
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Children and Young Persons Acts 1933 and 1963 and the Children and Young Persons (Scotland) Act 1937 in order to implement in relation to children the provisions of the 1994 EC Directive on the Protection of Young People at Work (94/33/EC).

Regulations 2 to 7 amend the 1933 Act in a number of ways. Regulation 2 raises from thirteen years to fourteen years the age at which a child may be employed in any work, other than as an employee of his parent or guardian in light agricultural or horticultural work on an occasional basis. It replaces the prohibition against work likely to injure a child with a prohibition against anything other than light work, an expression defined by reference to the EC Directive. Light work is work which does not jeopardise a child's safety, health, development, attendance at school or participation in work experience. Regulation 2 also permits the employment of children over the age of 13 years in categories of light work specified in local authority byelaws and brings into line with the requirements of the Directive the hours which a child over the age of fourteen may work and the rest periods which are required. In particular, provision is made to ensure that a child has at least one two week period in his school holidays free from any employment.

Regulation 5 amends the 1933 Act to extend the prohibition against a child going abroad for the purposes of performing for profit without a local authority licence, to cover also going abroad for the purpose of taking part in a sport or working as a model in circumstances where payment is made.

Regulations 3, 4 and 6 and 7 contain amendments consequential upon the amendments in regulations 2 and 5.

Regulations 8 to 11 make parallel provision for Scotland in so far as the amendments made to the 1933 Act do not also extend there.

Regulation 12 amends section 37 of the 1963 Act which contains restrictions on children taking part in public performances. The present requirements for a local authority licence are extended to require a licence to be obtained before a child may take part in a sport or work as a model in circumstances where payment is made either to the child or to someone else. Regulations 13 to 17 make consequential amendments. The provisions concerning licensing are amended so that a licence may be obtained from any justice of the peace.