



Department for Business & Trade

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26 September 2025

Dear Damian,

The Employment Rights Bill: Heritage Railway

Thank you for your contributions during the Commons consideration of Lords Amendments for the Employment Rights Bill on 15 September. I am writing to you in response to your question regarding Lords amendment 60 and the proposition that legislation currently in place prevents young people (aged 14-16) carrying out voluntary work on a heritage railway or tramway.

The government, like you, values the work of the heritage railway sector and it recognises the importance of young people being able to work in volunteer positions. However, our position is that amendment 60 is unnecessary, disproportionate and creates legal uncertainty. The laws around child employment are inherently complex and there is a misunderstanding that the Employment of Women, Young Persons, and Children Act 1920 ("the 1920 Act") makes it wholly unlawful for young people to volunteer on heritage railways or Tramways. In fact, while the 1920 Act prevents young people from undertaking higher risk work, such as shunting activities and railway construction, it does not preclude them from all volunteering roles within a heritage railway.

The Health and Safety at Work etc. Act 1974 places duties on employers the breach of which gives rise to criminal liability. The protections extend beyond employees, to members of the public and volunteers who may be exposed to risks arising from the employers' undertaking.

The Management of Health and Safety at Work Regulations 1999 build upon and make more explicit the duties in the Health and Safety at Work etc. Act 1974. The Regulations require employers to make suitable and sufficient assessment of the risks to the health and safety of their employees while they are at work, and to other persons arising out of or in connection with their undertaking. The Regulations expressly require employers to ensure young persons they employ are protected at work from any risks to their health or safety which are a consequence of their lack of experience, or absence of awareness of existing or potential risks or the fact that young persons have not yet fully matured.

As a result, young volunteers can take part in a range of low-risk activities, including some maintenance and repair activities, as long as those activities do not prejudice the health and safety of the young person in question, taking account of their age, lack of experience and levels of maturity.

There is no evidence that we have seen to show that the 1920 Act is a barrier to young volunteers joining heritage railways. Well-run schemes like Ffestiniog and Welsh Highland Railway and Talylyn and Swanage show young people can still take part safely and legally.

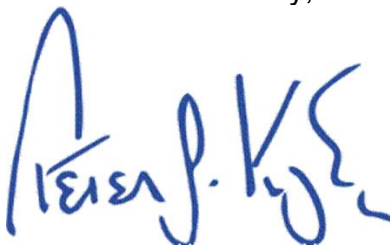
The 1920 Act would be complex and disproportionate to amend. This is due to its links to the Children and Young Persons Act 1933, the Children and Young Persons (Scotland) Act 1937 and the Children and Young Persons Act (Northern Ireland) 1968. Before any amendment or repeal could be considered there would need to be a thorough review of these Acts together with associated legislation including many Local Authority byelaws made under these Acts, which also contain limitations in relation to work and children, including the limitation of only 'light work'.

Officials from the Health and Safety Executive (HSE) and the Office of Rail and Road (ORR) have previously offered to support the Heritage Railway Association (HRA) develop updated guidelines for heritage railways on how to offer appropriate opportunities for young volunteers. This would include better definition of what is lower and higher risk activity for young volunteers. This offer still stands, and I would like to reiterate this position. Working with the HRA and developing guidance is the most appropriate way forward. Guidance will provide clarity, by setting out which activities government regulators would deem suitable or not for children to undertake volunteering with.

Once again, thank you for your contributions during the debate. I hope this letter provides clarity on the position of the government and its willingness to support young people being able to work in volunteer positions.

I am placing a copy of this letter in the Library of the House.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Peter J. Kyle', with a stylized flourish at the end.

Rt Hon Peter Kyle MP

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