

**GENERAL NOTES ON THE RELEVANT SECTIONS OF  
CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT AND  
EMPLOYMENT OF CHILDREN BYELAWS**

**GUIDANCE FOR PARENTS, YOUNG PEOPLE AND  
EMPLOYERS**

**SHETLAND ISLANDS COUNCIL**  
**CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937**  
**EMPLOYMENT OF CHILDREN BYELAWS**

**NOTES**

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) and Shetland Islands Council's byelaws on the employment of children. A full copy of the byelaws may be obtained from Youth and Employability Service, 66 Commercial Road, Lerwick, ZE1 0NJ.

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 provides for checks on a child's fitness for employment and for the issue of employment permits, set out the occupations in which a child may be employed and his/her hours of work. Employers are obliged to notify the Children's Services Department (Youth and Employability Services) of their child employees. Additional requirements are imposed on the employment of children in street trading, for which a street traders licence is required.

These byelaws **do not apply** to children undertaking **work placements** under the Education (Scotland) Act 1980.

**DEFINITIONS**

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

A child who is 16 years of age between 1<sup>st</sup> March and 30<sup>th</sup> September is over school age on 31<sup>st</sup> May of that school year.

A child who is 16 years of age between 1<sup>st</sup> October and 28<sup>th</sup> 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.**

## **PROHIBITED EMPLOYMENT**

### **No child may be employed:**

To deliver milk.

In a commercial kitchen, including Fish and Chip shops.

To collect money or to sell, 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 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 three 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.

In offshore work in the aqua-culture industry including fish farms.

**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. Examples are listed on the next page:**

The prohibition of employment of persons under 18 in the bar of licensed premises – Licensing (Scotland) Act 1976.

The prohibition of employment of persons under 18 in 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, e.g. fish factory, knitwear factory.

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 – Agricultural (Safety, Health and Welfare Provisions) Act 1956.

The prohibition of employment of a person under school leaving age on a ship registered in the UK (except as permitted by Regulations made under the Act) – Merchant Shipping Act 1995, e.g. fishing vessel.

## **WORK OUT OF DOORS**

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

## **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.

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 Environmental Services Licensing Sub-Committee and applications are dealt with by the Infrastructure Services Department, Environmental Health and Trading Standards, Gremista, Lerwick, ZE1 0PX . Children who are licensed for street trading are subject to the Employment of Children Byelaws limiting their hours and other conditions of employment.

## **PERMITTED EMPLOYMENT**

- **Children aged 13 may only be employed in light work in certain permissible jobs. These are:**

Delivery of newspaper, 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, e.g. as a waiter.

In riding stables.

Domestic work in hotels or other establishments.

Agricultural or horticultural work.

- **Children aged 14 or over may be employed only in light work.**

## **HOURS**

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

A child shall only be employed as follows:

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

Up to 1 hour between 7am and the start of the school day.  
Up to 2 hours between the close of school hours and 7pm.

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

- **Sunday – Maximum of 2 hours**
- **Term time – Maximum of 12 hours a week**
- **Non School Day (except Sunday)**

Aged 13-14 years – maximum total of 5 hours between 7am and 7pm.

Aged 15-16 years – maximum total of 8 hours between 7am and 7pm.

- **School Holidays**

Aged 13-14 years – maximum of 25 hours per week.

Aged 15-16 years – maximum of 35 hours per week.

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

## **EMPLOYMENT PERMIT**

- **Before issuing an employment permit the Children’s Services 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 Children’s Services Department, Youth and Employability Services, to have the child’s employment permit amended. This should be done in writing enclosing the original employment permit.**
- **The Children’s Services Department may at any time revoke a child’s employment permit if it has reason to believe that:**

The child is being unlawfully employed.

The child’s health, welfare or ability to take advantage of his/her education is 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.**

## **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 still be liable to a fine not exceeding Level 3 on the Standards 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.**