



The Fife Council

**Employment  
of Children  
Byelaws 1999**

Law and Administration Service

**THE FIFE COUNCIL  
EMPLOYMENT OF CHILDREN BYELAWS**

The Fife Council, in exercise of the powers conferred on them by sections 28(2) and 30(2) of the Children and Young Persons (Scotland) Act 1937 hereby make the following Byelaws: ✓

Citation

1. These Byelaws may be cited as the Fife Council Byelaws on the Employment of Children 1999.

Interpretation and extent

2. In these Byelaws, unless the context otherwise requires:

"child" means a person who is not for the purposes of the Education (Scotland) Act 1980 over school age; ✓

"the Council" means The Fife Council;

"employment" includes assistance in any trade or occupation which is carried on for profit whether or not payment is received for that assistance;

"light work" means work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed, is not likely to be harmful to the safety, health or development of children and is not such as to be harmful to their attendance at school or to their participation in work experience in accordance with section 123 of the Education (Scotland) Act 1980, or their capacity to benefit from the instruction received, or, as the case may be, the experience gained; ✓

"parent" includes any person who has parental responsibilities in relation to a child (within the meaning of section 1(3) of the Children (Scotland) Act 1995);

"street trading" has the same meaning as in section 39 of the Civic Government (Scotland) Act 1982.

## Prohibited Employment

3. No child of any age may be employed -
- (a) in a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children;
  - (b) to sell or deliver alcohol, except in sealed containers;
  - (c) to deliver milk;
  - (d) to deliver fuel oils;
  - (e) in a commercial kitchen;
  - (f) to collect or sort refuse;
  - (g) in any work which is more than three metres above ground level or, in the case of internal work, more than three metres above floor level;
  - (h) in employment involving harmful exposure to physical, biological or chemical agents;
  - (i) to collect money or to sell or canvass door to door, except under the direct supervision of an adult;
  - (j) in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children;
  - (k) in telephone sales;
  - (l) in any slaughterhouse or in that part of any butcher's shop or other premises connected with the killing of livestock, butchery, or the preparation of carcasses or meat for sale;
  - (m) as an attendant or assistant in a fairground or amusement arcade or in any other premises used for the purpose of public amusement by means of automatic machines, games of chance or skill or similar devices;
  - (n) in the personal care of residents of any residential care home or nursing home unless under the direct supervision of a responsible adult.

## Street Trading

4. No child under the age of 14 may engage in street trading and a child aged 14 or over may only engage in street trading provided that:
- (a) he is employed to do so by his parent, in connection with his business and under his direct supervision; and
  - (b) he has a street trader's licence granted under section 39 of the Civic Government (Scotland) Act 1982; [and
  - (c) the times during which he may engage in street trading shall be subject to the restrictions contained in section 28(1) of the Children and Young Persons (Scotland) Act 1937 and Byelaw 8; and
  - (d) the places at which he may engage in street trading shall be as permitted in terms of the said street trader's licence, but subject always to the provisions of these Byelaws.]

*Note: Sub paragraphs (c) and (d) added by The Fife Council Byelaws on the Employment of Children 1999 (Amendment No. 1, 2002).*

## Permitted employment of children aged 14 and over

5. A child aged 14 or over may be employed only in light work.

## Permitted employment of children aged 13

6. A child aged 13 may not be employed except in light work in one or more of the following specified categories:
- (a) agricultural or horticultural work;
  - (b) delivery of newspapers, journals and other printed material, and collecting payment for same, subject to the provisions of Byelaw 3(i);
  - (c) shop work, including shelf stacking;
  - (d) in hairdressing salons;
  - (e) office work;
  - (f) car washing by hand in a private residential setting;
  - (g) in a café or restaurant;
  - (h) in riding stables;
  - (i) domestic work in hotels and other establishments offering accommodation.

### Permitted Employment of Children Under 13

7. *Note: Byelaw 7 deleted by - the Fife Council Byelaws on the Employment of Children 1999 (Amendment No. 1, 2002).*

### Employment before school

8. Subject to the other provisions of these Byelaws, children may be employed for up to one hour before the commencement of school hours on any day on which they are required to attend school.

