

THE CORPORATION OF THE CITY OF DUNDEE

Byelaws regarding the Employment of Children**EXPLANATORY MEMORANDUM**

(N.B.—This Memorandum has no legal force)

Section 28 of the Children and Young Persons (Scotland) Act, 1937, empowers the Education Authority to make bye-laws with respect to the employment of children. The Education Authority have exercised these powers and have made bye-laws, which are annexed. The provisions of these Bye-laws are in addition to the restrictions upon and conditions attached to the employment of children by the Children and Young Persons (Scotland) Acts, 1937 to 1963, and by other Acts, and in reading the Bye-laws the following points should be kept in view:—

- (1) The word "child" means a person who is not over school age, i.e., who has not attained the age of sixteen years (Education (Scotland) Act, 1962, Sec. 139).
- (2) A child is deemed to attain the age of sixteen years on the school leaving date fixed by the Education Authority under section 33 of the Education (Scotland) Act, 1962, next following the sixteenth anniversary of his birth or where that school leaving date falls within a holiday period, on the first day of that holiday period or the sixteenth anniversary of his birth, whichever is the later.
- (3) A person who assists in a trade or occupation carried on for profit is deemed to be employed notwithstanding that he receives no reward for his labour, but this rule does not apply to a chorister taking part in a religious service or in a choir practice for a religious service (Act of 1937, S.37(e) and (f)).
- (4) The restrictions in the Act and in the Bye-laws will not prevent a child from taking part in a performance under the authority of a licence granted under Part III of the Children and Young Persons Act, 1963.
- (5) The restrictions and bye-laws are not to affect the provisions of the Education (Scotland) Act, 1962, with respect to attendance at school (Act of 1937, S.38(2)).
- (6) Section 28(1) of the Act of 1937 provides *inter alia* that no child may be employed—
 - (1) until he has attained the age of thirteen years; or
 - (2) before 7 a.m. or after 7 p.m. on any day, or
 - (3) to lift, carry or move anything so heavy as to be likely to cause injury to him; or
 - (4) before the close of school hours on any day on which he is obliged to attend school (except as may be authorised in the Bye-laws).
- (7) The employment of Women, Young Persons, and Children Act, 1920, prohibits the employment of a child in industrial undertakings—a term which includes mines and quarries; industries in which articles are manufactured, altered, etc.; the construction, maintenance, etc., of public utilities; and public transport. The Act also prohibits the employment of a child in a ship, including a fishing boat, other than a ship in which only members of the same family are employed.
- (8) A person employing a child contrary to the Act of 1937 or to the Bye-laws, or who is otherwise responsible for the contravention, is liable to a fine of £20 for a first offence and £50 for a second or subsequent offence.
- (9) Copies of the Bye-laws may be obtained from the Town Clerk, City Chambers, Dundee.
- (10) Applications for certificates of fitness for employment should be made on the appropriate form to the Head Teacher of the school attended by the child in the first instance.

**THE CORPORATION OF THE CITY OF DUNDEE
BYE-LAWS REGARDING THE EMPLOYMENT OF CHILDREN**

The Corporation of the City of Dundee being the Education Authority for the said City, in exercise of the powers conferred on them by Section 28(2) of the Children and Young Persons (Scotland) Act, 1937, and subject to the conditions and provisions set forth in the Children and Young Persons (Scotland) Acts 1937 to 1963, and of all other powers enabling them in that behalf, hereby make and enact the following Bye-laws:—

1. Interpretation of Terms:—

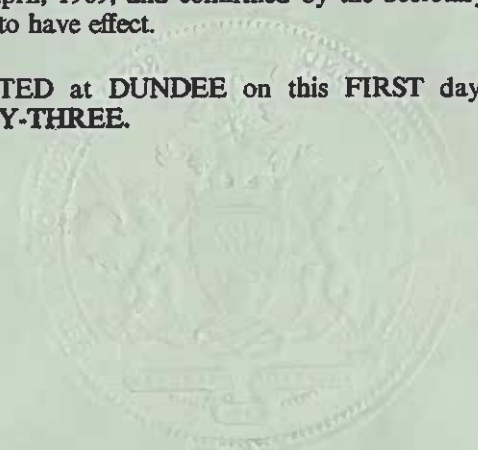
- (1) In those Bye-laws unless the context otherwise requires, the following terms shall have the meanings hereby respectively assigned to them
 - (a) "Child" means a person who is not over school age;
 - (b) "Continuous employment" means any period of employment in which there is no interval for rest and refreshment or in which the interval for rest and refreshment is less than one hour;
 - (c) "Corporation" means the Corporation of the City of Dundee acting as Education Authority for the said City;
 - (d) "School age" has the same meaning as it has for the purpose of the Education (Scotland) Act, 1962;
 - (e) "School day" means a day on which the school wherein the child is enrolled is open whether for the whole or part of that day for a meeting at which attendance is compulsory.
- (2) For the purpose of Bye-law 14 hereof a child shall be deemed to attain the age of fifteen years on the school leaving date fixed by the Corporation under Section 33 of the Education (Scotland) Act, 1962 next following the fifteenth anniversary of his birth or where that school leaving date falls within a holiday period, on the first day of that holiday period or the fifteenth anniversary of his birth, whichever is the later.
- (3) The Interpretation Act 1889 applies to the interpretation of these Bye-laws as it applies to the interpretation of an Act of Parliament.

