



# Children and Young Persons (Scotland) Act 1937

## 1937 CHAPTER 37

### PART III

#### EMPLOYMENT

##### *Supplemental*

#### **35 Byelaws**

- (1) A byelaw made under this Part of this Act shall not have effect until confirmed by the Secretary of State and shall not be so confirmed until at least thirty days after the education authority have published it in such manner as the Secretary of State directs.
- (2) Before confirming such a byelaw the Secretary of State shall consider any objections thereto which may be addressed to him by persons affected or likely to be affected thereby, and may order a local inquiry to be held, and where such an inquiry is held, the person holding it shall receive such remuneration as the Secretary of State determines, and that remuneration and the expenses of the inquiry shall be paid by the education authority.
- (3) Byelaws so made may, without prejudice to any other method of proof, be proved in the like manner as that in which byelaws made under the Public Health (Scotland) Act, 1897, by a local authority may be proved, and section one hundred and eighty-seven of that Act shall apply accordingly.

#### **36 Powers of entry**

- (1) If it is made to appear to a justice by the education authority, or by any constable, that there is reasonable cause to believe that the provisions of this Part of this Act or of a byelaw made thereunder are being contravened with respect to any person, the justice may by order under his hand addressed to an officer of the education authority, or to a constable, empower him to enter, at any reasonable time within forty-eight hours

of the making of the order, any place in or in connection with which the person in question is, or is believed to be, employed, or as the case may be, in which he is, or is believed to be, taking part in an entertainment or performance, or being trained, and to make inquiries therein with respect to that person.

- (2) Any authorised officer of the education authority or any constable may at any time during the currency of a licence granted under this Part of this Act enter any place where the person to whom the licence relates is authorised by the licence to take part in an entertainment or to be trained, and may make inquiries therein with respect to that person.
- (3) Any person who obstructs any officer or constable in the due exercise of any powers conferred on him by or under this section, or who refuses to answer or answers falsely any inquiry authorised by or under this section to be made, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds.

### **37 Interpretation of Part III**

For the purposes of the foregoing provisions of this Part of this Act and of any byelaws made thereunder—

- (a) The expression " child " shall, as from the first day of September, nineteen hundred and thirty-nine, mean instead of a person under fourteen years of age, a person under fifteen years of age;
- (b) The expression " performance of a dangerous nature " includes all acrobatic performances and all performances as a contortionist;
- (c) The expression " street trading " includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe-blackening and other like occupations carried on in streets or public places ;
- (d) A child under obligation to attend school shall be deemed to attain the age of fourteen or fifteen on the date prescribed for terminating school attendance next succeeding the fourteenth or fifteenth anniversary of his birth, as the case may be;
- (e) A person who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he receives no reward for his labour; and
- (f) A chorister taking part in a religious service or in a choir practice for a religious service shall not, whether he receives any reward or not, be deemed to be employed.

### **38 Savings**

- (1) The provisions of this Part of this Act imposing restrictions on employment or on the taking part by children in entertainments, and the provisions of any byelaws made thereunder shall not apply in relation to a person who has attained the age of twelve years taking part in a performance, whether of the nature of an entertainment or not, which is being broadcast by the British Broadcasting Corporation, so long as the public are not admitted thereto on payment.
- (2) The said provisions shall not affect the provisions of the Education (Scotland) Acts, 1872 to 1936, with respect to attendance at school or continuation classes.
- (3) The said provisions shall not apply to a person detained in an approved school.

- (4) The said provisions shall be in addition to and not in substitution for any enactments relating to employment in factories, workshops, mines and quarries, or for giving effect to any international convention regulating employment.
- (5) The said provisions shall, in their application to a person born on or before the first day of September, nineteen hundred and twenty-five, have effect as if paragraph (a) of the last foregoing section were omitted.
- (6) Sections twenty-eight and thirty-two of this Act shall not apply to a child in respect of whom an employment certificate granted under section two of the Education (Scotland) Act, 1936, is in force.
- (7) The provisions of paragraph (c) of subsection (1) of section twenty-eight of this Act as to the hour after which a child may not be employed shall not apply to employment in entertainments, in accordance with a licence granted under section thirty-two of this Act, of a child who has attained the age of fourteen years.