

EAST AYRSHIRE COUNCIL

EDUCATION COMMITTEE – 29 MAY 2001

BYELAWS ON THE EMPLOYMENT OF CHILDREN

Report by Director of Educational and Social Services

1. PURPOSE

- 1.1 To seek approval for a change in the Council's byelaws on the employment of children.

2. BACKGROUND

- 2.1 The Children (Protection at Work)(Scotland) Regulations 2000 came into force on 09 June 2000 and implements further a European Directive on the protection of young people at work. The changes which these regulations bring about require the Council to revise its existing byelaws on the employment of children which date from 1998. The proposed byelaws are appended to this report.

- 2.2 The 2000 regulations make the following changes:

- 2.2.1 The provisions allowing children between the ages of 10-12 to undertake light work in agriculture or horticulture if supervised by parents, has been **removed**.

This amendment does not prevent children from assisting their own family farms; but it does prevent them from being employed on other farms, even under parental supervision.

- 2.2.2 The hours, days and places at which children aged 14 and over may take part in street trading must be determined.

This addition has been inserted as byelaw 18(c) and is printed in bold.

- 2.3 These changes require that the East Ayrshire Council Byelaws on the Employment of Children must be revised.

3. THE CHANGES

- 3.1 The existing byelaws are based on the model byelaws issued by the former Scottish Office in 1998. These were adapted to meet the needs of East Ayrshire and were approved by the Education Committee at its meeting of 15 October 1998. The replacement byelaws make provision for the old byelaws to be revoked.

- 3.2 The new byelaws must be approved by a meeting of the full Council, and authenticated by being sealed with the common seal of the council and signed by the Solicitor to the Council. Thereafter a period of one months notice will be given for the public inspection of the byelaws, and to allow objections to be made. This process is

advertised in the local press. The byelaws are then submitted for confirmation by the Scottish Ministers. Once confirmed, that fact is then advertised in the local press, advising of the date when the byelaws came into force.

4. POLICY/LEGAL IMPLICATIONS

- 4.1 The process described in this report will enable the Council to meet its legal obligations in relation to the employment of children at work

5. FINANCIAL IMPLICATIONS

- 5.1 Nil

6. RECOMMENDATIONS

It is recommended that Members :

- (i) approve the proposed East Ayrshire Council Byelaws on the Employment of Children 2001, and recommend their approval by full Council;
- (ii) authorise the Director of Educational and Social Services to allow a one month period of public inspection of the byelaws once approved in terms of (i) above, and thereafter to remit the byelaws for confirmation by the Scottish Ministers;
- (iii) subject to Council approval agree to the Director of Educational and Social Services disseminating any necessary publicity and documentation in relation to the byelaws to schools, employers or other relevant groups and individuals; and
- (iv) otherwise note the contents of this report.

John Mulgrew
Director of Educational and Social Services

GRS/GRS
8 May 2001

LIST OF BACKGROUND PAPERS

1. East Ayrshire Council Byelaws on the Employment of Children, Education Committee, 15 October 1998

Members requiring further information should contact Graham Short, Head of Schools, (01563-576089).

Implementation Officer: Graham Short

AGENDA