



# Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

## PART II

### EMPLOYMENT

#### *Employment Abroad*

#### 25 Restrictions on persons under eighteen going abroad for the purpose of performing for profit.

- (1) No person having [<sup>F1</sup>the custody, charge or care of][<sup>F1</sup>responsibility for] any [<sup>F2</sup>child] shall allow him, nor shall any person cause or procure any [<sup>F2</sup>child], to go abroad for the purpose of singing, playing performing, or being exhibited, for profit, unless . . .  
<sup>F3</sup> a licence has been granted in respect of him under this section:

Provided that this subsection shall not apply in any case where it is proved that the [<sup>F2</sup>child] was only temporarily resident within [<sup>F4</sup>the United Kingdom].

- (2) A police magistrate may grant a licence in such form as the Secretary of State may prescribe, and subject to such restrictions and conditions as the police magistrate thinks fit, for any [<sup>F5</sup>child who has attained the age of fourteen years] to go abroad for the purpose of singing, playing, performing, or being exhibited, for profit, but no such license shall be granted in respect of any person unless the police magistrate is satisfied—
- (a) that the application for the licence is made by or with the consent of his parent or guardian;
  - (b) that he is going abroad to fulfil a particular engagement;
  - (c) that he is fit for the purpose, and that proper provision has been made to secure his health, kind treatment, and adequate supervision while abroad, and his return from abroad at the expiration or revocation of the licence;
  - (d) that there has been furnished to him a copy of the contract of employment or other document showing the terms and conditions of employment drawn up in a language understood by him.

*Status: Point in time view as at 01/02/1991.*

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- (3) A person applying for a licence under this section, shall, at least seven days before making the application, give to the chief officer of police for the district in which the person resides to whom the application relates, notice of the intended application together with a copy of the contract of employment or other document showing the terms and conditions of employment, and the chief officer of police send that copy to the police magistrate and may make a report in writing on the case to him or may appear, or instruct some person to appear, before him and show cause why the licence should not be granted, and the police magistrate shall not grant the licence unless he is satisfied that notice has been properly so given:

Provided that if it appears that the notice was given less than seven days before the making of the application, the police magistrate may nevertheless grant a licence if he is satisfied that the officer to whom the notice was given has made sufficient enquiry into the facts of the case and does not desire to oppose the application.

- (4) A licence under this section shall not be granted for more than three months but may be renewed by a police magistrate from time to time for a like period, so, however, that no such renewal shall be granted, unless the police magistrate—
- (a) is satisfied by a report of a British consular officer or other trustworthy person that the conditions are being complied with;
  - (b) is satisfied that the application for renewal is made by or with the consent of the parent or guardian of the person to whom the licence relates.
- (5) A police magistrate—
- (a) may vary a licence granted under this section and may at any time revoke such a licence for any cause which he, in his discretion, considers sufficient;
  - (b) need not, when renewing or varying a licence granted under this section, require the attendance before him of the person to whom the licence relates.
- (6) The police magistrate to whom application is made for the grant, renewal or variation of a licence shall, unless he is satisfied that in the circumstances it is unnecessary, require the applicant to give such security as he may think fit (either by entering into a recognisance with or without sureties or otherwise) for the observance of the restrictions and conditions in the licence or in the licence as varied, and the recognisance may be enforced in like manner as a recognisance for the doing of some matter or thing required to be done in a proceeding before a court of summary jurisdiction is enforceable.
- (7) If any case where a licence has been granted under this section, it is proved to the satisfaction of a police magistrate that by reason of exceptional circumstances it is not in the interests of the person to whom the licence relates to require him to return from abroad at the expiration of the licence, then, notwithstanding anything in this section or any restriction or condition attached to the licence, the magistrate may by order release all persons concerned from any obligation to cause that person to return from abroad.
- (8) Where a licence is granted, renewed or varied under this section, the police magistrate shall send the prescribed particulars to the Secretary of State for transmission to the proper consular officer, and every consular officer shall register the particulars so transmitted to him and perform such other duties in relation thereto as the Secretary of State may direct.
- (9) In this section the expression “police magistrate” means one of the following magistrates, that is to say—
- (a) the chief magistrate of the metropolitan police courts;

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- (b) any magistrate of the metropolitan police court in Bow Street;
- (c) any stipendiary magistrate appointed by Order in Council to exercise jurisdiction under this section,

and the powers conferred by this section on a police magistrate shall in every case be exercisable by any of the magistrates aforesaid.

- (10) This and the next following section extend to Scotland and to Northern Ireland.

