

Manchester City Council

Child Employment Byelaws

Made 29th July 1998
Coming into force 19th October 1998

Manchester City Council, in exercise of the powers conferred on it by sections 18(2) and 20(2) of the Children and Young Persons Act 1933 (1), hereby make the following Byelaws:

Citation and Commencement

- 1) These Byelaws may be cited as the Manchester City Council 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 Manchester City 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 occupations 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 (2)
 - (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;

(2) This does not prevent children taking part in performances under the provisions of a license granted in accordance with the Children and Young Persons Act 1963 and the associated Regulations.

- (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 any part of a butcher's shop;
- (m) as an attendant or assistant in a fairground or amusement arcade or in any other premises used for the purposes of public amusement by means of automatic machines, games of chance or skills or similar devices;
- (n) in the personal care of residents of any residential care home or nursing home;
- (o) in street trading

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 materials;
 - (c) shop work, including shelf stacking;
 - (d) hairdressing salons;
 - (e) office work;
 - (f) in a café or restaurant;
 - (g) in riding stables;
 - (h) 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 on which they are required to attend school.

Additional condition(s)

- 7) No child may be employed in any work out of doors unless the employer ensures they are wearing suitable clothes and shoes. It is the employer's responsibility to ensure these are provided.

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.
- 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/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 and a copy to the employer which should be retained and produced for inspection when required.
- 10) Before issuing an employment permit, the local 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; 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.
- 12) A child may be employed only in accordance with the details shown on his employment permit.
 - 13) A local authority may amend a child's employment permit from time to time on the application of an employer.
 - 14) The local authority may, at any time, revoke a child employment permit if it has reasonable grounds to believe:
 - (a) that 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.
 - 15) A child or the employer must produce the employment permit for inspection when required to do so by an authorised officer of the authority or a police officer.

Revocation

- 16) The Byelaws with respect to the employment of children (and street trading) made by Manchester City Council on the 1st day of April 1950 and confirmed by the Secretary of State on the 7th day of February 1950 are hereby revoked.