### Additional Condition

9. No child may be employed in any work out of doors unless wearing suitable clothes and shoes.

### Employment Permits

10. Prior to employing a child, the employer shall apply to the Council for an employment permit in respect of that child on the form supplied by the Council for that purpose, containing:
- (a) his own name and address;
  - (b) the name, address and date of birth of the child;
  - (c) the hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the tasks involved and, if different from (a) above, the place of employment;
  - (d) a statement of the child's fitness to work, and of approval for the child to be employed, completed by the child's parent;
  - (e) details of the school at which the child is a registered pupil; and
  - (f) a statement to the effect that an appropriate risk assessment has been carried out by the employer.
11. Where, on receipt of an application, the Council are satisfied that:
- (a) the proposed employment is lawful;
  - (b) the child's health, welfare or ability to take full advantage of his education would not be jeopardised; and
  - (c) the child is fit to undertake the work for which he is to be employed, they will issue the child with an employment permit.
12. Before issuing an employment permit the Council may require a child to have a medical examination.
13. The employment permit will state:
- (a) the name, address and date of birth of the child;
  - (b) the name and address of the employer; and
  - (c) the hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the tasks involved and the place of employment.

14. A child may be employed only in accordance with the details shown on his employment permit.
15. The Council may amend a child's employment permit from time to time on the application of an employer.
16. The Council may at any time revoke a child's employment permit if they have reasonable grounds to believe -
  - (a) that the child is being unlawfully employed, or
  - (b) that his health, welfare or ability to take advantage of his education are suffering or likely to suffer as a result of the employment.
17. A child must produce his employment permit for inspection when required to do so by an authorised officer of the Council or a police officer.

#### **Revocation**

18. The Byelaws with respect to the employment of children made by The Fife Regional Council on the 27th day of February, 1979 and confirmed by the Secretary of State on the 12th day of April, 1979 are hereby revoked.

THE COMMON SEAL of The Fife Council was affixed to these Byelaws on the 23rd day of April, 1999 in the presence of David Stuart Allan, Head of Law and Administration.

#### **Confirmation of the Byelaws**

These Byelaws were confirmed by the Scottish Ministers on 27th August, 1999 and came into force on 5th September, 1999.

#### **Amendment of the Byelaws**

These Byelaws have been amended as indicated in the text of the Byelaws by The Fife Council Byelaws on the Employment of Children 1999 (Amendment No. 1, 2002).

**EXPLANATORY NOTES**  
(These notes are not part of the Byelaws)

**General**

1. The Byelaws regulate the types of occupation in which children in Fife below school leaving age may be employed (Byelaws 3-6), and other conditions of their employment. They provide for checks on children's fitness for employment and for the issue of employment permits, setting out the occupation in which a child may be employed and his hours of work (Byelaws 10 - 17). Employers are obliged to apply for employment permits in respect of children prior to employing them (Byelaw 10).
2. The Byelaws are not a comprehensive statement of the law relating to the employment of children and should be read in conjunction with other legislation relating to prohibited occupations, hours of work and street trading in particular.
3. Nothing in the Byelaws applies to children undertaking work experience in terms of section 123 of the Education (Scotland) Act 1980 or prevents children taking part in performances in accordance with licences granted under the Children and Young Persons Act 1963.

**Prohibited and permitted employment**

4. Children aged 13 are limited to employment in the occupations listed in Byelaw 6. Children aged 14 or over are not limited in this way, but may only undertake light work (Byelaw 5). "Light work" is defined in Byelaw 2. Byelaw 3 lists various occupations which are prohibited for children, even if they would constitute light work. Many more occupations or specific tasks are prohibited by other legislation, including:

the Employment of Women, Young Persons and Children Act 1920, which prohibits the employment of children in any "industrial undertaking", including mines and quarries, manufacturing, construction and the transport of passengers or goods by road, rail or inland waterway (section 1(1));

the Agriculture (Safety, Health and Welfare Provisions) Act 1956, under which it is an offence to cause or permit a child to ride on or drive a vehicle, machine or agricultural implement (section 7);

the Betting, Gaming and Lotteries Act 1963, which prohibits the employment of persons under 18 in effecting any betting transaction or in a licensed betting office (section 21);

the Licensing (Scotland) Act 1976, which prohibits the employment of children in the bar of licensed premises (Section 72); and

the Merchant Shipping Act 1995, by virtue of which no person under minimum school leaving age may be employed on a ship registered in the UK, except as permitted by regulations made under that Act (section 55).

