

EXPLANATORY NOTE

(This note is not part of the Byelaws)

These Byelaws regulate the employment of children in the Aberdeenshire area. The Children (Protection at Work) (Scotland) Regulations 2006 limit the number of hours that a child may be employed in any week in which the child is required to attend school to 12 hours and these Byelaws provide for that limit.

These byelaws are not a comprehensive statement of the law relating to the employment of children and should be read in conjunction with other legislation relating to, in particular: health and safety; prohibited occupations and hours of work.

Byelaws 3 to 5 regulate and provide for the type of employment in which children can be employed. Byelaw 6 provides for the times at which a child can be employed before and after school hours. Byelaws 8 to 15 regulate employment permits and provides for timescales in which applications for permits should be made and any restrictions.

It should be noted that Aberdeenshire Council policy prohibits the issuing of a street trader's licence to any person under the age of 16. Aberdeenshire Council has decided not to exercise its power to make byelaws authorising street trading for children who have attained the age of 14 and therefore it is unlawful for children to be employed in street trading within the Aberdeenshire area. Furthermore, a person under compulsory school age who engages in street trading in contravention of Section 30 of the aforementioned Act shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding level 1 on the Standard Scale (currently £200).

If a person contravenes a provision of the Byelaws, penalties in respect of this contravention are as set out in Section 31 of the Children and Young Persons (Scotland) Act 1937. The employer and any person (other than the person employed) to whose at or default the contravention is attributable shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding level 3 on the Standard Scale (currently £1,000).