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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989, Part III. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 3

#### REMOVAL OF RESTRICTIONS RELATING TO EMPLOYMENT OF YOUNG PERSONS

#### PART III

#### AMENDMENT OF CERTAIN AGE LIMITS

#### EMPLOYMENT OF WOMEN, YOUNG PERSONS, AND CHILDREN ACT 1920 (C.65)

- 1 In section 1 (obligation of employer to keep register of young persons employed in industrial undertaking), for subsection (4) substitute—

“(4) Where persons under the age of sixteen years are employed in any industrial undertaking, a register of all persons under that age who are so employed, and of the dates of their birth, shall be kept and shall at all times be open to inspection.”

#### CHILDREN AND YOUNG PERSONS ACT 1933 (C.12)

- 2 In section 20 (street trading)—
- (a) for subsection (1) substitute—
- “(1) Subject to subsection (2) of this section, no child shall engage or be employed in street trading.”;
- (b) in subsection (2), for the words from “regulating” to “eighteen years,” substitute “authorising children who have attained the age of fourteen years to be employed by their parents in street trading to such extent as may be specified in the byelaws, and for regulating street trading under the byelaws by persons who are so authorised to be employed in such trading;”; and
- <sup>F1</sup>(c) .....

#### Textual Amendments

**F1** Sch. 3 Pt. III, para. 2(c) repealed (E.W.) (26.8.1994) by 1994 c. 20, s. 9(2), Sch. 5; S.I. 1994/1841, art. 2

- 3 In section 21(3) (penalties and legal proceedings in respect of general provisions as to employment), for “person under the age of eighteen years” substitute “child”.
- 4 In section 23 (prohibition on persons under 16 taking part in performances endangering life and limb)—
- (a) for “person under the age of sixteen years” substitute “child”; and

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- (b) for “such a person” substitute “ a child ”.
- 5 In section 24 (restrictions on training for performances of a dangerous nature)—
- (a) in subsection (1)—
- (i) for “person”, in the first place where it occurs, substitute “ child ”, and
- (ii) for “person under the age of sixteen years” substitute “ child who has attained that age ”; and
- (b) in subsection (2), for “person who has attained the age of twelve years but is under the age of sixteen years” substitute “ child who has attained the age of twelve years ”.
- 6 In section 25 (restriction on persons under 18 going abroad for the purpose of performing for profit)—
- (a) in subsection (1), for “person under the age of eighteen years”, in both places where those words occur, and for “person under that age” substitute “ child ”; and
- (b) in subsection (2), for “person who has attained the age of fourteen years but is under the age of eighteen years” substitute “ child who has attained the age of fourteen years ”.
- 7 In section 26 (punishment of contraventions of section 25, etc.)—
- (a) in subsection (1), for “the person” substitute “ the child in question ”; and
- (b) in subsection (2)—
- (i) for “a person under the age of eighteen years” substitute “ a child ”,
- (ii) for “that person” substitute “ that child ”, and
- (iii) for “the person in question” substitute “ the child ”.
- 8 In section 30 (interpretation of provisions about the employment of children)—
- (a) after “made thereunder—” insert—
- “The expression “child” means—
- (a) in relation to England and Wales, a person who is not for the purposes of the Education Act 1944 over compulsory school age;
- (b) in relation to Scotland, a person who is not for the purposes of the Education (Scotland) Act 1980 over school age; and
- (c) in relation to Northern Ireland, a person who is not for the purposes of the Education and Libraries (Northern Ireland) Order 1986 over compulsory school age;”;
- (b) at the end of that section add the following subsection—
- “(2) This section, so far as it has effect for the purposes of sections 25 and 26 of this Act, extends to Scotland and to Northern Ireland.”;
- and the existing provisions of that section (as amended by sub-paragraph (a) above) shall accordingly constitute subsection (1) of that section.

CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937 (C.37)

- 9 In section 30 (street trading)—
- (a) for subsection (1) substitute—

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- “(1) Subject to subsection (2) of this section, no child shall engage or be employed in street trading.”; and
- (b) in subsection (2), for the words from “regulating” to “eighteen years,” substitute “authorising children who have attained the age of fourteen years to be employed by their parents in street trading to such extent as may be specified in the byelaws, and for regulating street trading under the byelaws by persons who are so authorised to be employed in such trading;”.
- 10 In section 31(3) (penalties and legal proceedings in respect of general provisions as to employment), for “person under the age of eighteen years” substitute “child”.
- 11 In section 33 (prohibition on persons under 16 taking part in performances endangering life and limb)—
- (a) for “person under the age of sixteen years” substitute “child”; and
- (b) for “such a person” substitute “a child”.
- 12 In section 34 (restrictions on training for performances of a dangerous nature)—
- (a) in subsection (1)—
- (i) for “person”, in the first place where it occurs, substitute “child”, and
- (ii) for “person under the age of sixteen years” substitute “child who has attained that age”; and
- (b) in subsection (2), for “person who has attained the age of twelve years but is under the age of sixteen years” substitute “child who has attained the age of twelve years”.
- 13 In section 37 (interpretation of provisions about the employment of children), after “made thereunder—” insert—
- “(a) The expression “child” means a person who is not for the purposes of the Education (Scotland) Act 1980 over school age;”.

#### FACTORIES ACT 1961 (C.34)

- 14 In section 117(1) (exemptions from provisions regulating hours of employment), for “of or over the age of sixteen” substitute “(other than children)”.

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