**Education Act, 1921.**

**[11 & 12 Geo. 5. Ch. 51.]**

**ARRANGEMENT OF SECTIONS.**

**PART I.**

**CENTRAL AND LOCAL EDUCATION AUTHORlTIES.**

**PART VIII.**

**EMPLOYMENT OF CHILDREN AND YOUNG PERSONS.**

**Power to make byelaws for regulating the employment of children.**

90.-(1) A local education authority for elementary education may make byelaws -

(i) prescribing for all children under the age of fourteen, or for boys and girls under that age separately, and with respect to all occupations or to any specified occupation, -

(a) the age below which employment is illegal; and   
(b) the hours between which employment is illegal; and   
(c) the number of daily and weekly hours beyond which employment is illegal:

(ii) prohibiting absolutely or permitting, subject to conditions, the employment of children under the age of fourteen in any specified occupation.

(2) Byelaws made under this section shall not apply to children lawfully employed in any factory, workshop,

[page 56]

mine, or quarry on the day when section fourteen of the Education Act, 1918, came into operation whilst so employed.

**Power to make byelaws for the regulation of street trading.**

91.-(1) A local education authority for elementary education may make byelaws with respect to street trading by children and young persons under the age of sixteen, and may by such byelaws -

(a) prohibit such street trading, except subject to such conditions as to age, sex, or otherwise, as may be specified in the byelaw, or subject to the holding of a licence to trade to be granted by the local education authority;

(b) regulate the conditions on which such licences may be granted, suspended, and revoked;

(c) determine the days and hours during which, and the places at which, such street trading may be carried on;

(d) require such street traders to wear badges;

(e) regulate generally the conduct of such street traders:

Provided as follows:-

(i) The grant of a licence or the right to trade shall not be made subject to any conditions having reference to the poverty or general bad character of the person applying for a licence or claiming to trade;

(ii) The local education authority, in making byelaws under this section, shall have special regard to the desirability of preventing the employment of girls under sixteen in streets or public places.

(2) For the purposes of this Part of this Act the expression "street trading" includes the hawking of newspapers, matches, flowers, and other articles, playing, singing, or performing for profit, shoe-blacking, and any other like occupation carried on in streets or public places.

**General restrictions on the employment of children.**

92.-(1) A child under the age of twelve shall not be employed, and a child between the ages of twelve and fourteen shall not be employed on any Sunday for more than two hours, or on any day on which he is required to attend school before the close of school hours on that day, nor on any day before six o'clock in the morning or after eight o'clock in the evening:

[page 57]

Provided that a local education authority for elementary education may make a byelaw permitting, with respect to such occupations as may be specified, and subject to such conditions as may be necessary to safeguard the interests of the children, the employment of children of the age of twelve or upwards before school hours and the employment of children by their parents, but so that any employment permitted by byelaw on a school day before nine in the morning shall be limited to one hour, and that if a child is so employed before nine in the morning he shall not be employed for more than one hour in the afternoon.

(2) A child under the age of fourteen shall not be employed -

(a) in street trading;

(b) to lift, carry, or move anything so heavy as to be likely to cause injury to the child;

(c) in any occupation likely to be injurious to his life, limb, health, or education, regard being had to his physical condition.

(3) If the local education authority for elementary education send to the employer of any child a certificate signed by a registered medical practitioner that the lifting, carrying, or moving of any specified weight is likely to cause injury to the child, or that any specified occupation is likely to be injurious to the life, limb, health, or education of the child, the certificate shall be admissible as evidence in any subsequent proceedings against the employer in respect of the employment of the child.

**Power to require suspension of employment of scholars at continuation schools.**

93. The local education authority for higher education may require, in the case of any young person who is under an obligation to attend a continuation school, that his employment shall be suspended on any day when his attendance is required, not only during the period for which he is required to attend the school, but also for such other specified part of the day, not exceeding two hours, as the authority consider necessary in order to secure that he may be in a fit mental and bodily condition to receive full benefit from attendance at the school:

Provided that if any question arises between the local education authority and the employer of a young person whether a requirement made under this section

[page 58]

is reasonable for the purposes aforesaid, that question shall be determined by the Board of Education, and, if the Board determine that the requirement is unreasonable, they may substitute such other requirement as they think reasonable.

**Further restrictions on employment of children.**

94.-(1) The local education authority for elementary education, if they are satisfied by a report of the school medical officer or otherwise that any child is being employed in such a manner as to be prejudicial to his health or physical development, or to render him unfit to obtain tho proper benefit from his education, may either prohibit, or attach such conditions as they think fit to, his employment in that or any other manner, notwithstanding that the employment may be authorised under the other provisions of this Act or any other enactment.

