



Employment of Children Act 1973

1973 CHAPTER 24

An Act to make further provision with respect to restrictions on the employment of persons under the upper limit of school age and to the means of imposing and enforcing such restrictions; and for connected purposes. [23rd May 1973]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Regulation of children's employment

- (1) In this Act, " the Act of 1933 " means the Children and Young Persons Act 1933 and " the Act of 1937 " means the Children and Young Persons (Scotland) Act 1937.
- (2) In section 18(2) of the Act of 1933 and section 28(2) of the Act of 1937, the power of local authorities and, in Scotland, education authorities to make byelaws with respect to the employment of children shall be replaced by a power for the Secretary of State to make regulations for the purposes mentioned in those subsections respectively, any such regulations to be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) In accordance with subsection (2) above and with a view—
 - (a) to making the consequential changes in Part II of the Act of 1933 and Part III of the Act of 1937 which follow from that subsection ;
 - (b) to extending the powers exercisable under section 18 of the Act of 1933 and section 28 of the Act of 1937 for regulating the employment of children; and
 - (c) to increasing the penalties for contraventions of those Acts in relation to employment,

the Acts of 1933 and 1937 shall have effect with the amendments shown in Part I of Schedule 1 to this Act.

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- (4) As amended by subsection (3) above, section 18 of the Act of 1933 is as set out in Part II of Schedule 1 to this Act; and (as so amended) section 28 of the Act of 1937 is also as there set out, but with the differences specified in the note at the end of the Schedule.
- (5) Section 19 of the Act of 1933 and section 29 of the Act of 1937 (power of local authorities to make byelaws with respect to the employment of persons under the age of eighteen) shall cease to have effect.
- (6) If it appears to the Secretary of State in the case of a local Act that—
- (a) it contains provisions relating to, or authorising the making of byelaws in respect of, the employment of children; and
 - (b) those provisions are no longer required having regard to cognate provisions of any public general Act for the time being in force (and in particular the provision made by subsection (2) above),
- he may by order amend or repeal those provisions of the local Act; and an order under this subsection shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

2 Supervision by education authorities

- (1) The following powers shall be exercisable in England and Wales by a local education authority and, in Scotland, by an education authority in cases where the authority have reason to suppose that a child is, or is to become, employed (whether or not in the authority's area).
- (2) The authority may by a notice served—
- (a) on the child's parent or guardian or a person who has actual custody of the child; or
 - (b) on a person appearing to have the child in his employment or to be about to employ him,
- require the person served to furnish to the authority, within such period as may be specified in the notice, particulars of how the child is, or is to be, employed and at what times and for what periods.
- (3) If it appears to the authority that a child is for the time being, or is to become, employed in ways, or at times or for periods, which are not unlawful apart from this section but are unsuitable for the child, by reference to his age or state of health, or otherwise prejudicial to his education, they may, by a notice served on any such person as is mentioned in paragraph (a) or (b) of subsection (2) above as one on whom a notice may be served, either—
- (a) prohibit the child's employment in any manner specified in the notice; or
 - (b) require his employment in any manner so specified to be subject to such conditions (specified in the notice and to be complied with by the person served with it) as the authority think fit to impose in the interests of the child.
- (4) Any person who—
- (a) being served with a notice under subsection (2) above—
 - (i) fails to furnish the particulars required by the notice within the period specified thereby, or
 - (ii) in purported compliance with the notice, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular; or

- (b) being served with a notice under subsection (3) prohibiting a child's employment in any manner specified in the notice, employs or causes or permits the child to be employed in that manner contrary to the prohibition; or
 - (c) being served with such a notice requiring compliance by him with any conditions, wilfully fails to comply with them,
- shall be guilty of an offence.
- (5) A person guilty of an offence under subsection (4) above shall be liable on summary conviction—
- (a) in the case of an offence under paragraph (a) of the subsection, to a fine of not more than £20 or, if he has previously been convicted of an offence under that paragraph, to a fine of not more than £50;
 - (b) in the case of an offence under paragraph (b) or (c) of the subsection, to a fine of not more than £50, or if he has previously been convicted of an offence under either paragraph, to a fine of not more than £100.
- (6) For purposes of this section, 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.

3 Citation, etc.

- (1) This Act may be cited as the Employment of Children Act 1973.
- (2) In this Act—
- (a) " child " means a person who is not for the purposes of the Education Acts over compulsory school age, or in Scotland school age ;
 - (b) " the Education Acts " means in England and Wales the Education Acts 1944 to 1971 and, in Scotland, the Education (Scotland) Acts 1939 to 1971;
- and any reference in this Act to an enactment shall, except in so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including an enactment contained in this Act.
- (3) The enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in column 3 of the Schedule.
- (4) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument and—
- (a) different days may be so appointed for different purposes of any one or more provisions of this Act; and
 - (b) an order under this subsection bringing section 1(2) or (3) of this Act into force may include such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient for temporarily preserving the power to make, and the effect of, byelaws notwithstanding the coming into force of regulations
- (5) Nothing in this Act extends to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 1(3).

