



# Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

## PART II

### EMPLOYMENT

#### *Employment Abroad*

#### 25 Restrictions on persons under eighteen going abroad for the purpose of performing for profit. **E+W**

- (1) No person having [<sup>F1</sup>responsibility for] any [<sup>F2</sup>child] shall allow him, nor shall any person cause or procure any [<sup>F2</sup>child], to go abroad [<sup>F3</sup>(a)] for the purpose of singing, playing performing, or being exhibited, for profit, [<sup>F4</sup>or
- <sup>F4</sup>(b) for the purpose of taking part in a sport, or working as a model, where payment in respect of his doing so, other than for defraying expenses, is made to him or to another person,]

unless . . . <sup>F5</sup> a licence has been granted in respect of him under this section:

Provided that this subsection shall not apply in any case where it is proved that the [<sup>F2</sup>child] was only temporarily resident within [<sup>F6</sup>the United Kingdom].

- (2) A [<sup>F7</sup>justice of the peace] may grant a licence in such form as the Secretary of State may prescribe, and subject to such restrictions and conditions as the [<sup>F7</sup>justice of the peace] thinks fit, for any [<sup>F8</sup>child who has attained the age of fourteen years] to go abroad [<sup>F9</sup>for any purpose referred to in subsection (1) of this section,] but no such licence shall be granted in respect of any person unless the [<sup>F7</sup>justice of the peace] is satisfied—
- (a) that the application for the licence is made by or with the consent of his parent or guardian;
  - (b) that he is going abroad to fulfil a particular engagement;
  - (c) that he is fit for the purpose, and that proper provision has been made to secure his health, kind treatment, and adequate supervision while abroad, and his return from abroad at the expiration or revocation of the licence;

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(d)

that there has been furnished to him a copy of the contract of employment or other document showing the terms and conditions of employment drawn up in a language understood by him.

- (3) A person applying for a licence under this section, shall, at least seven days before making the application, give to the chief officer of police for the district in which the person resides to whom the application relates, notice of the intended application together with a copy of the contract of employment or other document showing the terms and conditions of employment, and the chief officer of police send that copy to [F10a justice of the peace] and may make a report in writing on the case to him or may appear, or instruct some person to appear, before him and show cause why the licence should not be granted, and [F10the justice of the peace] shall not grant the licence unless he is satisfied that notice has been properly so given:

Provided that if it appears that the notice was given less than seven days before the making of the application, [F10the justice of the peace] may nevertheless grant a licence if he is satisfied that the officer to whom the notice was given has made sufficient enquiry into the facts of the case and does not desire to oppose the application.

- (4) A licence under this section shall not be granted for more than three months but may be renewed by a [F7justice of the peace] from time to time for a like period, so, however, that no such renewal shall be granted, unless the [F7justice of the peace]—
- (a) is satisfied by a report of a British consular officer or other trustworthy person that the conditions are being complied with;
  - (b) is satisfied that the application for renewal is made by or with the consent of the parent or guardian of the person to whom the licence relates.
- (5) A [justice of the peace]—
- (a) may vary a licence granted under this section and may at any time revoke such a licence for any cause which he, in his discretion, considers sufficient;
  - (b) need not, when renewing or varying a licence granted under this section, require the attendance before him of the person to whom the licence relates.
- (6) The [F7justice of the peace] to whom application is made for the grant, renewal or variation of a licence shall, unless he is satisfied that in the circumstances it is unnecessary, require the applicant to give such security as he may think fit (either by entering into a recognisance with or without sureties or otherwise) for the observance of the restrictions and conditions in the licence or in the licence as varied, and the recognisance may be enforced in like manner as a recognisance for the doing of some matter or thing required to be done in a proceeding before a [F11relevant court] is enforceable.
- (7) If any case where a licence has been granted under this section, it is proved to the satisfaction of a [F7justice of the peace] that by reason of exceptional circumstances it is not in the interests of the person to whom the licence relates to require him to return from abroad at the expiration of the licence, then, notwithstanding anything in this section or any restriction or condition attached to the licence, [F12the justice of the peace] may by order release all persons concerned from any obligation to cause that person to return from abroad.
- (8) Where a licence is granted, renewed or varied under this section, the [F7justice of the peace] shall send the prescribed particulars to the Secretary of State for transmission to the proper consular officer, and every consular officer shall register the particulars

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so transmitted to him and perform such other duties in relation thereto as the Secretary of State may direct.

