



BERMUDA

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS ACT 1963

1963 : 213

TABLE OF CONTENTS

1	Interpretation
2	Savings
3	Restriction of employment of person under 13
4	Conditions of employment of person under 13
5	Restrictions on employment of person required to attend school
6	Restriction on employment of person under 15 in any industrial undertaking or in a vessel
7	Restriction on employment of person under 18 at night
8	No person under 18 to be employed as trimmer on any vessel
9	Medical examination before taking employment at sea
10	Minister may make regulations
11	Regulations may provide for inspection of premises or vessels and require to be displayed
12	<i>[repealed]</i>
13	Authorized officer may require information
14	Authorized officer may enter premises or board vessel
15	Contravention of restrictions an offence
16	Obstruction an offence
17	Punishment where none provided
18	Summary prosecution of offences
19	Register must be kept on premises or vessel
20	Persons who may institute proceedings

*[Preamble and words of enactment omitted]*

## EMPLOYMENT OF CHILDREN AND YOUNG PERSONS ACT 1963

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### Interpretation

#### 1 (1) In this Act—

- (a) “authorized officer” means—
  - (i) a police officer not below the rank of sergeant;
  - (ii) a children’s officer within the meaning of the Children Act 1998 [*title 27 item 26*];
  - (iii) the officer appointed by the Governor to be the Director of Workforce Development;
  - (iv) an attendance officer appointed under the Education Act 1954 [*title 12 item 1*]; and
  - (v) any other person authorized by the Minister for the time being responsible for workforce development (hereinafter referred to as “the Minister”), by notice published in the Gazette, to exercise the functions of an authorized officer for the purpose of this Act;
- (b) “child” means a person under the age of thirteen years;
- (c) “guardian”, in relation to a child or young person, includes any person who is liable to maintain or has the actual custody of the child or young person;
- (d) “industrial undertaking” includes any public or private undertaking falling within any of the following descriptions,—
  - (i) any undertaking in which articles are manufactured altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed, including any undertaking engaged in shipbuilding or boatbuilding, in the generation, transformation or transmission of electricity or motive power of any kind, or in the distribution or purification of water;
  - (ii) any undertaking engaged in the construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, airport, harbour, dock, wharf, pier, road, tunnel, bridge, viaduct, sewer, drain, well, waterwork, irrigation or drainage work, or any wireless, cable, telephonic or electrical installation, and any undertaking engaged in other similar work or in the preparation for or laying the foundation of any such work or structure;
  - (iii) the quarrying or extraction from the earth of stone, sand or earth;
  - (iv) the felling and clearance of trees;
  - (v) any undertaking engaged in the transport of passengers or goods by road, rail, air or between the ports in the colony, including the handling of goods at docks, quays, wharves, warehouses and airports, but excluding transport by hand;

## EMPLOYMENT OF CHILDREN AND YOUNG PERSONS ACT 1963

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- (e) “night” means the interval between eight o’clock in the evening and six o’clock in the morning;
- (f) “vessel” means any ship or boat, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned, but excluding ships of war;
- (g) “young person” means a person who has ceased to be a child but who is under the age of eighteen years.

(2) For the purposes of this Act, a child or young person who assists in a trade or occupation carried on for gain shall be deemed to be employed in that trade or occupation notwithstanding that he receives no reward for his labour.

(3) Any reference in this Act to any Act shall include that Act as amended from time to time or any Act replacing the same.

*[Section 1 amended by 1998:38 effective 1 January 2000; Section 1 subsection (1) amended by 2010 : 36 s.3(b) effective 16 July 2010; Section 1 subsection (1)(a)(v) amended by BR 5 / 2011 para. 5 effective 25 February 2011; Section 1 subsections (1)(a)(iii) and (1)(a)(v) amended by BR 40 / 2013 para.2 effective 3 May 2013]*

### Savings

2 (1) Any restriction imposed by this Act on the employment of a child or of a young person shall be construed as being in addition to and not derogating from or prejudicing the effect of any other restriction imposed on the employment of a child or, as the case may be, of a young person.

(2) Nothing in this Act shall be construed so as to derogate from or abridge any provision of the Criminal Code [*title 8 item 31*] or of the Children Act 1998 [*title 27 item 26*].

