

SCHEDULES

SCHEDULE 3

Section 10.

REMOVAL OF RESTRICTIONS RELATING TO EMPLOYMENT OF YOUNG PERSONS

PART I

REPEALS RELATING TO RESTRICTIONS WITH RESPECT TO HOURS OF EMPLOYMENT AND HOLIDAYS

Section 1(3) of, and Part II of the Schedule to, the Employment of Women, Young Persons, and Children Act 1920 (employment of young persons in industrial undertakings at night).

Section 19 of the Children and Young Persons Act 1933 (power of local authority to make byelaws with respect to employment of persons under 18 other than children).

Section 29 of the Children and Young Persons (Scotland) Act 1937 (power of education authority to make byelaws with respect to employment of persons under 18 other than children).

Part I of the Young Persons (Employment) Act 1938 (hours of employment and holidays of young persons in certain occupations).

The following provisions of the Shops Act 1950—

section 18 (special provisions as to half-holidays for young persons);

section 20 and Part II of Schedule 3 (special provisions as to meal times for young persons);

sections 24 to 36 (hours of employment of young persons);

section 68 (option to apply either the Act or the Young Persons (Employment) Act 1938 in certain cases); and

section 72 (enforcement by local authorities under Children and Young Persons Act 1933).

The following provisions of the Mines and Quarries Act 1954—

sections 125 to 128 (hours of employment of young persons);

section 130 (special exception for emergencies); and

section 132 (supplemental provisions).

The following provisions of the Factories Act 1961—

sections 86 to 94 (hours of employment and holidays of young persons);

sections 96 to 109 and 112 to 115 (suspension of, and exceptions from, provisions as to hours of employment etc.);

section 116 (regulation of employment of young persons in certain occupations);

section 138(1)(d) (posting of notices); and

section 140(1)(d) (general registers).

Status: This is the original version (as it was originally enacted).

PART II

REPEALS RELATING TO OTHER REQUIREMENTS

- The following provisions of the Mines and Quarries Act 1954—
 section 124(2) (restriction on male young persons being employed below ground);
 and
 section 131 (register of women and young persons employed).
- The following provisions of the Factories Act 1961—
 section 11(1)(a)(iii) (power to require medical supervision);
 section 73(1) (prohibition on employment of female young persons where certain processes are carried on); and
 section 119A (duty of factory occupier to give notice of employment of young persons).

PART III

AMENDMENT OF CERTAIN AGE LIMITS

EMPLOYMENT OF WOMEN, YOUNG PERSONS, AND CHILDREN ACT 1920 (C. 65)

- 1 In section 1 (obligation of employer to keep register of young persons employed in industrial undertaking), for subsection (4) substitute—
- “(4) Where persons under the age of sixteen years are employed in any industrial undertaking, a register of all persons under that age who are so employed, and of the dates of their birth, shall be kept and shall at all times be open to inspection.”

CHILDREN AND YOUNG PERSONS ACT 1933 (C. 12)

- 2 In section 20 (street trading)—
- (a) for subsection (1) substitute—
- “(1) Subject to subsection (2) of this section, no child shall engage or be employed in street trading.”;
- (b) in subsection (2), for the words from “regulating” to “eighteen years,” substitute “authorising children who have attained the age of fourteen years to be employed by their parents in street trading to such extent as may be specified in the byelaws, and for regulating street trading under the byelaws by persons who are so authorised to be employed in such trading;”; and
- (c) in subsection (3), for the words from the beginning to “employed” substitute “Byelaws under this section shall not authorise a child to engage, or be employed, on a Sunday”.
- 3 In section 21(3) (penalties and legal proceedings in respect of general provisions as to employment), for “person under the age of eighteen years” substitute “child”.
- 4 In section 23 (prohibition on persons under 16 taking part in performances endangering life and limb)—
- (a) for “person under the age of sixteen years” substitute “child”; and
- (b) for “such a person” substitute “a child”.
- 5 In section 24 (restrictions on training for performances of a dangerous nature)—

- (a) in subsection (1)—
- (i) for “person”, in the first place where it occurs, substitute “child”, and
 - (ii) for “person under the age of sixteen years” substitute “child who has attained that age”; and
- (b) in subsection (2), for “person who has attained the age of twelve years but is under the age of sixteen years” substitute “child who has attained the age of twelve years”.
- 6 In section 25 (restriction on persons under 18 going abroad for the purpose of performing for profit)—
- (a) in subsection (1), for “person under the age of eighteen years”, in both places where those words occur, and for “person under that age” substitute “child”; and
 - (b) in subsection (2), for “person who has attained the age of fourteen years but is under the age of eighteen years” substitute “child who has attained the age of fourteen years”.
- 7 In section 26 (punishment of contraventions of section 25, etc.)—
- (a) in subsection (1), for “the person” substitute “the child in question”; and
 - (b) in subsection (2)—
 - (i) for “a person under the age of eighteen years” substitute “a child”,
 - (ii) for “that person” substitute “that child”, and
 - (iii) for “the person in question” substitute “the child”.
- 8 In section 30 (interpretation of provisions about the employment of children)—
- (a) after “made thereunder—” insert—

“The expression “child” means—

 - (a) in relation to England and Wales, a person who is not for the purposes of the Education Act 1944 over compulsory school age;
 - (b) in relation to Scotland, a person who is not for the purposes of the Education (Scotland) Act 1980 over school age; and
 - (c) in relation to Northern Ireland, a person who is not for the purposes of the Education and Libraries (Northern Ireland) Order 1986 over compulsory school age;”;
 - (b) at the end of that section add the following subsection—

“(2) This section, so far as it has effect for the purposes of sections 25 and 26 of this Act, extends to Scotland and to Northern Ireland.”;

and the existing provisions of that section (as amended by sub-paragraph (a) above) shall accordingly constitute subsection (1) of that section.
- CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937 (C. 37)
- 9 In section 30 (street trading)—
- (a) for subsection (1) substitute—

“(1) Subject to subsection (2) of this section, no child shall engage or be employed in street trading.”; and
 - (b) in subsection (2), for the words from “regulating” to “eighteen years,” substitute “authorising children who have attained the age of fourteen years

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to be employed by their parents in street trading to such extent as may be specified in the byelaws, and for regulating street trading under the byelaws by persons who are so authorised to be employed in such trading;”.

- 10 In section 31(3) (penalties and legal proceedings in respect of general provisions as to employment), for “person under the age of eighteen years” substitute “child”.
- 11 In section 33 (prohibition on persons under 16 taking part in performances endangering life and limb)—
- (a) for “person under the age of sixteen years” substitute “child”; and
 - (b) for “such a person” substitute “a child”.
- 12 In section 34 (restrictions on training for performances of a dangerous nature)—
- (a) in subsection (1)—
 - (i) for “person”, in the first place where it occurs, substitute “child”, and
 - (ii) for “person under the age of sixteen years” substitute “child who has attained that age”; and
 - (b) in subsection (2), for “person who has attained the age of twelve years but is under the age of sixteen years” substitute “child who has attained the age of twelve years”.
- 13 In section 37 (interpretation of provisions about the employment of children), after “made thereunder—” insert—
- “(a) The expression “child” means a person who is not for the purposes of the Education (Scotland) Act 1980 over school age;”.

FACTORIES ACT 1961 (C. 34)

- 14 In section 117(1) (exemptions from provisions regulating hours of employment), for “of or over the age of sixteen” substitute “(other than children)”.