



ABERDEEN
CITY COUNCIL



CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937

EMPLOYMENT OF CHILDREN BYELAWS



PERMIT NO:

ABERDEEN CITY COUNCIL
EDUCATION, CULTURE AND SPORT
EMPLOYMENT OF CHILDREN BYELAWS
CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937

Application for permit to engage in permissible employment under the bye-laws made by Aberdeen City Council.

Part 1

1. Child's Name:..... 2. Date of Birth:...../...../.....
 3. Child's Address:.....
Post Code:
 4. Tel No:..... 5. School:.....

Part 2 – to be completed by employer (please read accompanying notes prior to completion)

1. Employer's Name & Nature of Business:.....
 2. Business Address:.....3. Tel No:.....
 4. Occupation in which the child is to be employed:.....
 5. Details of tasks involved:.....
 6. Where will the child be employed?.....
 7. Hours of employment excluding meal breaks – state clearly the times of starting and finishing

No child shall be employed before 7 a.m. or after 7 p.m. on any day

TERM TIME	Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Sunday Max 2 hours	
	From	To	From	To	From	To	From	To	From	To	From	To	From	To
a.m.														
p.m.														
TOTAL HOURS														

N.B. The total time worked in any school day must not exceed 2 hours.
 The total time worked in any term-time week must not exceed 12 hours.

HOLIDAYS	Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Sunday Max 2 hours		Weekly Total
	From	To	From	To	From	To	From	To	From	To	From	To	From	To	
a.m.															
p.m.															
TOTAL HOURS															

N.B. A child must have at least 2 consecutive weeks without employment each year during the school holidays.

I confirm that a risk assessment has been carried out with regard to the proposed employment of the above child.

Details of risks/hazards associated with this job:.....
.....

Preventative/protective measures which will be provided by the employer e.g. protective clothing:
.....

Preventative/protective measures which are to be provided by the employee e.g. cycle helmets for cyclists:.....
.....

8. Employer's Signature:..... Date:...../...../.....

Part 3 – to be completed by parent/guardian (please read accompanying notes prior to completion)

- 1. Name:.....
- 2. Address:.....
.....
..... Tel No:.....

I have read Part 2 of this form. I agree to my child being employed in the job described in Part 2 and am satisfied that my child is fit to undertake the job. (The child's doctor should be consulted if there are any doubts about a child's fitness)

3. Signature:..... Date:...../...../.....

Part 4 – to be completed by the Head Teacher or appropriate member of staff

- 1. With reference to the Guidance Notes on the employment of children under the Children & Young Persons Act 1937, as amended, and the Aberdeen City Council byelaws does the proposed employment comply with the byelaws? YES/NO
If no, please give details of the nature of the breach or area of concern
.....
- 2. Is the child in regular attendance at school? YES/NO
If no, give details
- 3. Will the proposed employment interfere with the child's health, welfare or ability to take full advantage of his/her education?
YES/NO
If yes, give details
- 4. Medical examination requested? YES/NO

Having considered the information above do you agree that an employment licence should be issued? YES/NO

Signed:..... Date:...../...../.....
Head Teacher

On completion please return to Education, Culture and Sport, 5th floor, St Nicholas House, Broad Street, Aberdeen AB10 1XJ

A computer database will be used to store the information given on this form. The data will be processed in compliance with Data Protection Act.

COMPLETED APPLICATION FORMS AND ISSUING OF PERMITS

Employment permits are issued by:

Education, Culture and Sport,
Support Team,
5th floor, St Nicholas House,
Broad Street,
Aberdeen AB10 1XJ
Tel: 01224 522253
Fax: 01224 627421

Any queries regarding the issuing of permits or requests to amend permits should be made to the above address.

Applications for an employment permit should be made in good time, especially when it includes employment during the school holidays.

Parts 1-3 of the application form should be completed by the employer and parents, and returned as follows:

- **Applications made during the school term** – to the child’s school. The school will then complete Section 4 and forward the form to Neighbourhood Services (South Area), Culture & Learning.
- **Applications made during school holidays** – to Neighbourhood Services (South Area), Culture & Learning at the above address.

However, it should be noted that permits for employment during the school term will not be issued without the school having completed Part 4.

