d) office work;
  - e) car washing by hand in a private residential setting;
  - f) in a cafe or restaurant; and
  - g) in riding stables.

## **Permitted employment of children aged 14 and over**

6. A child aged 14 or over may be employed only in light 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 shoes.

## **Notification of employment and employment permits**

9. Within one week of employing a child, the employer must send to the Council 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.

10. Where, on receipt of a notification, the Council 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 child is fit to undertake the work for which he is to be employed;

it will issue the child with an employment permit.

11. Before issuing an employment permit the council 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 employment permit.

14. The Council may amend a child's employment permit from time to time on the application of an employer.
15. The Council may at any time revoke a child's employment permit if it has reasonable ground to believe -
  - a) that the child is being unlawfully employed, or
  - b) that his/her health, welfare or ability to take advantage of his 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 Council or a police officer.

## 17. Street Trading

- 17.1 The places at which the street trader may engage a child in street trading or a child may be employed in street trading are contained in the schedule to this Byelaw.
- 17.2 Street trading will not be permitted on a Sunday, and street trading will not be permitted before 7.00am or after 7.00pm on any other day.
- 17.3 Street trading will not be permitted for more than 2 hours on any day on which a child is required to attend school, or more than 5 hours on any day during the school holidays.
- 17.4 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 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 Council and is acting in compliance with the terms of that street trader’s licence, which will state the days, and hours at which he may be engaged or employed in street trading.
18. The Council shall not grant 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 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 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; and
  - c) require that the child notify the authority within one week of any change of address.
20. The Council 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/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 street trader's licence;
  - c) uses the street trader's 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 London Borough of Redbridge on the 16th day of July 1968 and confirmed by the Secretary of State on the 31st day of October 1968 are hereby revoked.

The **Common Seal** of the London Borough of Redbridge was affixed to these Byelaws

on **21st October 2002**

in the presence of:



MAYOR



CHIEF LEGAL OFFICER



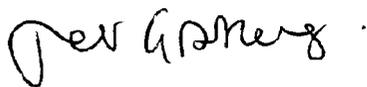
Signed

These Byelaws are hereby confirmed by the Secretary of State for Health

on **7th January 2003** and

shall come into operation on **7th January 2003**

Signed



Assistant Secretary

Department of Health

## Schedule 1

### Street Trading

#### Name of Pitch

#### Address of Pitch

Pitch 1A	o/s Ilford Station, Cranbrook Road, Ilford, Essex
Pitch 3A	o/s Ilford Station, Cranbrook Road, Ilford, Essex
Pitch 5A	o/s Ilford Station, Cranbrook Road, Ilford, Essex
Pitch 6A	opp. Boots Store, High Road, Ilford
Pitch 7A	opp. Argos, High Road, Ilford
Pitch 8A/1	o/s Tchibos, Chadwick Road, Ilford
Pitch 8A-Apr/Sep	opp. Harrison Gibson, High Road, Ilford
Pitch 8A-Oct/Mar	opp. Harrison Gibson, High Road, Ilford
Pitch 9A	Adj. 113 High St, High Road Barkingside, Ilford
Pitch 12A	o/s The Old Maypole, Fencepiece, Hainault, Ilford
Pitch 13A	o/s Barkingsdie Cemetery, Longwood Gardens, Barkingside, Ilford
Pitch 14A/1	o/s Woodford Station, Snakes Lane East Woodford Green, Essex
Pitch 14A/2	o/s Woodford Station, Snakes Lane East Woodford Green, Essex
Pitch 14A/3	o/s Woodford Station, Snakes Lane East Woodford Green, Essex
Pitch 14A/4	o/s Woodford Station, Snakes Lane East Woodford Green, Essex

Pitch 15A	o/s 95 George Lane, George lane, South Woodford, London E18
Pitch 17A	o/s Dairy Crest, Chigwell Road, South Woodford
Pitch 19A	o/s Kingham Motors, Chigwell Road, Woodford Bridge, Essex
Pitch 23A	o/s 133 High Road, South Woodford
Pitch 24A	o/s Harrison Gibson, High Road, Ilford

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## Penalties

Section 21 of the Children and Young Persons Act 1933, as amended provides, inter alia, that:-

If a person is employed in contraventions 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 of default the contravention is attributable shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale.

If a person is employed in contravention of section 20 of the Act the employer and any persons (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 of section 20, or of any Byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding level 1 on the Standard Scale.

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