

PEMBROKESHIRE COUNTY COUNCIL

CYNGOR SIR PENFRO



EMPLOYMENT OF CHILDREN

**THE PEMBROKESHIRE COUNTY COUNCIL BYELAWS
ON THE EMPLOYMENT OF CHILDREN 2007**

"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 children²;
 - (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;

² 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

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 wearing suitable clothes and shoes.

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 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~~ the
 - (f) a statement to the effect that an appropriate risk assessment has been carried out by the employer and
 - (g) two recent passport type photos of the child signed on the back by the child and his employer
9. Where, on receipt of a notification, and the passport type photos mentioned in 8 (g) above 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 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 which the employer must keep securely at the place of employment and produce for inspection when required to do so by an authorised officer of the Authority, or a police officer, and it will issue to the child an identification photo card which will contain the child's name and photograph and date of issue

THE COMMON SEAL OF PEMBROKESHIRE

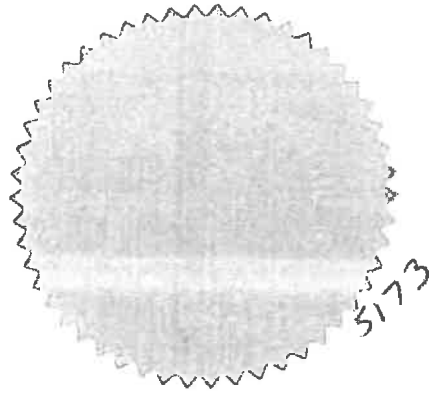
COUNTY COUNCIL was affixed to

these Byelaws on 19/12. 2007

in the presence of:



~~Signed~~ Authorized Signatory.



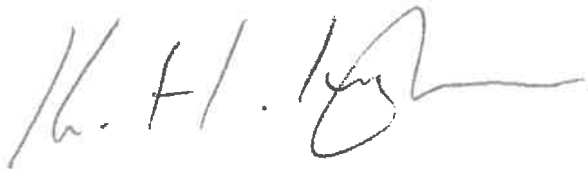
These Byelaws are hereby confirmed by

the National Assembly for Wales

on 4 June 2008 and shall come into

operation on 4 July 2008.

Signed



the Licensing Act 1964, which prohibits the employment of children in the bar of a licensed premises (section 170) and the Licensing (Occasional Permissions) Act 1983, which prohibits any person under 18 from selling or serving alcohol in premises authorised under the Act (paragraph 5(1) of the Schedule);

the Merchant Shipping Act 1970, by virtue of which no person under minimum school leaving age may be employed on a ship registered in the UK, except as permitted by Regulations made under the Act (section 51); and

the Manual Handling Operations Regulations 1992, which prohibit children from handling any load which is likely to cause injury to them.

It should be noted that this is not an exhaustive list.

The Children (Performances) Regulations 1968 provide that no child taking part in a performance for which a licence is required by section 37 of the Children and Young Persons Act 1963 may be employed in any other occupation on the day or days of that performance or the following day.

Street Trading

Byelaw 16 permits the employment of children who are 14 or over by their parents in street trading.

Street trading is also regulated under section 20 of the Children and Young Persons Act 1933, which provides that no child may engage in street trading unless authorised to do so by local authority Byelaws. Such authorisation may only be given for children aged 14 or over who are employed by their parents. Section 20 also provides that Byelaws shall specify the days and hours during which and the places at which children may engage or be employed in street trading.

Penalties

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

If a person is employed in contravention 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 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).

If a person is employed in contravention of section 20 of the Act, the employer and any person (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 (£200).