When a form is sent direct to the Neighbourhood Services (South Area) office during the school holidays, a permit will be issued to cover periods of employment during the school holidays.

If the application is for employment during both the school holidays and the school term, a permit will be issued for the school holiday period only. The form will then be forwarded to the school for completion of Part 4 before a permit is issued for employment during the school term.

ABERDEEN CITY COUNCIL
CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937
EMPLOYMENT OF CHILDREN BYELAWS
NOTES ON THE EMPLOYMENT OF CHILDREN

CONTENTS

	Page	
1	DEFINITIONS	6
2	PERMITTED EMPLOYMENT	6
3	PROHIBITED EMPLOYMENT	7
4	WORK OUT OF DOORS	8
5	STREET TRADING	8
6	HOURS OF WORK	9
7	EMPLOYMENT PERMIT	10
8	PENALTIES	10

The following notes are issued for the guidance of parents, young people and employers and give only a broad outline of the relevant sections of the Children and Young Persons (Scotland) Act 1937 (as amended 1998) and Aberdeen City Council's byelaws on the employment of children. A full copy of the byelaws may be obtained from the Corporate Director, Resources Management, Aberdeen City Council, Town House, Broad Street, Aberdeen. These notes are intended for guidance only and are not an authoritative statement of the law. Any parent or employer wishing further advice as to the law should seek independent advice from a solicitor or the Citizens' Advice Bureau.

The Employment of Children Byelaws regulate the types of occupation in which children under school leaving age may be employed, and other conditions of employment. They provide for checks on a child's fitness for employment and for the issue of employment permits, set out the occupation in which a child may be employed and his/her hours of work. Employers are obliged to notify the Education Department of their child employees. Additional requirements are imposed on the employment of children in street trading, for which a street trader's licence is required.

These byelaws do not apply to children undertaking work experience under the Education (Scotland) Act 1980. Separate regulations apply to work experience and further guidance on these regulations is available from the Work Experience Unit, Summerhill Centre.

1. DEFINITIONS

- **A child means a person who is not, for the purposes of the Education (Scotland) Act 1980, over school age.**

A child who is 16 years of age between 1 March and 30 September is over school age on 31 May of that school year.

A child who is 16 years of age between 1 October and 28 February is over school age after the end of the Christmas term of that school year.

- **Employment includes assistance in any trade or occupation which is carried on for profit, whether or not payment is received for that assistance.**
- **Parent includes any person who has parental responsibilities and rights under the Children (Scotland) Act 1995.**
- **Light work means all work, which on account of the inherent nature of the tasks which it involves, and the particular conditions under which they are performed, is not likely to be harmful to the safety, health or development of children and is not such as to be harmful to their attendance at school, their participation in vocational guidance or training programmes or a work experience under section 123 of the education (Scotland) Act 1980 or their capacity to benefit from the instruction received.**

2. PERMITTED EMPLOYMENT

- **Children aged 13 or over may only be employed in light work in certain permissible jobs. These are:**
 - delivery of newspapers, journals and other printed material and collecting payment of the same (providing the collection of money is under the supervision of an adult)
 - shop work, including shelf-stacking
 - hairdressing salons
 - office work
 - car washing by hand in a private residential setting
 - in a café or restaurant
 - in riding stables
 - domestic work in hotels or other establishments offering accommodation
 - agricultural or horticultural work.
- **Children aged 14 or over may be employed only in light work.**

3. PROHIBITED EMPLOYMENT

- ❑ **No child under 13 years of age may be employed in any capacity.**

- ❑ **No child under 16 years of age may be employed:**
 - to deliver milk
 - in a commercial kitchen
 - to collect money or to sell or canvass door to door, except under the supervision of an adult
 - in a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children (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)
 - to sell or deliver alcohol, except in sealed containers
 - to deliver fuel oils
 - to collect or sort refuse
 - in any work which is more than 3 metres above ground level or, in the case of internal work, more than 3 metres above floor level
 - in employment involving harmful exposure to physical, biological or chemical agents
 - in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children
 - in telephone sales
 - 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
 - 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
 - in the personal care of residents in any residential care home or nursing home unless under the supervision of a responsible adult

N.B. The above is not an exhaustive list and should be read in conjunction with other legislation which prohibits the employment of children in many more occupations and specific tasks.

