

BYELAWS

Made by the Mayor, Aldermen and Burgesses
of the County Borough of Burnley, acting by
the Council under the Children and Young
Persons Act, 1933, as amended by the
Education Act, 1944, with respect to
EMPLOYMENT OF CHILDREN AND
STREET TRADING

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As a result of the Passing of the Education Act, 1962, the following Note is substituted for the Note appearing on page 1 of the Byelaws and the revised school leaving dates will operate after the 1st September, 1963.

NOTE:

(1) A child is of compulsory school age until he has attained the age of 15, or, in the case of a child who is a registered pupil at a special school, 16.

(2) If a child attains the age of 15 or 16, as the case may be, he is deemed to remain of compulsory school age until:-

- (a) the end of the spring term (Easter) where his birthday falls between the 1st September and 31st January; or
- (b) the end of the summer term (Midsummer) where his birthday falls between the 1st February and the 31st August.

For the purpose of this Note a child attains a given age on the day previous to his birthday.

COUNTY BOROUGH OF BURNLEY

BYELAWS

MADE BY THE MAYOR, ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF BURNLEY, ACTING BY THE COUNCIL UNDER THE CHILDREN AND YOUNG PERSONS ACT, 1933, AS AMENDED BY THE EDUCATION ACT, 1944, WITH RESPECT TO

Employment of Children and Street Trading

1. EMPLOYMENT OF CHILDREN

INTERPRETATION OF TERMS

1. For the purpose of these byelaws
 - (a) The expression "child" means a person who is not over compulsory school age.

- (b) 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.
- (c) The expression "local authority" means the local education authority.

NOTE:

- (1) A child is of compulsory school age until he has attained the age of 15, or, in the case of a child who is a registered pupil at a special school, 16.
- (2) If a child attains the age of 15 or 16, as the case may be, during a school term, he is deemed to remain of compulsory school age until the end of that term.

For the purpose of this Note a child attains a given age on the day previous to his birthday.

PROHIBITED EMPLOYMENTS

2. No child shall be employed in any of the following occupations:-
- (a) As a lather boy, or in a similar occupation, in a barber's or hairdresser's shop.
 - (b) In the kitchen of any hotel, cook shop, fried fish shop, eating house or refreshment room.
 - (c) As a marker or attendant in any billiard or bagatelle saloon, or other place licensed for game, or any registered club.
 - (d) In or in connection with the sale of intoxicating liquors, except in places where such liquors are sold exclusively in sealed vessels.
 - (e) In selling programmes or refreshments or other articles, or in selling or taking checks or tickets, or in shifting scenery, in any theatre, music hall, picture theatre, or other place of public entertainment.
 - (f) In collecting or sorting rags or refuse.
 - (g) As an attendant or assistant in any premises or fairground used for the purpose of public amusement by means of automatic machines, mutoscopes, shooting ranges, games of chance or skill, or similar devices.

- (h) In any slaughterhouse.
- (i) In or in connection with any racing course or track or other place where any like sport is carried on, or as an assistant in any business conducted therein.
- (j) In any agricultural work involving heavy strain, and, in particular, in extracting sugar beet crops from the ground.
- (k) In any agricultural work under the control of a gangmaster as defined by the Agricultural Gangs Act, 1867.

REGULATION OF EMPLOYMENT

3. No child under the age of 13 shall be employed.
4. Subject to the provisions of byelaw 5, no child shall be employed on school days except for a period not exceeding one hour between the hours of 5pm and 7pm.
5. A child who has attained the age of 13 may be employed before school between 7am and 8am in the delivery of milk and newspapers, but shall not be so employed except subject to the following conditions:-
 - (a) Within 14 days from the date when the employment begins there shall be produced to and endorsed by the employer a certificate (for which no charge shall be made) from the School Medical Officer that such employment will not be prejudicial to the health or physical development of the child and will not render him unfit to obtain proper benefit from his education.
 - (b) The child shall not be employed after school hours in any occupation for a period of more than one hour between the hours of 5pm and 7pm.
6. No child shall be employed on any Saturday or other school holiday for more than four hours or before 7am or after 7pm; provided that the employment shall be so arranged that the child shall be free for rest and recreation for a continuous period of not less than five hours.
7. No child shall be employed for more than 24 hours in any week in which the school is not open.
8. Sunday is prescribed as a whole holiday and no child shall be employed on that day.
9. No child shall be employed except subject to the following conditions:-

