



Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

PART II

EMPLOYMENT

Modifications etc. (not altering text)

C1 Pt. II extended by [Children and Young Persons Act 1963 \(c. 37\), s. 44\(1\)](#)

General Provisions as to Employment

18 Restrictions on employment of children.

- (1) Subject to the provisions of this section and of any [^{F1}byelaws][^{F1}regulations] made thereunder no child shall be employed—
 - [^{F2}(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
 - [^{F3}(c) before seven o'clock in the morning or after seven o'clock in the evening or 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) [^{F4}A local authority may make byelaws][^{F4}The Secretary of State may make regulations] with respect to the employment of children, and any such [^{F1}byelaws][^{F1}regulations] may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances, and may contain provisions—
 - (a) authorising—
 - [^{F5}(i) the employment of children under the age of thirteen years (notwithstanding anything in paragraph (a) of the last foregoing

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- subsection) by their parents or guardians in light agricultural or horticultural work.]
- (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;
- [^{F6}(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 [^{F1}byelaws][^{F1}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 byelaws shall have effect in addition to the said restrictions.
- [^{F7}(3) Nothing in this section, or in any [^{F1}byelaw][^{F1}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 ^{M1}Children and Young Persons Act 1963 no licence under that section is required for him to take part in the performance.]
- [^{F8}(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.]

Textual Amendments

- F1** Word “regulations” substituted (prosp) for word “byelaws” by [Employment of Children Act 1973 \(c. 24\), s. 3\(4\), Sch. 1 Pt. I para. 1\(1\)\(b\)](#)
- F2** [S. 18\(1\)\(a\)](#) substituted by [Children Act 1972 \(c. 44\), s. 1\(2\)](#)
- F3** [S. 18\(1\)\(c\)](#) substituted by [Children and Young Persons Act 1963 \(c. 37\), s. 34](#)
- F4** Words “The Secretary of State may make regulations” substituted (prosp) for words “A local authority may make byelaws” by [Employment of Children Act 1973 \(c. 24\), s. 3\(4\), Sch. 1 Pt. I para. 1\(1\)\(a\)](#)
- F5** [S. 18\(2\)\(a\)\(i\)](#) substituted by [Children Act 1972 \(c. 44\), s. 1\(2\)](#)
- F6** [S. 18\(2\)\(d\)\(e\)](#) inserted (prosp.) by [Employment of Children Act 1973 \(c. 24\), s. 3\(4\), Sch. 1 Pt. I para. 1\(2\)](#)
- F7** [S. 18\(3\)](#) substituted by [Children and Young Persons Act 1963 \(c. 37\), Sch. 3 para. 4](#)
- F8** [S. 18\(4\)](#) inserted (prosp.) by [Employment of Children Act 1973 \(c. 24\), s. 3\(4\), Sch. 1 Pt. I para. 1\(3\)](#)

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Marginal Citations

M1 1963 c. 37.

19 **F9**

Textual Amendments

F9 S. 19 repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 10(1)(a), 29(4), Sch. 3 Pt. I, **Sch. 7 Pt. II**

20 Street trading.

[^{F10}(1) Subject to subsection (2) of this section, no child shall engage or be employed in street trading.]

(2) A local authority may make byelaws [^{F11}authorising children who have attained the age of fourteen years to be employed by their parents in street trading to such extent as may be specified in the byelaws, and for regulating street trading under the byelaws by persons who are so authorised to be employed in such trading;] and byelaws so made may distinguish between persons of different ages and sexes and between different localities, and may contain provisions—

- (a) forbidding any such person to engage or be employed in street trading unless he holds a licence granted by the authority, and regulating the conditions on which such licences may be granted, suspended, and revoked;
- (b) determining the days and hours during which, and the places at which, such persons may engage or be employed in street trading;
- (c) requiring such persons so engaged or employed to wear badges;
- (d) regulating in any other respect the conduct of such persons while so engaged or employed.

[^{F12}(3) [^{F13}Byelaws under this section shall not authorise a child to engage, or be employed, on a Sunday] in street trading of a description to which, notwithstanding section 58 of the ^{M2}Shops Act 1950 (which extends certain provisions to any place where a retail trade or business is carried on), those provisions do not extend.]

