

# DONCASTER COUNCIL

## BYELAWS

Made 3 January 1999

Came into force 1 May 1999

Doncaster Council, in exercise of the powers conferred on it by sections 18(2) and 20(2) of the Children and Young Persons Act 1933 & 1963, hereby makes the following Byelaws:

### **Citation and commencement**

- 1 These Byelaws may be cited as the Doncaster Council Byelaws on the Employment of Children 1998 and shall come into force on 1 May 1999.

### **Interpretation and extent**

- 2 In these byelaws, unless the context otherwise requires:

“the Authority” means Doncaster 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 occupation 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.

“year” except in expressions of age, means a period of twelve 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;
  - 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 to 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 and canvassing;
  - 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, which, for the avoidance of doubt includes the dicing and slicing of uncooked meat and other similar operations;
  - 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.

## **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;
- c) shop work, including shelf-stacking;
- d) hairdressing salons;
- e) office work;
- f) in a cafe or restaurant;
- g) in riding stables, kennels and catteries.

### **Permitted employment of children under 13 years**

- 6 A child aged 10 or over may be employed on an occasional basis by and under the direct supervision of his/her parent 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 condition(s)**

- 8 No child may be employed in any work 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 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

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 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 and a copy to the employer.

11 Before issuing an employment permit a Local 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;

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 A Local Authority may amend a child's employment permit from time to time on the application of an employer.

15 The Local 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 health, welfare or ability to take advantage of his education are suffering or likely to suffer as a result of the employment.

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a) A child must produce his employment permit for inspection when required to do so by an authorised Officer of the Authority or a Police Officer

b) an employer must produce details of any matter referred to in Byelaw 9 when required to do so, of any child employed, by an authorised Officer of the Authority or a Police Officer.

## **Revocation**

17 The byelaws with respect to the employment of children and made by Doncaster Metropolitan Borough Council on the sixth day of October 1978 and confirmed by the Secretary of State on the fifteenth day of January 1979 are hereby revoked.

THE COMMON SEAL of Doncaster Metropolitan Borough Council was affixed to these Byelaws on 3 February 1999 in the presence of

Signed: Robertson Wade  
Principal Legal Officer in Law, Property  
and Administration Services

No. in Seal Register 36865

These Byelaws are hereby confirmed by the Secretary of State for Health on 29 March 1999 and shall come into operation on 1 May 1999.

Signed: N F Duncan

A Senior Civil Servant  
on behalf of the Secretary of State for Health