<sup>F13</sup>(9) . . . . .

(10) This and the next following section extend to Scotland and to Northern Ireland.

[<sup>F14</sup>(11) In this section “the relevant court”—

- (a) in relation to England and Wales, means a magistrates' court;
- (b) in relation to Scotland, means a sheriff court;
- (c) in relation to Northern Ireland, means a court of summary jurisdiction.]

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only.

#### Textual Amendments

- F1** Words in s. 25(1) substituted (E.W.) (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), **Sch. 13 para. 3(d)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**.
- F2** Word substituted by Employment Act 1989 (c. 38, SIF 43:1), s. 10(2), **Sch. 3 Pt. III para. 6(a)**
- F3** S. 25(1): “(a)” inserted (4.8.1998) by S.I. 1998/276, **reg. 5(a)**.
- F4** S. 25(1)(b) and word “or” immediately preceding inserted (4.8.1998) by S.I. 1998/276, **reg. 5(b)**.
- F5** Words repealed by Children and Young Persons Act 1963 (c. 37), s. 64, **Sch. 5**
- F6** Words substituted by Children and Young Persons Act 1963 (c. 37), **Sch. 3 para. 7**
- F7** Words in s. 25(2)(4)-(8) substituted (4.8.1998) by S.I. 1998/276, **reg. 5(d)**.
- F8** Words substituted by Employment Act 1989 (c. 38, SIF 43:1), s. 10(2), **Sch. 3 Pt. III para. 6(b)**
- F9** Words in s. 25(2) substituted (4.8.1998) by S.I. 1998/276, **reg. 5(c)**.
- F10** Words in s. 25(3) substituted (4.8.1998) by S.I. 1998/276, **reg. 5(e)**.
- F11** Words in s. 25(6) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 73(2)**; S.I. 2005/910, **art. 3(bb)**
- F12** Words in s. 25(7) substituted (4.8.1998) by S.I. 1998/276, **reg. 5(f)**.
- F13** S. 25(9) repealed (4.8.1998) by S.I. 1998/276, **reg. 5(g)**.
- F14** S. 25(11) inserted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 73(3)**; S.I. 2005/910, **art. 3(bb)**

#### Modifications etc. (not altering text)

- C2** S. 25 extended and amended by Children and Young Persons Act 1963 (c. 37), s. 42

## 25 Restrictions on persons under eighteen going abroad for the purpose of performing for profit. **S+N.I.**

(1) No person having the custody, charge or care of any [<sup>F15</sup>child] shall allow him, nor shall any person cause or procure any [<sup>F15</sup>child], to go abroad [<sup>F16</sup>(a)] for the purpose of singing, playing performing, or being exhibited, for profit, [<sup>F17</sup>or

<sup>F17</sup>(b) for the purpose of taking part in a sport, or working as a model, where payment in respect of his doing so, other than for defraying expenses, is made to him or to another person,]

unless . . . <sup>F18</sup> a licence has been granted in respect of him under this section:

Provided that this subsection shall not apply in any case where it is proved that the [<sup>F15</sup>child] was only temporarily resident within [<sup>F19</sup>the United Kingdom].