(2) It shall be the duty of the employer and the parent of any child who is in employment, if required by the local education authority, to furnish to the authority such information as to his employment as the authority may require, and, if the parent or employer fails to comply with any requirement of the local education authority or wilfully gives false information as to the employment, he shall be liable to a fine not exceeding forty shillings.

**Restriction on employment of children and young persons attending school.**

95. No person -

(a) shall employ a child in such a manner as to prevent the child from attending school according to this Act and the byelaws made thereunder in force in the district in which the child resides; or

(b) having received notice of any prohibition or restriction as to the employment of a child issued under the last foregoing section of this Act, shall employ a child in such a manner as to contravene the prohibition or restriction; or

(c) shall employ a young person in such a manner as to prevent the young person attending a continuation school which he is required to attend under this Act; or

(d) shall employ a young person at any time when, in pursuance of any requirement issued under this Act in respect of that young

[page 59]

person in connection with attendance at a continuation school, the employment of that young person must be suspended.

**Offences and penalties.**

96.-(1) If any person employs a child or young person in contravention of the foregoing provisions of this Part of this Act, or of any byelaw made thereunder, he shall be liable to a fine not exceeding forty shillings, or, in case of a second or subsequent offence, not exceeding five pounds.

(2) If any parent of a child or young person has conduced to the commission of the alleged offence by wilful default, or by habitually neglecting to exercise due care, he shall be liable to the like fine.

(3) If any person under the age of sixteen contravenes the provisions of any byelaw made under this Part of this Act, as to street trading, he shall be liable to a fine not exceeding twenty shillings, and in case of a second or subsequent offence, if a child under the age of fourteen, to be sent to an industrial school, and, if not such a child, to a fine not exceeding five pounds.

(4) In lieu of ordering a child to be sent under this section to an industrial school, a court of summary jurisdiction may order the child to be taken out of the charge or control of the person who actually has the charge or control of the child, and to be committed to the charge and control of some fit person who is willing to undertake the same until such child reaches the age of sixteen years, and the provisions of sections twenty-two and twenty-three of the Children Act, 1908, shall, with the necessary modifications, apply to any order for the disposal of a child made under this subsection.

**Offences by agents and by parents.**

97.-(1) Where the offence of taking a child or young person into employment in contravention of the foregoing provisions of this Part of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a fine as if he were the employer.

(2) Where a child or young person is taken into employment in contravention of the foregoing provisions of this Part of this Act on the production by, or with the privity of, the parent of a false or forged certificate, or on the false representation of his parent, that the

[page 60]

child or young person is of an age at which such employment is not in contravention of those provisions, that parent shall be liable to a fine not exceeding forty shillings.

(3) Where an employer is charged with any offence under the foregoing provisions of this Part of this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the court is satisfied that the employer had used due diligence to comply with the said provisions, and that the other person had committed the offence in question without the employer's knowledge, consent, or connivance, the other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine.

(4) Where it is made to appear to the satisfaction of an inspector or other officer charged with the enforcement of this Part of this Act, at the time of discovering any such offence as aforesaid, that the employer had used all due diligence to enforce compliance with this Part of this Act, and also by what person the offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the employer, and in contravention of his order, then the inspector or officer shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

**Power of officer of local authority to enter place of employment.**

98.-(1) If it appear to any justice of the peace, on the complaint of an officer of the local education authority for elementary education acting under this Part of this Act, that there is reasonable cause to believe that a child or young person is employed in contravention of the foregoing provisions of this Part of this Act in any place, whether a building or not, the justice may by order under his hand empower an officer of the local education authority to enter such place at any reasonable time, within forty-eight hours from the date of the order, and examine such place and any person therein touching the employment of any child or young person therein.

(2) Any person refusing admission to an officer authorised by an order under this section, or obstructing

[page 61]

him in the discharge of his duty, shall for each offence be liable to a fine not exceeding twenty pounds.

**Limitation of time.**

99. An information for an offence under any of the foregoing provisions of this Part of this Act other than section ninety-four or ninety-five shall be laid within three months after the commission of the offence.

