



# 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 local education authorities to prohibit or restrict employment of children.**

- (1) If it appears to a local education authority that a child who is a registered pupil at a [<sup>F1</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 local education authority may serve a notice in writing on the parent or employer of a child who is a registered pupil at a [<sup>F2</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

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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.
- (6) This section shall cease to have effect on the coming into force of section 2 of the <sup>M2</sup>Employment of Children Act 1973.

#### Textual Amendments

- F1** 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**
- F2** 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**

#### Marginal Citations

- M1** 1933 c. 12.  
**M2** 1973 c. 24.

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

- [<sup>F3</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—
- (a) by a local education 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

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- (b) section 1(2) of the <sup>M3</sup>Employment of Women, Young Persons and Children Act 1920 or section 55(1) of the <sup>M4</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 applies in relation to any power conferred on a local education authority <sup>F4</sup> . . . by subsection (1).
- (7) In this section “enactment” includes any byelaw, regulation or other provision having effect under an enactment.

#### Textual Amendments

**F3** 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. 1

**F4** 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

**M3** 1920 c. 65.

**M4** 1995 c. 21.

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