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- (2) A [F20]justice of the peace] may grant a licence in such form as the Secretary of State may prescribe, and subject to such restrictions and conditions as the [F20]justice of the peace] thinks fit, for any [F21]child who has attained the age of fourteen years] to go abroad [F22]for any purpose referred to in subsection (1) of this section,] but no such licence shall be granted in respect of any person unless the [F20]justice of the peace] is satisfied—
- (a) that the application for the licence is made by or with the consent of his parent or guardian;
  - (b) that he is going abroad to fulfil a particular engagement;
  - (c) that he is fit for the purpose, and that proper provision has been made to secure his health, kind treatment, and adequate supervision while abroad, and his return from abroad at the expiration or revocation of the licence;
  - (d) that there has been furnished to him a copy of the contract of employment or other document showing the terms and conditions of employment drawn up in a language understood by him.
- (3) A person applying for a licence under this section, shall, at least seven days before making the application, give to the chief officer of police for the district in which the person resides to whom the application relates, notice of the intended application together with a copy of the contract of employment or other document showing the terms and conditions of employment, and the chief officer of police send that copy to [F23]a justice of the peace] and may make a report in writing on the case to him or may appear, or instruct some person to appear, before him and show cause why the licence should not be granted, and [F23]the justice of the peace] shall not grant the licence unless he is satisfied that notice has been properly so given:
- Provided that if it appears that the notice was given less than seven days before the making of the application, [F23]the justice of the peace] may nevertheless grant a licence if he is satisfied that the officer to whom the notice was given has made sufficient enquiry into the facts of the case and does not desire to oppose the application.
- (4) A licence under this section shall not be granted for more than three months but may be renewed by a [F20]justice of the peace] from time to time for a like period, so, however, that no such renewal shall be granted, unless the [F20]justice of the peace]—
- (a) is satisfied by a report of a British consular officer or other trustworthy person that the conditions are being complied with;
  - (b) is satisfied that the application for renewal is made by or with the consent of the parent or guardian of the person to whom the licence relates.
- (5) A [F20]justice of the peace]—
- (a) may vary a licence granted under this section and may at any time revoke such a licence for any cause which he, in his discretion, considers sufficient;
  - (b) need not, when renewing or varying a licence granted under this section, require the attendance before him of the person to whom the licence relates.
- (6) The [F20]justice of the peace] to whom application is made for the grant, renewal or variation of a licence shall, unless he is satisfied that in the circumstances it is unnecessary, require the applicant to give such security as he may think fit (either by entering into a recognisance with or without sureties or otherwise) for the observance of the restrictions and conditions in the licence or in the licence as varied, and the recognisance may be enforced in like manner as a recognisance for the doing of some

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matter or thing required to be done in a proceeding before a [<sup>F24</sup>relevant court] is enforceable.

(7) If any case where a licence has been granted under this section, it is proved to the satisfaction of a [<sup>F20</sup>justice of the peace] that by reason of exceptional circumstances it is not in the interests of the person to whom the licence relates to require him to return from abroad at the expiration of the licence, then, notwithstanding anything in this section or any restriction or condition attached to the licence, [<sup>F25</sup>the justice of the peace] may by order release all persons concerned from any obligation to cause that person to return from abroad.

(8) Where a licence is granted, renewed or varied under this section, the [<sup>F20</sup>justice of the peace] shall send the prescribed particulars to the Secretary of State for transmission to the proper consular officer, and every consular officer shall register the particulars so transmitted to him and perform such other duties in relation thereto as the Secretary of State may direct.

<sup>F26</sup>(9) .....

(10) This and the next following section extend to Scotland and to Northern Ireland.

[<sup>F27</sup>(11) In this section “the relevant court”—

- (a) in relation to England and Wales, means a magistrates' court;
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#### Extent Information

**E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only.

#### Textual Amendments

- F15** Word substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), [Sch. 3 Pt. III para. 6\(a\)](#)
- F16** [S. 25\(1\)](#): “(a)” inserted (4.8.1998) by [S.I. 1998/276](#), [reg. 5\(a\)](#).
- F17** [S. 25\(1\)\(b\)](#) and word “or” immediately preceding inserted (4.8.1998) by [S.I. 1998/276](#), [reg. 5\(b\)](#).
- F18** Words repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 64, [Sch. 5](#)
- F19** Words substituted by [Children and Young Persons Act 1963 \(c. 37\)](#), [Sch. 3 para. 7](#)
- F20** Words in [s. 25\(2\)\(4\)–\(8\)](#) substituted (4.8.1998) by [S.I. 1998/276](#), [reg. 5\(d\)](#).
- F21** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), [Sch. 3 Pt. III para. 6\(b\)](#)
- F22** Words in [s. 25\(2\)](#) substituted (4.8.1998) by [S.I. 1998/276](#), [reg. 5\(c\)](#).
- F23** Words in [s. 25\(3\)](#) substituted (4.8.1998) by [S.I. 1998/276](#), [reg. 5\(e\)](#).
- F24** Words in [s. 25\(6\)](#) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 73\(2\)](#); [S.I. 2005/910](#), [art. 3\(bb\)](#)
- F25** Words in [s. 25\(7\)](#) substituted (4.8.1998) by [S.I. 1998/276](#), [reg. 5\(f\)](#).
- F26** [S. 25\(9\)](#) repealed (4.8.1998) by [S.I. 1998/276](#), [reg. 5\(g\)](#).
- F27** [S. 25\(11\)](#) inserted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 73\(3\)](#); [S.I. 2005/910](#), [art. 3\(bb\)](#)

#### Modifications etc. (not altering text)

**C3** [S. 25](#) extended and amended by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 42

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**Changes to legislation:**

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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\(9\)](#)