**Restrictions on children taking part in entertainments, &c.**

100.-(1) If any person -

(a) causes or procures any child or young person being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child or young person, allows that child or young person to be in any street, or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing, or being exhibited for profit, or offering anything for sale, between nine p.m. and six a.m., or in the case of a child under the age of fourteen, between eight p.m. and six a.m.;

(b) causes or procures any child under the age of twelve years, or, having the custody, charge, or care of any such child, allows that child to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in any premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing, or being exhibited for profit, or offering anything for sale; or

(c) causes or procures any child or young person under the age of sixteen years, or, having the custody, charge, or care of any such child or young person, allows that child or young person to be in any place for the purpose of being trained as an acrobat, contortionist, or circus performer, or of being trained for any exhibition or performance which in its nature is dangerous;

[page 62]

that person shall be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months:

Provided that -

(i) This section shall not apply in the case of any occasional sale or entertainment the net proceeds of which are wholly applied for the benefit of any school or to any charitable object, if such sale or entertainment is held elsewhere than in premises which are licensed for the sale of any intoxicating liquor but not licensed according to law for public entertainments, or if, in the case of a sale or entertainment held in any such premises as aforesaid, a special exemption from the provisions of this section has been granted in writing under the hands of two justices of the peace; and

(ii) A local education authority for elementary education may, if they think it necessary or desirable so to do, from time to time by byelaw extend or restrict the hours mentioned in paragraph (a) of this section, either on every day or on any specified day or days of the week, and either as to the whole of their area or as to any specified part thereof; and

(iii) Paragraphs (b) and (c) of this section shall not apply in any case in respect of which a licence granted under this Part of this Act is in force, so far as that licence extends.

(2) For the purposes of this section -

Any person who is the parent of a child or young person shall be presumed to have the custody of the child or young person; and

Any person to whose charge a child or young person is committed by its parent shall be presumed to have charge of the child or young person; and

Any other person having actual possession or control of a child or young person shall be presumed to have the care of the child or young person.

[page 63]

(3) The provisions of the foregoing subsection relating to the parent of a child or young person shall apply to the step parent of the child or young person and to any person cohabiting with the parent of the child or young person in like manner as if such step parent or person were the parent.

(4) Nothing in this section shall affect the provisions of Part IV. of this Act relating to school attendance.

**Licences for children to take part in entertainments.**

101.-(1) A local education authority for elementary education may, notwithstanding anything in this Part of this Act, or of any byelaw made under that Part, grant a licence for such time and during such hours of the day, and, subject to such restrictions and conditions as are prescribed by rules made by the Board of Education, for any child exceeding twelve years of age residing in the area of the authority to take part in any entertainment or series of entertainments in premises licensed according to the law for public entertainments or in any circus or other public place of amusement as aforesaid, if satisfied of the fitness of the child for the purpose, and if it is shown to their satisfaction that proper provision has been made to secure the health and kind treatment of the children taking part in the entertainment or series of entertainments. Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

(2) The holder of a licence under this section shall at least seven days before a child takes part in any entertainment or series of entertainments furnish the local education authority of the area in which the entertainment is to take place with particulars of the licence and such other information as the Board of Education may by rules prescribe, and if he fails to furnish such particulars and information as aforesaid he shall be liable to a fine not exceeding five pounds.

(3) A licence under this section may be rescinded by the local education authority of any area in which it takes effect or is about to take effect if the restrictions and conditions of the licence are not observed, and, subject to such restrictions and conditions as are prescribed by rules made by the Board of Education, may be varied or added to by that authority at the request of the holder of the licence.

[page 64]

(4) If the applicant for a licence under this section or a person to whom such a licence has been granted feels aggrieved by any decision of a local education authority, he may appeal to the Board of Education, who may thereupon exercise any of the powers conferred on a local education authority by this section.

(5) Nothing in this section shall affect the provisions of Part IV. of this Act relating to school attendance.

**Licences for training of children as acrobats.**

102.-(1) A petty sessional court may, notwithstanding anything in this Part of this Act, or any byelaw made under that Part, grant a licence for such time and during such hours of the day and subject to such restrictions and conditions as the court think fit, for any child exceeding twelve years of age or young person under the age of sixteen to be trained as an acrobat, contortionist, or circus performer, or to be trained for any exhibition or performance which in its nature is dangerous, if satisfied of the fitness of the child or young person for the purpose, and if it is shown to their satisfaction that proper provision has been made to secure the health and kind treatment of the children and young persons being trained as aforesaid, and the court may, upon sufficient cause, vary, add to, or rescind any such licence.

Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

(2) Where any person applies for a licence under this section, he shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.

(3) Where a licence is granted under this section to any person, that person shall forthwith cause a copy thereof to be sent to the local education authority for elementary education for the area in which the licence is to take effect, and if he fails to cause such copy to be sent shall be liable to a fine not exceeding five pounds.

[page 65]

(4) In this section the expression "chief officer of police" means -

in the city of London, the commissioner of city police;

in the metropolitan police district, the commissioner of police of the metropolis;

elsewhere, the chief constable or head constable, or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs.

(5) Nothing in this section shall affect the provisions of Part IV. of this Act relating to school attendance.