AMENDMENTS OF ACTS OF 1933 AND 1937: AMENDED TEXT OF 1933 S. 18 AND 1937 S. 28

PART I

AMENDMENTS OF THE TWO ACTS

The Children and Young Persons Act 1933 (c. 12)

- 1 (1) In section 18 of the Act of 1933—
- (a) in subsection (2) for " A local authority may make byelaws " substitute " The Secretary of State may make regulations "; and
 - (b) in subsections (1), (2) and (3) for " byelaw " and " byelaws " substitute respectively " regulation " and " regulations ".
- (2) In section 18(2) of the Act of 1933, after paragraph (c) insert—
- “(d) prohibiting the employment of children otherwise than under and in accordance with a permit to be issued by the local education authority on application made in accordance with the regulations, and imposing on children and others requirements in connection with permits;
 - (e) requiring employers to furnish particulars with respect to children employed, or proposed to be employed, by them and to keep and produce records.”
- (3) At the end of section 18 of the Act of 1933, insert—
- “(4) Regulations of the Secretary of State under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.
- 2 In section 21(1) of the Act of 1933—
- (a) after " byelaw " insert " or regulation "; and
 - (b) for " twenty pounds " and " fifty pounds " substitute respectively " £50 " and " £100 ".
- 3 In section 28(1) of the Act of 1933 after " byelaw " insert " or regulation ".
- 4 In section 30 of the Act of 1933, after " byelaws " insert " or regulations ".

The Children and Young Persons (Scotland) Act 1937 (c. 37)

- 5 (1) In section 28 of the Act of 1937—
- (a) in subsection (2), for "An education authority may make byelaws" substitute " The Secretary of State may make regulations "; and

- (b) in subsections (1), (2) and (3), for " byelaw " and " byelaws " substitute respectively " regulation " and " regulations ".
- (2) In section 28(2) of the Act of 1937, after paragraph (c) insert—
- “(d) prohibiting the employment of children otherwise than under and in accordance with a permit to be issued by the education authority on application made in accordance with the regulations, and imposing on children and others requirements in connection with permits ;
- (e) requiring employers to furnish particulars with respect to children employed, or proposed to be employed, by them and to keep and produce records.”
- (3) At the end of section 28 of the Act of 1937, insert—
- “(4) Regulations of the Secretary of State under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.
- 6 In section 31(1) of the Act of 1937—
- (a) after " byelaw " insert " or regulation "; and
- (b) for " twenty pounds " and " fifty pounds " substitute respectively " £50 " and "£100 ".
- 7 In section 36(1) of the Act of 1937, after " byelaw " insert " or regulation ".
- 8 In section 37 of the Act of 1937, after " byelaws ", insert " or regulations ".

PART II

1933 S. 18 AND 1937 S. 28 AS AMENDED

- (1) Subject to the provisions of this section and of any regulations made thereunder no child shall be employed—
- (a) so long as he is under the age of thirteen years ; or
- (b) before the close of school hours on any day on which he is required to attend school; or
- (c) before seven o'clock in the morning or after seven o'clock in the evening on any day ; or
- (d) for more than two hours on any day on which he is required to attend school; or
- (e) for more than two hours on any Sunday ; or
- (f) to lift, carry or move anything so heavy as to be likely to cause injury to him.
- (2) The Secretary of State may make regulations with respect to the employment of children, and any such regulations may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances, and may contain provisions—
- (a) authorising—
- (i) the employment of children under the age of thirteen years (notwithstanding anything in paragraph (a) of the last foregoing subsection) by their parents or guardians in light agricultural or horticultural work ;

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- (ii) the employment of children (notwithstanding anything in paragraph (b) of the last foregoing subsection) for not more than one hour before the commencement of school hours on any day on which they are required to attend school;
- (b) prohibiting absolutely the employment of children in any specified occupation ;
- (c) prescribing—
 - (i) the age below which children are not to be employed ;
 - (ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed;
 - (iii) the intervals to be allowed to them for meals and rest;
 - (iv) the holidays or half-holidays to be allowed to them ;
 - (v) any other conditions to be observed in relation to their employment;
- (d) prohibiting the employment of children otherwise than under and in accordance with a permit to be issued by the local education authority on application made in accordance with the regulations, and imposing on children and others requirements in connection with permits ;
- (e) requiring employers to furnish particulars with respect to children employed, or proposed to be employed, by them and to keep and produce records ;

so, however, that no such regulations shall modify the restrictions contained in the last foregoing subsection save in so far as is expressly permitted by paragraph (a) of this subsection, and any restriction contained in any such regulations shall have effect in addition to the said restrictions.

- (3) Nothing in this section, or in any regulation made under this section, shall prevent a child from taking part in a performance—
 - (a) under the authority of a licence granted under this Part of this Act; or
 - (b) in a case where by virtue of section 37(3) of the Children and Young Persons Act 1963 no licence under that section is required for him to take part in the performance.
- (4) Regulations of the Secretary of State under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

NOTE: Section 28 of the Act of 1937 is to be read as above set out, except that, in subsection (1)(b) and (d) and in subsection (2)(a)(ii), for " required " there shall be substituted " under obligation " ; and in subsection (2)(d), " local " should be omitted.

SCHEDULE 2

Section 3(3).

REPEALS

Chapter	Short Title	Extent of Repeal
1933 c. 12.	The Children and Young Persons Act 1933.	Section 19.
1937 c. 37.	The Children and Young Persons (Scotland) Act 1937.	Section 29.

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Chapter	Short Title	Extent of Repeal
1944 c. 31.	The Education Act 1944.	Section 59.
1962 c. 47.	The Education (Scotland) Act 1962.	Section 137.
1969 c. 49.	The Education (Scotland) Act 1969.	Section 22.