- (a) The employer shall send a written notification to the local authority stating his name and address, the name, address and date of birth of the child, the occupation in which, and the place at which the child is employed, and the times at which the employment begins and ends. The notification shall be sent within four days after the employment begins. The employer shall send to the local authority on the first day of January and the first day of July in every year, a similar notification in respect of each child employed by him on that date.
- (b) The local authority shall issue to each child in respect of whom such notification has been sent, a card, hereinafter called an "Employment Card," and a badge, and after such card and badge are issued no child shall be employed unless he has his Employment Card with him and is wearing the badge in a conspicuous place on his arm. He shall produce the Employment Card for inspection when required to do so by any authorised officer of the local authority.
- (c) The local authority shall cause to be entered on the Employment Card the name and address and date of birth of the child, the occupation in which and the times between which the employment of the child is permitted. The times so entered shall be such as the employer may choose, provided they are such as are allowed by these byelaws, and they may be altered by the local authority from time to time on the application of the employer.
- (d) A child to whom an Employment Card has been issued in accordance with the provisions of these byelaws shall be employed only within the times entered thereon by the local authority.
- (e) The employer shall keep affixed in a conspicuous position in the place in or in connection with which the child is employed, a notice showing the name and address and date of birth of the child, the occupation in which, and the times within which the child may be employed on schooldays, on Sundays, and on weekdays when school is not open

10. No child shall be employed in any work out of doors unless he is suitably shod and is suitably clad for protection against the weather.

11. No child taking part in any entertainment, in pursuance of a licence under Section 22 of the Children and Young Persons Act, 1933, shall be employed on the day of, or the day following, such entertainment, in any other employment.

REPEAL OF BYELAWS

The byelaws made by the Mayor, Aldermen and Burgesses of the County Borough of Burnley and confirmed by the Secretary of State on the 3rd April, 1936, are hereby revoked.

NOTES

Section 18(1)(f) of the Children and Young Persons Act, 1933, provides as follows:-

“Subject to the provisions of this section and of any byelaws made hereunder no child shall be employed to lift, carry, or move anything so heavy as to be likely to cause injury to him”.

PENALTIES

Section 21 of the Children and Young Persons Act, 1933, provides as follows:-

“If a person is employed in contravention of any of the provisions of Section 18 of the Act, or if the provisions of any byelaw 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 £5, or in the case of a second or subsequent offence, not exceeding £20.”

2. STREET TRADING

1. For the purpose of these byelaws
 - (a) 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.
 - (b) The expression “street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.
 - (c) The expression “public place” includes any public park, garden, sea beach or railway station, and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise.
 - (d) The expression “guardian” in relation to a person under 18 includes any person who, in the opinion of the court having cognizance of any case in relation to the person under 18 or in which the person under 18 is concerned, has for the time being the charge of or control over the person under 18.
 - (e) 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.
 - (f) The expression “licensed person” means a person under the age of 18 to whom a license has been granted in pursuance of these byelaws.

- (g) The expression "local authority" means the Council of the County Borough of Burnley.
2. No girl under the age of 18 and no boy under the age of 17 shall engage or be employed in street trading.
3. No person under the age of 18 shall engage or be employed in street trading unless furnished with a licence from the local authority.
4. Subject to the provisions of byelaw 2, a licence to engage or to be employed in street trading shall not be refused by the local authority to any person applying for it, except on the following grounds:-
- (a) That the applicant is by reason of physical or mental deficiency unfit to trade in the streets, or
 - (b) That the applicant has not his parent's or guardian's consent to his being so engaged or employed, or
 - (c) That his licence has been previously revoked, or
 - (d) That he is not regularly attending a course of instruction he is required by law to attend, or
 - (e) That the Juvenile Employment Committee can secure more suitable employment for him within a reasonable distance of his home, or
 - (f) That he is regularly engaged or employed in some other full time occupation.
5. Licences shall be granted to expire on the 31st December each year.
6. Every licensed person while engaged or employed in street trading shall wear in the appointed way the badge prescribed by the local authority.
7. No charge shall be made by the local authority for any licence or badge, but a deposit of one shilling (to be refunded on return of the badge) shall be paid on the issue of the badge, provided that the local authority may forego the payment of such deposit when the circumstances of the applicant render it desirable.
8. No licensed person shall engage or be employed in street trading before 7am or after 8pm on any weekday and not at anytime on a Sunday.
9. No licensed person shall in any street or public place tout or importune to the annoyance or obstruction of any passenger.
10. No licensed person shall whilst engaged or employed in street trading be assisted by any unlicensed person under the age of 18.

11. The local authority may suspend or revoke any licence if the holder-
- (a) Is found guilty or convicted of any offence
 - (b) Commits a breach of any of these byelaws.
 - (c) Uses the licence as a cloak for begging, immorality, imposition, or other improper purpose.
 - (d) Alters, defaces, lends, sells, pawns, transfers, or otherwise disposes of his badge.
 - (e) Fails to notify the local authority within one week of any change of his residence.
 - (f) Fails to attend regularly a course of instruction he is required by law to attend.

12. These byelaws shall not apply to persons of sixteen years of age or over employed by British Railways or their tenants in selling newspapers, periodicals or refreshments in Railways Stations.