Textual Amendments

F10 S. 20(1) substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III para. 2(a)**

F11 Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III para. 2(b)**

F12 S. 20(3) added by [Children and Young Persons Act 1963 \(c. 37\)](#), **s. 35(3)**

F13 Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III para. 2(c)**

Modifications etc. (not altering text)

C2 S. 20 restricted by [Children and Young Persons Act 1963 \(c. 37\)](#), **s. 35(2)**

Marginal Citations

M2 1950 c. 28.

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21 Penalties and legal proceedings in respect of general provisions as to employment.

- (1) If a person is employed in contravention of any of the foregoing provisions of this Part of this Act, or of the provisions of any byelaw [^{F14}or regulation] 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 [^{F15}twenty pounds][^{F16}£50] or, in the case of a second or subsequent offence, not exceeding [^{F15}fifty pounds][^{F17}£100]:

Provided that, if proceedings are brought against the employer, the employer, upon information duly laid by him and on giving to the prosecution not less than three days' notice of his intention, shall be entitled to have any person (other than the person employed) to whose act or default he alleges that the contravention was due, brought before the court as a party to the proceedings, and if, after the contravention has been proved, the employer proves to the satisfaction of the court that the contravention was due to the act or default of the said other person, that person may be convicted of the offence; and if the employer further proves to the satisfaction of the court that he has used all due diligence to secure that the provisions in question should be complied with, he shall be acquitted of the offence.

- (2) Where an employer seeks to avail himself of the proviso to the last foregoing subsection,
- (a) the prosecution shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his charge against the other person, and to call rebutting evidence; and
 - (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.
- (3) A [^{F18}child], who engages in street trading in contravention of the provisions of the last foregoing section, or of any byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding [^{F19}ten pounds], or in the case of a second or subsequent offence, not exceeding [^{F19}twenty pounds].

Textual Amendments

- F14** Words inserted (prosp.) by [Employment of Children Act 1973 \(c. 24\), s. 3\(4\), Sch. 1 Pt. I para. 2\(a\)](#)
- F15** Words substituted by [Children and Young Persons Act 1963 \(c. 37\), s. 36\(a\)](#) in relation to offences committed after 3.3.1969
- F16** Words “£50” substituted (prosp.) for words “twenty pounds” by [Employment of Children Act 1973 \(c. 24\), s. 3\(4\), Sch. 1 Pt. I para. 2\(b\)](#)
- F17** Words “£100” substituted (prosp.) for words “fifty pounds” by [Employment of Children Act 1973 \(c. 24\), s. 3\(4\), Sch. 1 Pt. I para. 2\(b\)](#)
- F18** Word substituted by [Employment Act 1989 \(c. 38, SIF 43:1\), s. 10\(2\), Sch. 3 Pt. III para. 3](#)
- F19** Words substituted by [Children and Young Persons Act 1963 \(c. 37\), s. 36\(b\)](#) in relation to offences committed after 3.3.1969

Modifications etc. (not altering text)

- C3** [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 35](#) (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)
- C4** [S. 21\(1\)](#) extended by [Employment of Women, Young Persons, and Children Act 1920 \(c. 65, SIF 43:4\), s. 1\(6\)\(a\)](#) as substituted by [Employment Act 1989 \(c. 38, SIF 43:1\), s. 29\(3\), Sch. 6 para. 1\(a\)](#)

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- C5** S. 21(2) extended by [Employment of Women, Young Persons, and Children Act 1920 \(c. 65, SIF 43:4\)](#), s. 1(6)(a) as substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(3), **Sch. 6 para. 1(a)**

Entertainments and Performances

- 22** ^{F20}

Textual Amendments

- F20** Ss. 14(3), 22, 24(3)(5), 29(1)(2), 61 repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 64, **Sch. 5**

- 23** **Prohibition against persons under sixteen taking part in performances endangering life or limb.**

No [^{F21}child] shall take part in any [^{F22}performance to which section 37 of the ^{M3}Children and Young Persons Act 1963 applies and] in which his life or limbs are endangered and every person who causes or procures [^{F23}a child], or being his parent or guardian allows him, to take part in such a performance, shall be liable on summary conviction to a fine not exceeding [^{F24}£50]; or in the case of a second or subsequent offence, not exceeding [^{F24}£100]:

Provided that no proceedings shall be taken under this subsection except by or with the authority of a chief officer of police.