*[Section 2 amended by 1998:38 effective 1 January 2000]*

### Restriction of employment of person under 13

3 No child shall be employed in any employment whatsoever:

Provided that this section shall not apply to light work of an agricultural, horticultural or domestic character where the parent or guardian of the child is also the employer of the child, or to transport by hand of a light nature.

### Conditions of employment of person under 13

4 Without prejudice to section 3, no child—

- (a) shall be employed in any undertaking without his having a weekly continuous rest period of at least thirty-six hours;
- (b) shall be employed in any employment in which he is required to lift, carry or move anything so heavy as to be likely to cause injury to him; or
- (c) shall be employed, generally, in such a manner as to be prejudicial to his health or physical development.

## EMPLOYMENT OF CHILDREN AND YOUNG PERSONS ACT 1963

---

### Restrictions on employment of person required to attend school

5 No child or young person below the upper limit of the compulsory school age within the meaning of section 27 of the Education Act 1954 [*title 12 item 1*]

- (a) shall be employed during school hours on any day on which he is required to attend school or, as the case may be, on which he would ordinarily attend school;
- (b) shall be employed for more than two hours on any day on which he is required to attend school or, as the case may be, on which he had attended school; or
- (c) shall be employed, generally, in such a manner as to make him unfit, either bodily or mentally, to obtain proper benefit from his education.

### Restriction on employment of person under 15 in any industrial undertaking or in a vessel

6 (1) Subject to this section, no child or young person under the age of fifteen years, shall be employed in any industrial undertaking, or in or upon any vessel other than a vessel where only members of his family are employed.

(2) Nothing in subsection (1) shall prohibit the employment of a child or a young person under the age of fifteen years—

- (a) in light work as an errand boy or messenger; or
- (b) in other light ancillary work connected with an industrial undertaking; or
- (c) in work for the purpose of training him in any trade or employment where the work is of a light and safe character and is not likely to be injurious to his health or physical development.

### Restriction on employment of person under 18 at night

7 No person under the age of eighteen years shall be employed during the night:

Provided that such person may be employed until midnight—

- (i) if that person has reached the age of sixteen years; and
- (ii) in the case of a female, adequate arrangements are made by the employer for her safe return home after working at night.

### No person under 18 to be employed as trimmer on any vessel

8 No child or young person shall be employed as a trimmer on any vessel.

### Medical examination before taking employment at sea

9 Any child or young person taking employment on any vessel shall be medically examined before he undertakes such employment and at least once in every twelve months thereafter, and such child or young person shall not be so employed unless he has been certified by a registered medical practitioner as being fit to undertake such employment.

## EMPLOYMENT OF CHILDREN AND YOUNG PERSONS ACT 1963

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### Minister may make regulations

10 (1) Subject to this Act, the Minister may make regulations with respect to the employment of children and young persons.

(2) Regulations made as aforesaid may distinguish between children or young persons of different ages and sexes and between different localities, trades, occupations and circumstances.

(3) Provision may be made by regulations made under this section for prohibiting absolutely the employment of children or young persons in any specified trade or occupation.

(4) Regulations made under this section shall not have effect so as to modify or relax any restrictions imposed on the employment of children and young persons by reason of the foregoing provisions of this Act, and any restrictions imposed by any such regulations shall have effect in addition to any restrictions imposed as aforesaid by the foregoing provisions of this Act.

(5) The affirmative resolution procedure shall apply to regulations made under this section.

### Regulations may provide for inspection of premises or vessels and require to be displayed

11 Regulations made in pursuance of any provisions of this Act—

- (a) may, for or in connection with any of the purposes of the regulations, provide for the inspection of any premises or vessels ;
- (b) may require that the regulations, or any part or extract therefrom, shall be displayed in any place.

12 *[Repealed by 1977:35]*

### Authorized officer may require information

13 (1) Where it appears to an authorized officer, on reasonable grounds, that a child or young person is in employment, the authorized officer, on producing, if so required, some duly authenticated document showing his authority, may require any person who appears to him, on reasonable grounds, to be the employer or the parent or guardian of the child or young person to furnish to the officer such information relating to the age and employment of the child or young person as the officer may require; and it shall be the duty of the employer, parent or guardian to furnish to the officer such information as is in his possession accordingly.

