

1969

CITY OF SOUTHAMPTON

BYELAWS

WITH RESPECT TO THE

EMPLOYMENT OF CHILDREN

and Street Trading by Persons
under 16 made under the Children
and Young Persons Acts 1933 to
1963 as amended by the Education
Acts 1944 to 1962

BY

THE MAYOR, ALDERMEN AND CITIZENS

OF THE

CITY OF SOUTHAMPTON

Sealed by the Council	26th August	1969
Confirmed by the Secretary		
of State	4th November	1969
Date of Operation	1st December	1969

GORDON GUEST

Town Clerk

PRICE - ONE SHILLING

CITY OF SOUTHAMPTON

BYELAWS

WITH RESPECT TO THE
EMPLOYMENT OF CHILDREN

and Street Trading by Persons
under 18 made under the Children
and Young Persons Acts 1933 to
1963 as amended by the Education
Acts 1944 to 1962

I 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) The expression "guardian" in relation to a person under 18 includes any person who, in the opinion of the Court having cognisance 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.
 - (c) 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.
 - (d) 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.
 - (e) The expression "street" includes any highway and any public bridge,

road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.

- (f) 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.
- (g) The expression "licensed person" means a person under the age of eighteen to whom a licence has been granted in pursuance of these byelaws.
- (h) The expression "Local Authority" means the Southampton City Council.

II PROHIBITED EMPLOYMENTS

2. No child shall be employed in any of the following occupations:-
- (a) In the kitchen of any hotel, cook shop, fried fish shop, eating house or refreshment room;
 - (b) As a marker or attendant in any billiards or bagatelle saloon or other place licensed for games or in any registered club;
 - (c) 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;
 - (d) In collecting or sorting rags, refuse or scrap metals;
 - (e) As an attendant or assistant in any premises or fair ground used

for the purpose of public amusement by means of automatic machines, mutoscopes, shooting ranges, games of chance or skill or similar devices;

- (f) In any slaughter house;
- (g) In or in conjunction with the sale of intoxicating liquors, or in any occupation which involves the presence of the child in places where intoxicating liquors are sold, except in places where such liquors are sold exclusively in sealed vessels;
- (h) In the collection of bottles which contain or have contained intoxicating liquors;
- (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.

III REGULATION OF EMPLOYMENT

3. No child under the age of fourteen shall be employed.

4. Days on which a child is required to attend school

(1) A child who has attained the age of fourteen may be employed:-

(a) in the delivery of newspapers or other light goods between seven ante meridiem and eight ante meridiem or

(b) between four thirty post meridiem and six thirty post meridiem.

(2) A child employed before school on any day shall not be employed after school hours on that day.

~~5. Weekdays on which a child is not required to attend school~~

- Amended*
- (a) No child shall be employed for more than five hours.
 - (b) No child shall be employed before seven ante meridiem in the delivery of newspapers and other light goods, or before eight ante meridiem in other occupations or after six thirty post meridiem.
 - (c) The five hours of employment shall be so arranged that the child shall be free for rest and recreation for a continuous period of not less than four hours between the earliest time permitted in paragraph (b) of this byelaw and six thirty post meridiem.

6. Sundays

No child shall be employed except in the delivery of newspapers or milk between the hours of eight ante meridiem and ten ante meridiem.

IV CONDITIONS OF EMPLOYMENT

7. 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 school which the child attends, 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 twenty four hours of the commencement of employment of the child. The employer shall

send to the Local Authority on the first day of April and the first day of October in each 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 "employment card", and after such card is issued no child shall be employed unless he has his employment card with him. 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 cited 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) No child shall be employed in any work out of doors unless he is suitably shod and suitably clad for protection against the weather.

V REGULATION OF STREET TRADING BY PERSONS UNDER 18

8. Subject to the provision of Byelaw 9, no girl under the age of eighteen shall engage or be employed in street trading.

~~9. A girl over the age of sixteen or a boy who has ceased to be of~~ *Amended*

~~compulsory school age may be employed by his parent in street trading if in his parent's company and under his parent's supervision.~~

10. No person under the age of eighteen shall be employed or engage in street trading before seven ante meridiem or after eight post meridiem.
11. No person under the age of eighteen shall be employed or engage in street trading unless furnished with a licence from the Local Authority.
12. Subject to the provisions of Byelaw 9, a licence to engage or to be employed in street trading shall not be refused by the Local Authority, 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 the applicant's licence has been previously revoked; or
 - (d) that the applicant is not regularly attending a course of instruction he is required by law to attend; or
 - (e) that the applicant is regularly engaged or employed in some other full-time occupation.
13. Licences shall be granted to expire on the thirty first day of December in each year.
14. Every licensed person while engaged or employed in street trading shall carry the licence granted by the Local Authority and shall produce it

for inspection when required to do so by an authorised officer of the Local Authority.