#### Textual Amendments

- F1** Words “responsibility for” substituted (*prosp.*) for words “the custody, charge or care of” by Children Act 1989 (c. 41, SIF 20), s. 108(2)(5)(6), Sch. 13 para. 3(d), **Sch. 14 para. 1(1)**
- F2** Word substituted by Employment Act 1989 (c. 38, SIF 43:1), s. 10(2), **Sch. 3 Pt. III para. 6(a)**
- F3** Words repealed by Children and Young Persons Act 1963 (c. 37), s. 64, **Sch. 5**
- F4** Words substituted by Children and Young Persons Act 1963 (c. 37), **Sch. 3 para. 7**
- F5** Words substituted by Employment Act 1989 (c. 38, SIF 43:1), s. 10(2), **Sch. 3 Pt. III para. 6(b)**

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

- C1** S. 25 extended and amended by Children and Young Persons Act 1963 (c. 37), s. 42
- C2** S. 25(9)(a)(b) amended by Administration of Justice Act 1964 (c. 42), **Sch. 3 Pt. I**

## 26 Punishment of contraventions of last foregoing section and proceedings with respect thereto.

- (1) If any person acts in contravention of the provisions of subsection (1) of the last foregoing section he shall be guilty of an offence under this section and be liable, on summary conviction, to a fine not exceeding [<sup>F6</sup>level 3 on the standard scale], or, alternatively, , . . . <sup>F7</sup>or in addition thereto, to imprisonment for any term not exceeding three months:

Provided that if he procured [<sup>F8</sup>the child in question] to go abroad by means of any false pretence or false representation, he shall be liable on conviction on indictment to imprisonment for any term not exceeding two years.

- (2) Where, in proceedings under this section against a person, it is proved that he caused, procured, or allowed [<sup>F9</sup>a child] to go abroad and that [<sup>F10</sup>that child] has while abroad been singing, playing, performing, or being exhibited, for profit, the defendant shall be presumed to have caused, procured, or allowed him to go abroad for that purpose, unless the contrary is proved:

Provided that where the contrary is proved, the court may order the defendant to take such steps as the court directs to secure the return of [<sup>F11</sup>the child] to the United Kingdom, or to enter into a recognisance to make such provision as the court may direct to secure his health, kind treatment, and adequate supervision while abroad, and his return to the United Kingdom at the expiration of such period as the court may think fit.

- (3) Proceedings in respect of an offence under this section or for enforcing a recognisance under this or the last foregoing section may be instituted at any time within a period of three months from the first discovery by the person taking the proceedings of the commission of the offence or, as the case may be, the non-observance, of the restrictions and conditions contained in the licence, or, if at the expiration of that

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period the person against whom it is proposed to institute the proceedings is outside the United Kingdom, at any time within six months after his return to the United Kingdom.

- (4) In any such proceedings as aforesaid, a report of any British consular officer and any deposition made on oath before a British consular officer and authenticated by the signature of that officer, respecting the observance or non-observance of any of the conditions or restrictions contained in a licence granted under the last foregoing section shall, upon proof that the consular officer, or deponent, cannot be found in the United Kingdom, be admissible in evidence, and it shall not be necessary to prove the signature or official character of the person appearing to have signed any such report or deposition.

(5) ..... F12

(6) ..... F13

#### Textual Amendments

- F6** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975](#) (c. 21, SIF 39:1), **ss. 289F, 289G**
- F7** Words repealed by [Children and Young Persons Act 1963](#) (c. 37), s. 64, **Sch. 5**
- F8** Words substituted by [Employment Act 1989](#) (c. 38, SIF 43:1), s. 10(2), **Sch. 3 Pt. III para. 7(a)**
- F9** Words substituted by [Employment Act 1989](#) (c. 38, SIF 43:1), s. 10(2), **Sch. 3 Pt. III para. 7(b)(i)**
- F10** Words substituted by [Employment Act 1989](#) (c. 38, SIF 43:1), s. 10(2), **Sch. 3 Pt. III para. 7(b)(ii)**
- F11** Words substituted by [Employment Act 1989](#) (c. 38, SIF 43:1), s. 10(2), **Sch. 3 Pt. III para. 7(b)(iii)**
- F12** [S. 26\(5\)](#) repealed (S.) by [Criminal Justice \(Scotland\) Act 1980](#) (c. 62, SIF 39:1), s. 83(3), **Sch. 8** & (E.W.) by [Police and Criminal Evidence Act 1984](#) (c. 60, SIF 47, 95), s. 119, **Sch. 7 Pt. V**
- F13** [Ss. 26\(6\), 29\(3\), 32, 35, 44\(2\), 54, 55\(2\), 57, 62–76, 77\(1\)\(3\), 78, 79\(4\), 81\(2\), 82–85, 90, 91, 94, 107\(2\), 108\(2\)\(3\)](#), [Sch. 4 paras. 4–13](#) repealed by [Children and Young Persons Act 1969](#) (c. 54), s. 72, **Sch. 6**

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

- C3** [S. 26](#) extended by [Children and Young Persons Act 1963](#) (c. 37), s. **42(1)**

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