The following list details some of this relevant legislation and the prohibited employment. It is intended for guidance only and is not an exhaustive list of all occupations prohibited under other legislation.

- the prohibition of employment of persons under 18 in the bar of licensed premises - Licensing (Scotland) Act 1967
- the prohibition of employment of persons under 18 in effecting any betting transaction or in a licensed betting office - Betting, Gaming and Lotteries Act 1963
- children shall not handle any load which is likely to cause injury to them - Manual Handling Operations Regulations 1992
- the prohibition of employment of children in any industrial undertaking - Employment of Women, Children and Young Persons Act 1920
- no young person may clean machinery if to do so would expose him/her to risk of injury – the Offices, Shops and Railway Premises Act 1963
- no child shall be caused or permitted to ride on or drive a vehicle, machine or agricultural implement – Agriculture (Safety, Health and Welfare Provisions) Act 1956
- the prohibition of employment of a person under school age on a ship registered in the UK, except as permitted by Regulations made under the Act – Merchant Shipping Act 1955

4. WORK OUT OF DOORS

- **No child may be employed in any work out of doors unless wearing suitable clothes and shoes**

5. STREET TRADING

- **No child aged under 14 years of age may engage in street trading**
- **A child aged 14 years of age or over may not engage in street trading unless:**

He/she is employed to do so by his parents in connection with their retail business and under their direct supervision and, he/she has been granted a licence to do so ('a street trader's licence) by the authority and is acting in compliance with the terms of that licence.

Street trader's licences are issued by the Licensing Committee and applications are dealt with by the Licensing Section of the Council's Legal and Corporate Services Department, Town House, Broad Street, Aberdeen.

Children who are licensed for street trading are subject to the Employment of Children Byelaws limiting their hours and other conditions of employment and require to be issued with an Employment Permit by the Education Department.

6. HOURS OF WORK

- **No child shall be employed before 7 a.m. or after 7 p.m. on any day.**
- **A child employed for more than 4 hours on any day must have a rest break of 1 hour.**

A child shall only be employed as follows:

- **Term Time**

During term time a child may only be employed for a maximum of 12 hours per week. Within this the daily limits are as follows:

- **School day - maximum of 2 hours. These hours may be split as follows:**

up to 1 hour between 7 a.m. and the start of the school day

up to 2 hours between the close of school hours and 7 p.m.

N.B. If child works before and after school the total time worked on any day must not exceed 2 hours.

- **Sunday – maximum of 2 hours**

- **Non school day (except Sunday)**

aged under 15 years – total of 5 hours between 7 a.m. and 7 p.m.

aged 15 years and over – total of 8 hours between 7 a.m. and 7 p.m.

- **School Holidays**

aged under 15 years – maximum of 25 hours per week

aged 15 years and over – maximum of 35 hours per week

N.B. Each calendar year a child must have, during the school holidays, at least 2 consecutive weeks without employment.

7. EMPLOYMENT PERMIT

- **Before issuing an employment permit the Education Department may require the child to have a medical examination.**
- **A child may only be employed in accordance with the details shown on the employment permit.**
- **An employer may apply to the Education Department to have the child's employment permit amended. This should be done in writing enclosing the original employment permit.**
- **The Education Department may at any time revoke a child's employment permit if it has reasonable grounds to believe that:**
the child is being unlawfully employed

the child's health, welfare or ability to take advantage of his/her education are suffering or likely to suffer as a result of employment
- **A child must produce his/her employment permit for inspection when required to do so by an authorised officer of the Council or by a police officer.**

8. PENALTIES

- **The employer or any other person (other than the employee) convicted of an offence under Section 28 of the Children and Young Persons Act (Scotland) 1937 or the provisions of the byelaws shall be liable to a fine not exceeding level 3 on the Standard Scale, currently £1000.**
- **Anyone under compulsory school age convicted of street trading in contravention of Section 30 of the Children and Young Persons Act (Scotland) 1937 or by the provisions of the byelaws shall be liable to a fine not exceeding level 1 on the Standard Scale, currently £200.**

**October 1998
(1st revision – June 2002)
(updated February 2003)
(updated October 2003)
(updated August 2006)
(updated January 2008)
(updated June 2010)**