



Education (Scotland) Act 1980

1980 CHAPTER 44

PART VII

MISCELLANEOUS PROVISIONS

Employment

123 Work experience in last year of compulsory schooling.

- (1) Subject to subsection (2) below, the enactments relating to the prohibition or regulation of the employment of children shall not apply to the employment of a child [^{F1}to whom this subsection applies] where the employment is in pursuance of arrangements made or approved by the education authority [^{F2}(where the child is in attendance at a school under the management of that authority) or by the board of management of a self-governing school (where the child is in attendance at that self-governing school)] with a view to providing him with work experience as part of his education.
- (2) Subsection (1) above shall not be taken to permit the employment of any person in any way contrary to—
 - (a) an enactment which in terms applies to persons of less than, or not over, a specified age expressed as a number of years; or
 - (b) section 1(2) of the ^{M1}Employment of Women, Young Persons and Children Act 1920 or (when it comes into force) section 51(1) of the ^{M2}Merchant Shipping Act 1970 (prohibition of employment of children in ships).
- (3) No arrangements shall be made under subsection (1) above for a child to be employed in any way which would be contrary to an enactment prohibiting or regulating the employment of young persons if he were a young person (within the meaning of that enactment) and not a child; and where a child is employed in pursuance of arrangements so made, then so much of any enactment as regulates the employment of young persons (whether by excluding them from any description of work, or prescribing the conditions under which they may be permitted to do it, or otherwise howsoever) and would apply in relation to him if he were of an age to be treated as a young person for the purposes of that enactment shall apply in relation to him, in

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Changes to legislation: Education (Scotland) Act 1980, Cross Heading: Employment is up to date with all changes known to be in force on or before 01 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

and in respect of the employment arranged for him, in all respects as if he were of an age to be so treated.

[^{F3}(4) subsection (1) above applies to a child undergoing compulsory education during the period between 1st May in the calendar year before the calendar year in which he attains the upper limit of school age and the end of the latter year.]

Textual Amendments

- F1** Words substituted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 8(21)(a)(i)**
- F2** Words inserted by Self-Governing Schools etc. (Scotland) Act 1989 (c.39, SIF 41:2), s. 82(1), **Sch. 10 para. 8(21)(a)(ii)**
- F3** S. 123(4) substituted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 8(21)(b)**

Marginal Citations

- M1** 1920 c. 65.
- M2** 1970 c. 36.

124 ^{F4}

Textual Amendments

- F4** S. 124 repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**

125 **Adaptation of enactments relating to employment of children and young persons.**

For the purpose of any enactment relating to the prohibition or regulation of the employment of children or young persons, any person who is not for the purposes of this Act over school age shall be deemed to be a child within the meaning of that enactment.

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