



# Education Act 1996

## 1996 CHAPTER 56

### PART X

#### MISCELLANEOUS AND GENERAL

#### CHAPTER IV

##### EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

**558 Meaning of “child” for purposes of enactments relating to employment of children or young persons.**

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

**559 Power of [<sup>F1</sup>local authorities] to prohibit or restrict employment of children.**

- (1) If it appears to a [<sup>F2</sup>local authority] that a child who is a registered pupil at a [<sup>F3</sup>community, foundation], voluntary or special school is being employed in such a manner as to be prejudicial to his health, or otherwise to render him unfit to obtain the full benefit of the education provided for him, the authority may serve a notice in writing on the employer—
  - (a) prohibiting him from employing the child, or
  - (b) imposing such restrictions upon his employment of the child as appear to them to be expedient in the interests of the child.
- (2) A [<sup>F2</sup>local authority] may serve a notice in writing on the parent or employer of a child who is a registered pupil at a [<sup>F4</sup>community, foundation], voluntary or special school requiring the parent or employer to provide the authority, within such period as may be specified in the notice, with such information as appears to the authority to be necessary for the purpose of enabling them to ascertain whether the child is being

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: Education Act 1996, Chapter IV is up to date with all changes known to be in force on or before 12 April 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)*

employed in such a manner as to render him unfit to obtain the full benefit of the education provided for him.

- (3) A person who—
- (a) employs a child in contravention of any prohibition or restriction imposed under subsection (1), or
  - (b) fails to comply with the requirements of a notice served under subsection (2),
- shall be guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable on summary conviction—
- (a) to a fine not exceeding level 1 on the standard scale, or
  - (b) to imprisonment for a term not exceeding one month,
- or both.
- (5) Section 28(1) and (3) of the <sup>M1</sup>Children and Young Persons Act 1933 (powers of entry for the enforcement of the provisions of Part II of that Act as to the employment of children) shall apply with respect to the provisions of any notice served under this section as they apply with respect to the provisions of Part II of that Act.

<sup>F5</sup>(6) . . . . .

#### Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))
- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F3** Words in s. 559(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 171(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** Words in s. 559(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 171(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F5** S. 559(6) repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\)](#), **Sch. 1 Pt. 11**

#### Modifications etc. (not altering text)

- C1** S. 559 applied (E.) (1.9.2005) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2005 \(S.I. 2005/2039\)](#), reg. 1(1), **Sch. 1 para. 3**
- C2** S. 559 applied (W.) (23.4.2007) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(Wales\) Regulations 2007 \(S.I. 2007/1069\)](#), reg. 1(1), **Sch. 1 para. 3**
- C3** S. 559 applied (E.) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), **Sch. 1 para. 8**

#### Marginal Citations

- M1** 1933 c. 12.

## 560 Work experience in last year of compulsory schooling.

- <sup>F6</sup>(1) The enactments relating to the prohibition or regulation of the employment of children shall not apply to the employment of a child in his last two years of compulsory schooling if the employment is in pursuance of arrangements made—

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: Education Act 1996, Chapter IV is up to date with all changes known to be in force on or before 12 April 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)*

- (a) by a <sup>F2</sup>local authority], or
- (b) by the governing body of a school on behalf of such an authority,  
with a view to providing him with work experience as a part of his education.
- (2) For the purposes of subsection (1) a child shall be taken to be in his last two years of compulsory schooling as from the beginning of the last two school years at his school during the whole or part of which he is of compulsory school age.]
- (3) Subsection (1) shall not be taken to permit the employment of a 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 <sup>M2</sup>Employment of Women, Young Persons and Children Act 1920 or section 55(1) of the <sup>M3</sup>Merchant Shipping Act 1995 (which prohibit the employment of children in ships).
- (4) No arrangements shall be made under subsection (1) 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 the enactment) and not a child.
- (5) Where a child is employed in pursuance of arrangements made under subsection (1), so much of any enactment as—
- (a) regulates the employment of young persons (whether by excluding them from any description of work, prescribing the conditions under which they may be permitted to do it or in any other way), and
- (b) 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 and in respect of the employment arranged for him, in all respects as if he were of an age to be so treated.
- (6) Nothing in section 495 or 496 <sup>F7</sup> or Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013] applies in relation to any power conferred on a <sup>F2</sup>local authority] <sup>F8</sup> . . . by subsection (1).
- (7) In this section “enactment” includes any byelaw, regulation or other provision having effect under an enactment.

#### Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F6** S. 560(1)(2) substituted (1.10.1998) by 1998 c. 31, **s. 112(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, **art. 2(1) Sch. 1 Pt. I**
- F7** Words in s. 560(6) inserted (20.2.2014) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 2(7)**; S.I. 2014/178, art. 2(f) (with art. 3)
- F8** Words in s. 560(6) repealed (1.9.1999) by 1998 c. 31, ss. 112(3), 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

#### Marginal Citations

- M2** 1920 c. 65.

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: Education Act 1996, Chapter IV is up to date with all changes known to be in force on or before 12 April 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)*

**M3** 1995 c. 21.

**[<sup>F9</sup>560A Work experience for persons over compulsory school age: England**

- (1) A [<sup>F2</sup>local authority] in England may secure the provision of work experience for persons in their area—
- (a) who are over compulsory school age but under 19, or
  - (b) who are aged 19 or over [<sup>F10</sup>and for whom an EHC plan is maintained].
- (2) A [<sup>F2</sup>local authority] in England must—
- (a) encourage participation in work experience by persons in their area who are within subsection (1)(a) or (b);
  - (b) encourage employers to participate in the provision of work experience for such persons.]

**Textual Amendments**

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F9** S. 560A inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 47, 269(4)**; S.I. 2010/303, art. 3, Sch. 2
- F10** Words in s. 560A(1)(b) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 54**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))

**Modifications etc. (not altering text)**

- C4** S. 560A functions made exercisable concurrently (1.4.2011) by [The Greater Manchester Combined Authority Order 2011 \(S.I. 2011/908\)](#), arts. 1, 10, **Sch. 3 para. 6**
- C5** S. 560A functions made exercisable concurrently (1.4.2014) by [The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 \(S.I. 2014/865\)](#), art. 1, **Sch. 2 para. 3** (with art. 8(4))
- C6** S. 560A functions made exercisable concurrently (1.4.2014) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 \(S.I. 2014/863\)](#), art. 1, **Sch. 2 para. 4**

**Status:**

Point in time view as at 01/09/2014.

**Changes to legislation:**

Education Act 1996, Chapter IV is up to date with all changes known to be in force on or before 12 April 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.