



Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

PART II

EMPLOYMENT

Supplemental

27 Byelaws.

- (1) A byelaw made under this Part of this Act shall not have effect until confirmed by the Secretary of State and shall not be so confirmed until at least thirty days after the local authority have published it in such manner as the Secretary of State directs.
- (2) Before confirming such a byelaw the Secretary of State shall consider any objections thereto which may be addressed to him by persons affected or likely to be affected thereby, and may order a local enquiry to be held, and where such an enquiry is held, the person holding it shall receive such remuneration as the Secretary of State determines, and that remuneration and the expenses of the enquiry shall be paid by the local authority.
- (3)

F1

Textual Amendments

F1 S. 27(3) repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#) and [London Government Act 1939 \(c. 40\)](#), [Sch. 8](#)

28 Powers of entry.

- (1) If it is made to appear to a justice of the peace by the local authority, or by any constable, that there is reasonable cause to believe that the provisions of this Part of this Act, other than those relating to employment abroad, or of a byelaw [^{F2}or regulation] made under the said provisions, are being contravened with respect to any person, the

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justice may by order under his hand addressed to an officer of the local authority, or to a constable, empower him to enter, at any reasonable time within forty-eight hours of the making of the order, any place in or in connection with which the person in question is, or is believed to be, employed, or as the case may be, in which he is, or is believed to be, taking part in [^{F3}a performance], [^{F4}being trained, taking part in a sport, or working as a model,] and to make enquiries therein with respect to that person.

[^{F5}(2) Any authorised officer of the said authority or any constable may—

- (a) at any time enter any place used as a broadcasting studio . . . ^{F6}or film studio or used for the recording of a performance with a view to its use in a [^{F7}programme service] or in a film intended for public exhibition and make inquiries therein as to any children taking part in performances to which [^{F8}subsection (2) of]section 37 of the ^{M1}Children and Young Persons Act 1963 applies;
- (b) at any time during the currency of a licence granted under the said section 37 or under the provisions of this Part of this Act relating to training for dangerous performances enter any place (whether or not it is such a place as is mentioned in paragraph (a) of this subsection) where the person to whom the licence relates is authorised by the licence to [^{F9}do anything] or to be trained, and may make inquiries therein with respect to that person.]

(3) Any person who obstructs any officer or constable in the due exercise of any powers conferred on him by or under this section, or who refuses to answer or answers falsely any enquiry authorised by or under this section to be made, shall be liable on summary conviction in respect of each offence to a fine not exceeding [^{F10}level 2 on the standard scale].

[^{F11}(4) In this section—

“broadcasting studio” means a studio used in connection with the provision of a programme service;

“programme service” has the same meaning as in the Broadcasting Act 1990.]

Textual Amendments

- F2** Words inserted (prosp.) by Employment of Children Act 1973 (c. 24), s. 3(4), **Sch. 1 Pt. I para. 3**
- F3** Words substituted by Children and Young Persons Act 1963 (c. 37), **Sch. 3 para. 9**
- F4** Words in s. 28(1) substituted (4.8.1998) by S.I. 1998/276, **reg. 7(a)**.
- F5** S. 28(2) substituted by Children and Young Persons Act 1963 (c. 37), **s. 43**
- F6** Words inserted by Cable and Broadcasting Act 1984 (c. 46, SIF 96), **s. 57(1)**, Sch. 5 para 4(1) and repealed by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1)(3), Sch. 12 Part II para. 1, Sch. 20 para. 3(1)(a), **Sch. 21**
- F7** Words substituted by virtue of Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 3(1)(a)**
- F8** Words in s. 28(2)(a) inserted (4.8.1998) by S.I. 1998/276, **reg. 7(b)**.
- F9** Words in s. 28(2)(b) substituted (4.8.1998) by S.I. 1998/276, **reg. 7(c)**.
- F10** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**
- F11** S. 28(4) was inserted by Cable and Broadcasting Act 1984 (c. 46, SIF 96) s. 57(1), Sch. 5 para. 4(2) (which was repealed by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(3), **Sch. 21**) and a new subsection (4) is substituted by s. 203(1), Sch. 20 para. 3(1)(b) of that 1990 Act.

Modifications etc. (not altering text)

- C1** S. 28(1) extended by Employment of Women, Young Persons, and Children Act 1920 (c. 65, SIF 43:4), **s. 1(6)(a)** as substituted by Employment Act 1989 (c. 38, SIF 43:1), s. 29(3), **Sch. 6 para. 1(a)**

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- C2** S. 28(1)(3) applied (1.11.1996) (*temp.*) by 1996 c. 56, ss. 559(5)(6), 583(2) (with ss. 1(4), 561, 562, **Sch. 39**)
- C3** S. 28(3) extended by Employment of Women, Young Persons, and Children Act 1920 (c. 65, SIF 43:4), s. 1(6)(a) as substituted by Employment Act 1989 (c. 38, SIF 43:1, 106:1), s. 29(3), **Sch. 6 para. 1(a)**

Marginal Citations

- M1** 1963 c. 37.

29 Savings.

- (1) **F12**
- (3) **F13**

(4) The said provisions shall be in addition to and not in substitution for any enactments relating to employment in factories, workshops, mines and quarries, or for giving effect to any international convention regulating employment.

Textual Amendments

- F12** Ss. 14(3), 22, 24(3)(5), 29(1)(2), 61 repealed by Children and Young Persons Act 1963 (c. 37), s. 64, **Sch. 5**
- F13** Ss. 26(6), 29(3), 32, 35, 44(2), 54, 55(2), 57, 62–76, 77(1)(3), 78, 79(4), 81(2), 82–85, 90, 91, 94, 107(2), 108(2)(3), Sch. 4 paras. 4–13 repealed by Children and Young Persons Act 1969 (c. 54), s. 72, **Sch. 6**

30 Interpretation of Part II.

[^{F14}(1)] For the purposes of this Part of this Act and of any byelaws [^{F15}or regulations] made thereunder—

[^{F16}The expression “child” means—

- (a) in relation to England and Wales, a person who is not [^{F17}over compulsory school age (construed in accordance with section 8 of the Education Act 1996)]
- (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;]

F18

.....
The expression “performance of a dangerous nature” includes all acrobatic performances and all performances as a contortionist;

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;

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;

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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; and

The expression “abroad” means outside Great Britain and Ireland.

[^{F19}(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.]

Textual Amendments

- F14** Existing provisions of s. 30, as amended are constituted as s. 30(1) by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III**, para. 8
- F15** Words inserted by Employment of Children Act 1973 (c. 24. SIF 43:4). s. 3(4), Sch. 1 Pt. I para. 4
- F16** Words inserted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III**, para. 8(a)
- F17** Words in s. 30(1)(a) substituted (1.9.1997) by 1996 c. 56, s. 582(1), **Sch. 37 Pt. II para.133** (with ss. 1(4), 561, 562, Sch. 39); S.I. 1997/1623, **art. 2(2)**
- F18** Words repealed by Education Act 1944 (c. 31. SIF 41:1). Sch. 9 Pt. I
- F19** S. 30(2) added by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III**, para. 8(b)

Modifications etc. (not altering text)

- C4** S. 30(1)(a) amended (1.11.1996) (*temp.*) by 1996 c. 56, ss. 582(4), 583(2), Sch. 40 para. 1 (with ss. 1(4), 561, 562, **Sch. 39**)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12D(1A)-(1F) inserted by [2017 anaw 2 s. 51](#)
- s. 39(2A) inserted by [2010 c. 26 Sch. 3 para. 3](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 49(12)-(14) inserted by [1999 c. 23 Sch. 2 para. 3\(9\)](#)