2. No child shall enter any employment until the Corporation have been satisfied, after consideration of reports from the head teacher of the school at which the child is enrolled and from a medical officer of the Corporation, that the child may, without detriment to his education or health, engage in the employment, and have issued a certificate in respect of that child in accordance with Bye-law 3.
3. Where the Corporation have been satisfied as provided in the last foregoing Bye-law, they shall issue a certificate which shall include the name and address of the child, the employment to which the certificate relates, and the hours for which the child may be employed.
4. Before taking a child into his employment, the employer shall require the certificate issued in respect of that child in accordance with Bye-law 3 to be produced to him and shall exhibit his signature thereto.
5. No child shall be employed while prevented from attending school owing to illness or owing to contact with infectious or contagious disease.
6. Subject to Bye-law 14, no child shall be employed in any of the occupations set forth in the Schedule annexed hereto.
7. It shall be the duty of the employer to secure that each child employed by him is provided with suitable boots and clothing for the employment; and in employment out-of-doors, that the said child is provided with a suitable waterproof coat, overcoat or other garment capable of protecting his person and clothing from injury by weather. If the parent or guardian fails to make such provision, it shall be the duty of the employer to make the necessary provision.
8. No child shall be employed on a school day except between the hours of
 - (1) 7 a.m. and 8 a.m.
 - (2) 4.30 p.m. and 7 p.m.
 provided always that such child shall not be employed for more than two hours in any day.

9. Subject to Bye-law 14, no child shall be employed on a Sunday in any occupation other than the sale or delivery of milk, morning rolls or newspapers.
10. Subject to Bye-law 14, no child employed on Sunday for the sale or delivery of milk, morning rolls or newspapers shall be so employed except between the hours of 7.30 a.m. and 9 a.m.
11. Subject to Bye-laws 13 and 14, where any child is employed on any Saturday the following restrictions shall apply, videlicet:—
 - (i) no period of continuous employment shall exceed three hours and, prior to a further period of employment, an interval of at least one hour shall be allowed to such child for rest and refreshment;
 - (ii) no such child shall be employed for more than six hours, exclusive of meal hours, in any day.
12. Subject to Bye-laws 13 and 14, no child shall be employed on any day other than a school day, a Saturday or a Sunday except—
 - (1) between the hours of 7 a.m. and 8 a.m.; and
 - (2) between the hours of 4.30 p.m. and 7 p.m.
13. Bye-laws 11 and 12 shall not apply to any child during the period of the summer vacation of the school at which he is in attendance and, subject to Bye-laws 9, 10 and 14, the following restrictions shall apply to the employment of any child during the said period, videlicet:—
 - (a) no period of continuous employment shall exceed three hours and, prior to a further period of employment, an interval of at least one hour shall be allowed to the said child for rest and refreshment;
 - (b) the said child shall not be employed for more than six hours, exclusive of meal hours, in any day;
 - (c) the said child shall be allowed two weeks continuous holiday from employment and it shall be the duty of the child's parent or guardian and of any person employing the child during the period to secure that such holiday is allowed.
14. The provisions of Bye-laws 6, 9, 10, 11, 12 and 13 shall not apply to a child who has attained the age of fifteen years.
15. From the date on which these Bye-laws come into operation, the Bye-laws made by the Corporation of the City and Royal Burgh of Dundee on 3rd June, 1948, and confirmed by the Secretary of State for Scotland with modifications on 27th April, 1949, and the Bye-laws amending the same made by the Corporation on 3rd April, 1969, and confirmed by the Secretary of State for Scotland on 20th June, 1969, shall cease to have effect.

The foregoing Bye-laws MADE and ENACTED at DUNDEE on this FIRST day of MARCH, NINETEEN HUNDRED AND SEVENTY-THREE.




 *P. H. Fyfe, Ald.* Member.
 *James Scott* Member.
 *Geordan S. Nelson* Town Clerk.

THE CORPORATION OF THE CITY OF WINNIPEG
BYE-LAW

SCHEDULE

Prohibited Occupations referred to in Bye-law 6 CHILDREN

- (1) In any capacity in any premises used for the purpose of public amusement by means of automatic machines, mutoscopes, shooting ranges, games of chance or skill, or similar devices;
- (2) In any capacity in any hotel, cooking shop, fish restaurant or refreshment establishment;
- (3) In any capacity in any billiard or bagatelle room, saloon, club or similar premises;
- (4) In any coal yard or coal store;
- (5) In selling programmes, confectionery or refreshments, or in taking checks, or tickets, or in any other capacity in or about any football enclosure, race-course, dog racing enclosure, cricket enclosure, or in any enclosure of a similar nature, or in any show ground, theatre, music hall, cinematograph hall, dance hall, or place of public entertainment;
- (6) Lift operator;
- (7) In any capacity in any slaughter-house;
- (8) In driving, feeding or attending to animals in any auction mart or public place;
- (9) In collecting rags, old papers, scrap materials or refuse of any description, or in any capacity in premises used for collecting, storing or sorting the same.



..... *J. H. Fitzgerald* Member.
 *James Scott* Member.
 *James S. White* Town Clerk.



The Secretary of State hereby confirms the foregoing byelaws, which shall come into operation on 10 September 1973.