**Enforcement of restrictions and conditions of licences.**

103. It shall be the duty of inspectors and other officers charged with the execution of this Part of this Act, to see whether the restrictions and conditions of any licence under the last two foregoing sections are duly complied with, and any such inspector or officer shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child or young person is for the time being licensed under the said sections, as an inspector appointed under the Factory and Workshop Act, 1901, has to enter, inspect, and examine a factory or workshop under section one hundred and nineteen of that Act, and that section shall apply accordingly.

**Provisions as to offences under sections 100 to 102.**

104. The following provisions shall have effect with respect to offences under sections one hundred to one hundred and two of this Act:-

(a) Any constable may take into custody, without warrant, any person who, within view of such constable, commits any such offence, where the name and residence of such person are unknown to such constable and cannot be ascertained by such constable; and where a constable so arrests a person the inspector or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child or young person against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recog-

[page 66]

nisance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge:

(b) In any proceeding against any person for any such offence, such person shall be competent but not compellable to give evidence, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence:

(c) Where a person is charged with committing any such offence in respect of two or more children or young persons the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not be liable to a separate penalty for each child or young person unless upon separate informations:

(d) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together:

(e) A person shall not be summarily convicted of any such offence unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time:

(f) When any such offence charged against any person is a continuous offence, it shall not be necessary to specify in the information or summons the date of the acts constituting the offence:

(g) In any proceedings against a person for any such offence a copy of an entry in the wages book of any employer of labour, or, if no wages book be kept, a written statement signed by such employer, or by his foreman, shall be primâ facie evidence that the wages therein entered, or stated as having been paid to any person, have in fact been so paid: Provided that such copy or statement has been signed by such employer, or his foreman, and that the signature of such employer, or foreman, has been witnessed by the person producing the said copy or statement.

[page 67]

**General provisions as to byelaws.**

105.-(1) A byelaw made under this Part of this Act shall not have any effect until confirmed by the Secretary of State, and shall not be so confirmed until at least thirty days after the local education authority have published it in such manner as the Secretary of State may by general or special order direct.

(2) The Secretary of State shall, before confirming any byelaw, consider any objections to it which may be addressed to him by persons affected or likely to be affected thereby.

(3) The Secretary of State may, before confirming any byelaw, order that a local inquiry be held with respect to the byelaw or with respect to any objections thereto. The person holding any such inquiry shall receive such remuneration as the Secretary of State may determine, and that remuneration and the expenses of the local inquiry shall be paid by the local education authority making the byelaw.

(4) Byelaws made under this Part of this Act may apply either to the whole of the area of the local education authority, or to any specified part thereof.

**Application of Part VIII. to City of London.**

106. As respects the city of London the powers and duties of the local education authority for elementary education of carrying into effect this Part of this Act, except those under sections ninety-four and one hundred and one, shall be exercised and performed by the mayor, aldermen, and commons of that city in common council assembled, and any expenses incurred by them in carrying into effect this Part of this Act shall be defrayed out of the general rate.

**Powers of giving assistance with respect to the choice of employment.**

107.-(1) The powers of a local education authority for higher education shall include a power to make arrangements, subject to the approval of the Board of Education, for giving to boys and girls under the age of eighteen assistance with respect to the choice of suitable employment by means of the collection and communication of information and the furnishing of advice.

(2) The council of a county and the council of a non-county borough or urban district who are a local education authority for elementary education, may, as part of their powers in relation to higher education, enter into and carry into effect arrangements or agreements for the co-operation of the council of the borough or district

[page 68]

with the county council in respect of the exercise by the county council of their powers under this section either -

(a) by rendering to the county council such assistance as may be arranged or agreed; or

(b) by exercising within the borough or district on behalf of the county council all or any of the powers of that council under this section;

and any such arrangement or agreement may amongst other things provide for the proportion in which the expenses incurred under it are to be borne by the councils respectively.

**Savings.**

108.-(1) Nothing in this Part of this Act or in any byelaw made thereunder shall apply to the exercise of manual labour by any child under order of detention in a certified industrial or reformatory school, or by any child while receiving instruction in manual labour in any school.

(2) The provisions of this Part of this Act shall be in addition to any enactments relating to the employment of children and young persons in factories, workshops, mines and quarries, or for giving effect to any international convention regulating the employment of children and young persons.

Whole Act can be found at:-

[http://www.educationengland.org.uk/documents/acts/1921-education-act.html#08](http://www.educationengland.org.uk/documents/acts/1921-education-act.html" \l "08)

The text of the Education Act 1921 was prepared

for the web by Derek Gillard and uploaded on 25 February 2013