15. No licensed person shall, whilst engaged or employed in street trading, be assisted by any unlicensed person under the age of eighteen years.
16. No licensed person shall, in any street or public place, tout or importune to the annoyance or obstruction of any passenger.
17. 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) fails to notify the Local Authority within one week of any change of his residence;
 - (e) fails to attend regularly a course of instruction he is required by the law to attend.

VI REVOCATION

The Byelaws relating to employment of children and street trading by young persons made by the Local Authority on the twenty fourth day of November One thousand nine hundred and forty eight and confirmed by the Secretary of State on the tenth day of February One thousand nine hundred and forty nine, as amended by a byelaw

made by the Local Authority on the thirtieth day of April One thousand nine hundred and fifty nine and confirmed by the Secretary of State on the first day of July One thousand nine hundred and fifty nine, are hereby revoked.

APPENDIX

The Education Acts 1944 and 1962 provide, inter alia, as follows:-

1. A child is of compulsory school age until he has attained the age of fifteen, or, in the case of a child who is a registered pupil at a special school, sixteen. (Section 35, Education Act 1944).
2. If a child attains the age of fifteen or sixteen, as the case may be, between the first day of September and the thirty first day of January, he ceases to be of compulsory school age at the end of the next spring term, and if he attains the appropriate age between the first day of February and the thirty first day of August he ceases to be of compulsory school age at the end of the summer term. (Section 9, Education Act 1962).
3. For the purposes of the foregoing, a child attains a given age on the day previous to his birthday.

The Children and Young Persons Act 1933, as amended by the Children and Young Persons Act 1963, provides, inter alia, as follows:-

4. 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. (Section 30).
5. No child shall be employed to lift, carry or move anything so heavy as to be likely to cause injury to him. (Section 18(1)(f)).

6. If a person is employed in contravention of the provisions of Section 18 or Section 20 of the Act or of 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 twenty pounds, or in the case of a second or subsequent offence not exceeding fifty pounds. (Section 21).

7. A person under the age of eighteen years who engages in street trading in contravention of the provisions of Section 20 of the Act or of any byelaw made thereunder shall be liable on summary conviction to a fine not exceeding ten pounds, or in the case of a second or subsequent offence not exceeding twenty pounds. (Section 21).

Note: (i) By virtue of Section 35(2) of the Children and Young Persons Act 1963, the restrictions on street trading imposed by Section 20(i) of the Children and Young Persons Act 1933 and byelaws made under Section 20(2) of that Act do not apply to persons employed at established open air markets, or in any other place where it is customary for a retail trade or business (within the meaning of the Shops Act 1950) to be carried on.

(ii) Section 35(3) of the Children and Young Persons Act 1963 prohibits a person under eighteen from engaging in or

being employed in street trading on a Sunday except in those cases in which the place where the retail trade or business is carried on is treated as a shop and a shop in those circumstances would be permitted to keep open on a Sunday under Part IV of the Shops Act 1950.

The Education Act 1944 provides, inter alia, as follows:-

8. If it appears to the Local Education Authority that any child who is a registered pupil at a county school, voluntary school or special school is being employed in such 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, they may, by notice in writing served upon the employer, prohibit him from employing the child, or impose such restrictions upon his employment of the child as appear to them to be expedient in the interests of the child. (Section 59(1)).

9. The Local Education Authority may, by notice in writing served upon the parent or employer of any child who is a registered pupil at a county school, voluntary school or special school, require 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

employed in such a manner as to render him unfit to obtain the full benefit of the education provided for him. (Section 59(2)).

The Corporate Seal of The Mayor, Aldermen
and Citizens of the City of Southampton)
was hereunto affixed by Order of the)
Council on the twenty sixth day of)
August One thousand nine hundred)
and sixty nine in the presence of:-)

L.S.

H. K. Johnson
Mayor

D. Scouller
Deputy Town Clerk

The Secretary of State this day confirmed the foregoing byelaws and fixed the date on which they are to come into operation as the first day of December 1969.

Philip Woodfield

L.S.

An Assistant Under Secretary of State

Home Office
Whitehall

4 November 1969

CERTIFICATE FOR THE PURPOSE OF SECTION 252 OF THE
LOCAL GOVERNMENT ACT, 1933

I. Gordon Guest, Town Clerk of the City of Southampton, hereby certify that the within-written byelaws were made by the Mayor Aldermen and Citizens of the said City of Southampton acting by the Council; that they are a true copy of the said byelaws; that the said byelaws were made by the said Council on 26th August 1969 and confirmed by the Secretary of State on 4th November 1969 and that the date fixed by him for the coming into operation of the said byelaws was the 1st December 1969.

Town Clerk