(2) Any employer, parent or guardian who refuses to furnish any information as aforesaid, or who furnishes any information which he knows to be false in a material particular, or which he does not believe to be true, commits an offence against this Act.

## EMPLOYMENT OF CHILDREN AND YOUNG PERSONS ACT 1963

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Authorized officer may enter premises or board vessel

14 (1) Subject to this section an authorized officer shall, on producing, if so required, some duly authenticated document showing his authority, be entitled to enter any premises or to go on board any vessel at all reasonable hours for the purpose of ascertaining whether there is, or has been, on or in connection with the premises, or vessel, any contravention of this Act or of any regulations made in pursuance thereof:

Provided that admission to any premises, or entry upon any vessel, shall not be demanded as of right unless twenty-four hours' notice of the intended admission or entry has been given to the occupier of the premises or, as the case may be, to the master or agent of the vessel.

(2) Where it is shown to the satisfaction of a Justice of the Peace on sworn information in writing—

- (a) that admission to any premises or entry on board any vessel has been refused, or that refusal is apprehended, or that the occupier of the premises or the master of the vessel is temporarily absent, or that the case is one of urgency, or that the giving of notice under the foregoing subsection would defeat the object of the admission or entry; and
- (b) that there are reasonable grounds for admission to the premises or for going on board the vessel for any of the purposes mentioned in the foregoing subsection,

then in any such case the Justice of the Peace may by warrant under his hand authorize an authorized officer to enter the premises or to go on board the vessel, if need be by force:

Provided that a warrant as aforesaid shall not be granted unless the Justice of the Peace is satisfied either that notice of the intention to apply for a warrant has been given to the occupier of the premises or, as the case may be, to the master of the vessel, or that the occupier or master is temporarily absent, or that the case is one of urgency, or that the giving of notice would defeat the object of the entry.

(3) An authorized person entering any premises or going on board any vessel in pursuance of this section, or in executing a warrant granted thereunder, may take with him such other persons as may be reasonably necessary in the circumstances.

(4) A warrant granted under subsection (2) shall continue in force until the purpose for which the entry is necessary has been satisfied.

Contravention of restrictions an offence

15 Any person who employs, or causes to be employed, a child or young person in contravention of any of the foregoing provisions of this Act or of any regulations made in pursuance thereof or being the parent or guardian of the child or young person allows any such contravention, engagement or participation to take place, commits an offence against this Act:

Punishment on summary conviction: a fine of \$1,440.

## EMPLOYMENT OF CHILDREN AND YOUNG PERSONS ACT 1963

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### Obstruction an offence

16 Any person who wilfully obstructs any person acting in the execution of any provision of this Act or of any regulation or warrant made or granted in pursuance thereof commits an offence against this Act.

### Punishment where none provided

17 Where a person commits an offence under this Act for which no specific punishment is provided:

Punishment on summary conviction: a fine of \$360 for each offence or, in respect of a second or subsequent offence, a fine of \$720.

### Summary prosecution of offences

18 Offences against this Act shall be prosecuted before a court of summary jurisdiction.

### Register must be kept on premises or vessel

19 (1) The employer of any young person or the master of any vessel on board of which a young person is employed shall cause to be kept in or on the premises of the industrial undertaking or on the vessel, as the case may be, in which such young person is employed, a register in such form and containing such particulars as may be prescribed.

(2) Any register required under this section shall at all times be open to inspection by any authorized officer or in the case of any register required to be kept on a vessel by any authorized officer or any registered medical practitioner.

### Persons who may institute proceedings

20 Criminal proceedings shall not, without the written consent of the Director of Public Prosecutions, be instituted in respect of an offence against this Act by any person other than the Commissioner of Police or an authorized officer.

*[Section 20 amended by 1999:8 s.2 & Sch 1 effective 1 April 1999]*

[Assent Date: 28 December 1963]

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### *[Amended by:*

1969 : 673  
1977 : 35  
1998 : 38  
1999 : 8  
2010 : 36  
BR 5 / 2011  
BR 40 / 2013]