

COUNCIL OF THE BOROUGH OF DARLINGTON BYELAWS

Darlington Borough Council, in exercise of powers conferred on it by 18(2) and 20(2) of the Children and Young Persons Act 1993¹, hereby makes the following Byelaws :-

Citation and Commencement

1. These Byelaws may be cited as the Council of the Borough of Darlington.

Interpretation and Extent

2. These Byelaws, unless the context otherwise requires :-

‘the authority’ means Council of the Borough of Darlington;

‘child’ means a person who is not yet over compulsory school age as defined in Section 8 of the Education act 1996²;

‘employment’ includes assistances 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, in 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.

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 by children³
 - (b) to sell or deliver alcohol;
 - (c) to deliver milk;

¹ 1933 c12

² Education (School Leaving Date) Order 1997

A child ceases to be of compulsory school age on the last Friday in June in the academic year in which the child attains the age of 16

³ 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.

- (d) in the collection or delivery of fuel and 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;
- (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 a 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;
- (o) in street trading.⁴

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;

⁴ By virtue of Section 35(2) of the Children and Young Persons Act 1963, the restrictions on street trading imposed by Section 20(1) of the Children and Young Persons Act 1993 do not apply to persons employed at established open air markets, or in any other place where it is customary for retail trade or business (within the meaning of the Shops Act 1950) to be carried on.

- (e) office work;
- (f) car washing by hand in a private residential setting;
- (g) in a café or restaurant;
- (h) in riding stables;
- (i) domestic work in hotels and other establishments offering accommodation.

Permitted Employment of Children Under 13

6. A child aged 10 or over may be employed on an occasions basis by and under the direct supervision of his parent in light agricultural or horticultural work.

Hours of Employment

7. Subject to the provisions of these byelaws, children may not be employed for more than 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 employment of 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, and 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;
 - (f) a copy of an appropriate risk assessment which 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/her education would not be jeopardised;
 - (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, renewable annually.
11. Before issuing an employment permit, the 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. The 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 illegally employed;
 - (b) that his/her health, welfare or ability to take advantage of his/her education is suffering or likely to suffer as a result of employment.
16. 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.

Revocation

17. The byelaws with respect to the employment of children made by the Council of the Borough of Darlington on the 1st day of July 1948, and confirmed by the Secretary of State on the 1st day of October 1948 are hereby revoked.
18. The Amendment byelaws with respect to the employment of children made by Darlington Borough Council on the 5th day of March 1953, and confirmed by the Secretary of State on the 1st day of June 1953 are hereby revoked.