Textual Amendments

- F21** Word substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III para. 4(a)**
F22 Words substituted by [Children and Young Persons Act 1963 \(c. 37\)](#), **Sch. 3 para. 5**
F23 Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III para. 4(b)**
F24 Words substituted by [Criminal Justice Act 1967 \(c. 80\)](#), s. 92, **Sch. 3 Pt. I**

Modifications etc. (not altering text)

- C6** [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

Marginal Citations

- M3** 1963 c. 37.

- 24** **Restrictions on training for performances of a dangerous nature.**

(1) No [^{F25}child] under the age of twelve years shall be trained to take part in performances of a dangerous nature, and no [^{F26}child who has attained that age] shall be trained to take part in such performances except under and in accordance with the terms of a licence granted and in force under this section; and every person who causes or procures a person, or being his parent or guardian allows him, to be trained to take part in performances of a dangerous nature in contravention of this section, shall be liable

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on summary conviction to a fine not exceeding [F27£20] or, in the case of a second or subsequent offence, not exceeding [F27£50].

(2) A [F28]local authority] may grant a licence for a [F29]child who has attained the age of twelve years] to be trained to take part in performances of a dangerous nature.

(3) F30

(4) A licence under this section shall specify the place or places at which the person is to be trained and shall embody such conditions as are, in the opinion of the [F31]authority], necessary for his protection, but a licence shall not be refused if the [F31]authority] is satisfied that the person is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment.

(5) F30

Textual Amendments

- F25 Word substituted by Employment Act 1989 (c. 38, SIF 43:1), s. 10(2), Sch. 3 Pt. III para. 5(a)(i)
- F26 Words substituted by Employment Act 1989 (c. 38, SIF 43:1), s. 10(2), Sch. 3 Pt. III para. 5(a)(ii)
- F27 Words substituted by Criminal Justice Act 1967 (c. 80), s. 92, Sch. 3 Pt. I
- F28 Words substituted by Children and Young Persons Act 1963 (c. 37), Sch. 3 para. 6(1)
- F29 Words substituted by Employment Act 1989 (c. 38, SIF 43:1), s. 10(2), Sch. 3 Pt. III para. 5(b)
- F30 Ss. 14(3), 22, 24(3)(5), 29(1)(2), 61 repealed by Children and Young Persons Act 1963 (c. 37), s. 64, Sch. 5
- F31 Words substituted by Children and Young Persons Act 1963 (c. 37), Sch. 3 para. 6(2)

Modifications etc. (not altering text)

- C7 S. 24 amended by Children and Young Persons Act 1963 (c. 37), s. 41(2)(3)
- C8 Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

Employment Abroad

25 Restrictions on persons under eighteen going abroad for the purpose of performing for profit. E+W

(1) No person having [F32]responsibility for] any [F33]child] shall allow him, nor shall any person cause or procure any [F33]child], to go abroad for the purpose of singing, playing performing, or being exhibited, for profit, unless . . . F34 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 [F33]child] was only temporarily resident within [F35]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 [F36]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—

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- (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.
- (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

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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;
- (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.

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only.

Textual Amendments

F32 Words in s. 25(1) substituted (E.W.) (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), **Sch. 13 para. 3(d)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**.

F33 Word substituted by Employment Act 1989 (c. 38, SIF 43:1), s. 10(2), **Sch. 3 Pt. III para. 6(a)**

F34 Words repealed by Children and Young Persons Act 1963 (c. 37), s. 64, **Sch. 5**

F35 Words substituted by Children and Young Persons Act 1963 (c. 37), **Sch. 3 para. 7**

F36 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)

C9 S. 25 extended and amended by Children and Young Persons Act 1963 (c. 37), s. 42

C10 S. 25(9)(a)(b) amended by Administration of Justice Act 1964 (c. 42), **Sch. 3 Pt. I**

25 Restrictions on persons under eighteen going abroad for the purpose of performing for profit. **S+N.I.**

(1) No person having the custody, charge or care of any [^{F60}child] shall allow him, nor shall any person cause or procure any [^{F60}child], to go abroad for the purpose of singing, playing performing, or being exhibited, for profit, unless . . . ^{F61} 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 [^{F60}child] was only temporarily resident within [^{F62}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 [^{F63}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

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such licence 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.
- (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

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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;
 - (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.

