

Children and Young Persons Acts 1933 and 1963 Children (Performance) Regulations 1968 (as amended)

These notes give general information only, to help those who are involved in performances by children. The Acts and Regulations should be consulted for more detailed information.

The Licensing Authority (Local Education Authority [LEA]) must be satisfied that:

- the child's education will not suffer
- that his or her health will not suffer
- and that the place of performance/rehearsal is satisfactory and the
- conditions of the licence will be observed

The Licensing Authority is empowered to revoke a licence if it is not satisfied.

What is a Performance?

A "Performance" is taking part in a presentation or assignment either:

- a) in connection with which a charge is made (even if no charge is made for admission)
- b) on licenced premises or in a licenced club
- c) which is broadcast
- d) which is being filmed or recorded for public exhibition or broadcast.

Who must have a licence?

The law applies to all children from birth until completion of compulsory schooling (Last Friday in June, during the school year in which the child attains the age of sixteen).

A child must be licenced if:

- he/she performs for more than four days in any six month period
- if absence from school is required
- payment is received for the activity/performance

Licences may be issued for children as follows

- Children employed in paid modeling work, photographic or catwalk work
- Children working in paid/professional sport
- Children in Entertainment - performing on stage or in television, films, commercials etc.

- 1) **Children under 14** may be licenced to act, if the producer signs a certificate to say that the part may not be played by an older child. They may also be licenced to take part in Opera or Ballet (including all forms of dance) if no other type of performance is being given on the same bill with a certificate similar to the one for acting. They must be licenced too for musical or mainly musical performances.
- 2) **Children aged 14 or over** may be licenced for any sort of performance, except for one that is dangerous.

Exceptions

Performances arranged by schools (ordinary schools, not dance schools) do not need to be licenced.

A "Body of Persons" (youth organizations, amateur dramatics, etc) may be given permission by the secretary of state, but permission must be given in advance, and conditions may be laid down.

How to Apply for a Licence

An application for a licence is made on a standard form obtained from the Child Employment team at the Local Education Office. By Law the application must be made by the person responsible for the care and attention of the child on that day, normally the Producer/Photographer, etc. The application needs to be submitted with the following enclosures:

- a) a photocopy of the child's birth certificate or other satisfactory evidence of the child's age
- b) two identical passport size photographs of the child taken during the six months preceding the application
- c) a medical certificate/doctors note stating that the child is physically fit for the proposed activity.

Please Note

Work in film, stage or television requires a dated medical certificate or doctors note. A parental declaration is accepted for modeling, photography and sport.

- d) a copy of the contract, draft contract or other document containing particulars of agreement regulating the child's appearances in the performances or regulating the activity for which the licence is requested.
- e) A declaration under section 38(1)9(a) or (b) of the children and young persons act 1963 stating that the part may only be played by a child. (Only applicable in certain cases)

When a licence is issued it will be sent to the producer who signed the application.

When should the licence application be made?

At Least 21 days before the first day of the performance.

Who is the licence Holder?

The producer is the licence holder and must sign the application.

The Licence holder has responsibility for observing the restrictions and conditions of the licence.

What records must the licence holder keep?

- 1) The Licence
- 2) The following particulars in respect of each day (or night) on which the child is present at the place of performance:
 - a) the date
 - b) the time on arrival at the place of performance
 - c) the time of departure at the place of performance
 - d) the times of each period which the child took part in a rehearsal or performance
 - e) the time of each rest interval
 - f) the time of each meal interval
 - g) the times of any night work authorized by the local education authority.
- 3) The arrangements made for the child's education
- 4) Details of injury and illness (if any) suffered by the child at the place of performance, including the dates on which such injuries occurred and stating whether such injuries or illness prevented the child from being present and the place of performance.
- 5) Dates of any medical examination carried out under regulation 17 of the Children (Performances) Regulations 1968.
- 6) Dates of breaks in performances required under regulation 16 of the Children (Performance) Regulations 1968.
- 7) All sums earned by the child, name address and description of the persons to whom such sums were paid.
- 8) Details of Chaperones and where they are registered.

The holder of such a licence should keep these records and produce them on request of an officer of the authority who granted the licence, at any time not later than six months after the performance to which it relates.

Requirements Common to all Types of Performances

Education

The child's education cannot be allowed to suffer because of the performances. It is the responsibility of the licence applicant to indicate what arrangements have been made for the child's education. These should be arranged with the head of the child's school before the application is made. It is then for the licensing authority to decide whether these arrangements are satisfactory, and leave of absence from the school can be granted.

Private tuition is considered essential for long engagements, e.g. long running musicals, TV Series. A private tutor has to be approved by the licensing authority and may teach a maximum of six children, except when they are a similar age and standard when the maximum may be 12. A combination of private tuition and ordinary school attendance during the currency of the licence is not considered to be satisfactory education.

Medical Examinations

The Education Authority may ask for a medical report on a child before, during or after a performance.

A medical report is required for all TV or film productions that require a performance licence. For broadcast performances an examination is not required for up to and including six days in a six-month period. For other performances such as theatre work, if the child takes part on the maximum number of days in a week allowed, i.e. six days, and the performances are required for more than one week, a medical report is required.