It should be noted that this is not an exhaustive list.

## Street Trading

5. Byelaw 4 permits the employment of children aged 14 and over by their parents in street trading, provided that they have a street trader's licence granted under section 39 of the Civic Government (Scotland) Act 1982. Children who are licensed for street trading will be subject to the provisions of the Byelaws e.g. they will require employment permits in addition to their licences. They will also be subject to the restrictions on working hours referred to below.

## Hours of Work

6. The restrictions on children's working hours are contained in section 28(1) of the Children and Young Persons (Scotland) Act 1937. Those restrictions prohibit the employment of children:
  - before the close of school hours on school days, except as permitted by Byelaw 8
  - before 7.00 a.m. or after 7.00 p.m. on any day
  - for more than 2 hours on school days
  - for more than 2 hours on Sundays
  - for more than 8 hours or, if they are under 15, for more than 5 hours on non-school days other than Sundays
  - for more than 35 hours or, if they are under 15, for more than 25 hours in non-school weeks
  - for more than 4 hours in any day without a rest break of one hour
  - so as to prevent them from having at least 2 consecutive weeks without working during the school holidays in any year.
7. The Children (Performances) Regulations 1968 provide that no child taking part in a performance for which a licence is required by section 37 of the Children and Young Persons Act 1963 may be employed in any other occupation on the day or days of that performance or the following day.



## Penalties

8. Section 31 of the Children and Young Persons (Scotland) Act 1937 provides that:-

- (i) if a person is employed in contravention of that Act, or of the provisions of any Byelaws made thereunder, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale (currently £1,000);
- (ii) a person who engages in street trading in contravention of the provisions of that Act, or of any Byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding level 1 on the Standard Scale (currently £200).

## Miscellaneous

9. Application forms for employment permits may be obtained free of charge from secondary schools and from the following local offices of the Council:-

### Central Area

Buckhaven Local Office	-	College Street, Buckhaven
Cardenden Local Office	-	Station Road, Cardenden
Glenrothes East Local Office	-	Albany House, Glenrothes
Glenrothes North Local Office	-	Units 2/3 Cadham Shopping Centre, Glenrothes
Glenrothes West	-	Roxburgh Road, Glenrothes
Kirkcaldy Town Centre Local Office	-	Town House, Kirkcaldy
Kirkcaldy East Local Office	-	Park Road, Kirkcaldy
Kirkcaldy West Local Office	-	Beauly Place, Kirkcaldy
Leven Local Office	-	Carberry House, Scoonie Road, Leven
Methil Local Office	-	Municipal Buildings, Wellesley Road, Methil

### East Area

Cupar Local Office	-	County Buildings, Cupar
East Neuk Local Office	-	Ladywalk, Anstruther
Howe of Fife Local Office	-	Tayside Institute, Newburgh
St. Andrews Local Office	-	St. Mary's Place, St. Andrews

### West Area

Benarty Local Office	-	6 Benarty Square, Ballingry
Cowdenbeath Local Office	-	Town House, High Street, Cowdenbeath
Dunfermline Abbeyview Local Office	-	Abbeyview, Dunfermline
Dunfermline Town Centre Local Office	-	Walmer Drive, Dunfermline
Inverkeithing Local Office	-	Civic Centre, Queen Street, Inverkeithing
Kelty Local Office	-	Sanjana Court, Main Street, Kelty
Lochgelly Local Office	-	Town House, High Street, Lochgelly
West Fife Villages Local Office	-	4 Station Road, Oakley