Extent Information

- E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only.

Textual Amendments

- F60** Word substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), [Sch. 3 Pt. III para. 6\(a\)](#)
- F61** Words repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 64, [Sch. 5](#)
- F62** Words substituted by [Children and Young Persons Act 1963 \(c. 37\)](#), [Sch. 3 para. 7](#)
- F63** 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)

- C16** [S. 25](#) extended and amended by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 42
- C17** [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 [^{F37}level 3 on the standard scale], or, alternatively, . . . ^{F38}or in addition thereto, to imprisonment for any term not exceeding three months:

Provided that if he procured [^{F39}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 [^{F40}a child] to go abroad and that [^{F41}that child] has while abroad been singing, playing, performing, or being exhibited, for profit, the defendant shall

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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 [^{F42}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 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) F43
- (6) F44

Textual Amendments

- F37** 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**
- F38** Words repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 64, **Sch. 5**
- F39** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III para. 7(a)**
- F40** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III para. 7(b)(i)**
- F41** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III para. 7(b)(ii)**
- F42** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III para. 7(b)(iii)**
- F43** [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**
- F44** [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)

- C11** [S. 26](#) extended by [Children and Young Persons Act 1963 \(c. 37\)](#), s. **42(1)**

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Supplemental

27 Byelaws.

- (1) A byelaw made under this Part of this Act shall not have effect until confirmed by the Secretary of State and shall not be so confirmed until at least thirty days after the local authority have published it in such manner as the Secretary of State directs.
- (2) Before confirming such a byelaw the Secretary of State shall consider any objections thereto which may be addressed to him by persons affected or likely to be affected thereby, and may order a local enquiry to be held, and where such an enquiry is held, the person holding it shall receive such remuneration as the Secretary of State determines, and that remuneration and the expenses of the enquiry shall be paid by the local authority.
- (3) F45

Textual Amendments

F45 S. 27(3) repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#) and [London Government Act 1939 \(c. 40\)](#), [Sch. 8](#)

28 Powers of entry.

- (1) If it is made to appear to a justice of the peace by the local authority, or by any constable, that there is reasonable cause to believe that the provisions of this Part of this Act, other than those relating to employment abroad, or of a byelaw [F46 or regulation] made under the said provisions, are being contravened with respect to any person, the justice may by order under his hand addressed to an officer of the local authority, or to a constable, empower him to enter, at any reasonable time within forty-eight hours of the making of the order, any place in or in connection with which the person in question is, or is believed to be, employed, or as the case may be, in which he is, or is believed to be, taking part in [F47 a performance], or being trained, and to make enquiries therein with respect to that person.
- [F48](2) Any authorised officer of the said authority or any constable may—
 - (a) at any time enter any place used as a broadcasting studio . . . F49 or film studio or used for the recording of a performance with a view to its use in a [F50 programme service] or in a film intended for public exhibition and make inquiries therein as to any children taking part in performances to which section 37 of the M4 Children and Young Persons Act 1963 applies;
 - (b) at any time during the currency of a licence granted under the said section 37 or under the provisions of this Part of this Act relating to training for dangerous performances enter any place (whether or not it is such a place as is mentioned in paragraph (a) of this subsection) where the person to whom the licence relates is authorised by the licence to take part in a performance or to be trained, and may make inquiries therein with respect to that person.]
- (3) Any person who obstructs any officer or constable in the due exercise of any powers conferred on him by or under this section, or who refuses to answer or answers falsely any enquiry authorised by or under this section to be made, shall be liable on summary conviction in respect of each offence to a fine not exceeding [F51 level 2 on the standard scale].

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[^{F52}(4) In this section—

“broadcasting studio” means a studio used in connection with the provision of a programme service;

“programme service” has the same meaning as in the Broadcasting Act 1990.]

Textual Amendments

- F46** Words inserted (prosp.) by [Employment of Children Act 1973 \(c. 24\), s. 3\(4\)](#), **Sch. 1 Pt. I para. 3**
- F47** Words substituted by [Children and Young Persons Act 1963 \(c. 37\)](#), **Sch. 3 para. 9**
- F48** [S. 28\(2\)](#) substituted by [Children and Young Persons Act 1963 \(c. 37\)](#), **s. 43**
- F49** Words inserted by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), **s. 57(1)**, Sch. 5 para 4(1) and repealed by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(1)(3), Sch. 12 Part II para. 1, Sch. 20 para. 3(1)(a), **Sch. 21**
- F50** Words substituted by virtue of [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(1), **Sch. 20 para. 3(1)(a)**
- F51** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**
- F52** [S. 28\(4\)](#) was inserted by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#) s. 57(1), Sch. 5 para. 4(2) (which was repealed by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(3), **Sch. 21**) and a new subsection (4) is substituted by s. 203(1), Sch. 20 para. 3(1)(b) of that 1990 Act

Modifications etc. (not altering text)

- C12** [S. 28\(1\)](#) extended by [Employment of Women, Young Persons, and Children Act 1920 \(c. 65, SIF 43:4\)](#), **s. 1(6)(a)** as substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(3), **Sch. 6 para. 1(a)**
- C13** [S. 28\(1\)\(3\)](#) applied (1.11.1996) (*temp.*) by 1996 c. 56, ss. 559(5)(6), 583(2) (with ss. 1(4), 561, 562, **Sch. 39**)
- C14** [S. 28\(3\)](#) extended by [Employment of Women, Young Persons, and Children Act 1920 \(c. 65, SIF 43:4\)](#), **s. 1(6)(a)** as substituted by [Employment Act 1989 \(c. 38, SIF 43:1, 106:1\)](#), s. 29(3), **Sch. 6 para. 1(a)**

Marginal Citations

- M4** 1963 c. 37.

29 Savings.

(1) ^{F53}

(3) ^{F54}

(4) The said provisions shall be in addition to and not in substitution for any enactments relating to employment in factories, workshops, mines and quarries, or for giving effect to any international convention regulating employment.

Textual Amendments

- F53** [Ss. 14\(3\), 22, 24\(3\)\(5\), 29\(1\)\(2\), 61](#) repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 64, **Sch. 5**
- F54** [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**

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30 Interpretation of Part II.

[^{F55}(1)] For the purposes of this Part of this Act and of any byelaws [^{F56}or regulations] made thereunder—

[^{F57}The expression “child” means—

- (a) in relation to England and Wales, a person who is not for the purposes of the Education Act 1944 over compulsory school age;
- (b) in relation to Scotland, a person who is not for the purposes of the Education (Scotland) Act 1980 over school age; and
- (c) in relation to Northern Ireland, a person who is not for the purposes of the Education and Libraries (Northern Ireland) Order 1986 over compulsory school age;]

.....^{F58}

The expression “performance of a dangerous nature” includes all acrobatic performances and all performances as a contortionist;

The expression “street trading” includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe-blackening and other like occupations carried on in streets or public places;

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;

A chorister taking part in a religious service or in a choir practice for a religious service shall not, whether he receives any reward or not, be deemed to be employed; and

The expression “abroad” means outside Great Britain and Ireland.

[^{F59}(2) This section, so far as it has effect for the purposes of sections 25 and 26 of this Act, extends to Scotland and to Northern Ireland.]

Textual Amendments

F55 Existing provisions of s. 30, as amended are constituted as s. 30(1) by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), [Sch. 3 Pt. III](#), para. 8

F56 Words inserted by [Employment of Children Act 1973 \(c. 24, SIF 43:4\)](#), s. 3(4), [Sch. 1 Pt. I](#) para. 4

F57 Words inserted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), [Sch. 3 Pt. III](#), para. 8(a)

F58 Words repealed by [Education Act 1944 \(c. 31, SIF 41:1\)](#), [Sch. 9 Pt. I](#)

F59 [S. 30\(2\)](#) added by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), [Sch. 3 Pt. III](#), para. 8(b)

Modifications etc. (not altering text)

C15 [S. 30\(1\)\(a\)](#) amended (1.11.1996) (*temp.*) by [1996 c. 56, ss. 582\(4\), 583\(2\)](#), [Sch. 40 para. 1](#) (with [ss. 1\(4\), 561, 562, Sch. 39](#)); [S.I. 1997/1623](#), [art. 2](#)

Status:

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