For modeling and sporting activities a statement by the child's parent, that the child is physically fit for the proposed activity is all that is required.

For performances that take place on four consecutive weeks or more, or for a period of more than a month, the holder of the licence shall ensure that the child is medically examined within forty-eight hours after the end of each four week/one month period.

How many days can a child perform?

Children should not take part in performances or rehearsals on more than six consecutive days.

A child must not perform for the maximum permitted days in a week or more than eight consecutive weeks without an interval of two weeks.

On a full day of attendance at school a child can only appear in one performance/rehearsal. There must be an interval of one and half-hours between two performances/rehearsals in the same day.

This interval may be reduced to 45 minutes on two days in a week, providing the child is not at the place of performance for more than six hours.

A child may take part in performances of the same nature on the same day (this allows a child to take the part of another child in the same performance).

Earliest and latest times a child may perform

These stipulations cover rehearsals and actual performances. The hours, which a child may work in performances (other than recorded or broadcast performances, which have different rules,) are limited.

A child may not take place in a performance if the duration of the entire production, including intervals, exceeds three and half-hours or if his part, or the aggregate of his appearance, exceeds two and half-hours.

- 1) Children under 14 must leave the place of performance by 10pm or half an hour after the performance whichever is earlier
- 2) Children aged 14 or over must leave by 10.30pm or half an hour after the performance whichever is earlier.
- 3) No child will be at the place of performance before 10.00am if the child performed the previous evening.

- 4) There must be at least 14 hours between the end of one performance and the start of the next.

Rehearsals

The regulations also apply to rehearsals in terms of place and time of performance, number of days-performed etc.

How do the rules differ for films and television?

A child must not be at the place of performance or rehearsal for more than five days in one week.

Aged 9+

This child must not be present for more than nine and half-hours at the place of performance.

Earliest and latest times 7.00am to 7pm.

Any continuous period of performance is limited to one hour.

Total period of performance is limited to four hours.

A child present at the place of performance for more than four hours must have a minimum of two intervals - an hour for a meal. 15 minutes for rest.

A child present at the place of performance for more than eight hours must have a minimum of three intervals - 2x1 hour for meals, 15 minutes for rests. (**Meal** breaks may be reduced to 30 minutes if performers are out doors and maximum hours are not exceeded).

Maximum hours must include any private tuition.

Latest permitted time (7.00pm) may be extended by 30 minutes provided that the total hours are not exceeded, the child will not suffer or if the reason for extension is outside the control of the licence holder. The licensing authority must be notified.

Over 5 and under 9 age group.

Must not be present for more than seven and half-hours at the place of performance.

Earliest and latest times 9.00am to 4.30pm.

Any continuous period of performance is limited to 45 minutes.

Total period of performance is limited to three hours.

A child present at the place of performance for more than three and half-hours must have a minimum of three intervals - one hour for a meal, 15 minutes for a rest.

Under 5 age group.

Must not be present for more than 5 hours at the place of performance.

Earliest and latest times 9.30am to 4.30pm.

Any continuous period of performance is limited to two hours; the remaining time at the place of performance must be for meals, rest and recreation.

Night Work

Films, Television and Broadcast Performances

Where the licensing authority is satisfied that it is absolutely essential, a child may take part in a performance after midnight and before the permitted starting time. The hours after midnight are counted as part of the previous day's performing time. There must be an interval of at least 16 hours before further work. If Night work takes place on two consecutive nights there must be a seven-day interval before further night work.

Other Information

Can a child work abroad?

Local Magistrates Courts grant licences. No child may be taken out of the British Isles to perform without a special licence. **Children and young people under 18 must be licenced to perform abroad.** Children under 14 are restricted to the nature of the performances.

The Licensing authority must be consulted with regard to the number of days the child will perform and the educational arrangements proposed if the period for which the licence is required and if it involves absence from school.

Dangerous Performances (e.g. Circus acts)

No person under 12 can be trained to take part in performances of a dangerous nature.

Children over 12 may be trained under a licence granted by a Petty Sessional Court. If a training licence has been granted the licensing authority has no power to refuse a licence for the performance.

Making Records and CD's

The involvement of children in making records and CDs is subject to the same restrictions as modeling.

Please Note

A licenced performance may be recorded whilst it is taking place.

Who looks after children at their place of performance

The licence holder is responsible for ensuring that a child is supervised at all times and in the charge of a chaperone approved by the licensing authority. (Except when in charge of the tutor, or the child's own parent/guardian.

The Law states that the maximum number of children in the care of a matron/chaperone at any one time must not exceed 12.

Children must be supervised AT ALL TIMES; therefore it may be necessary to engage two or more chaperones for a group of children.

The first duty of the chaperone is to look after the children in his/her care. While acting as chaperone he/she may not engage in any activity that would interfere in the performance of his/her duties. Except when the child is in the care of a tutor the chaperone is in loco parentis and should exercise the care which a good parent might reasonably be expected to give a child.

If a child is living away from home the chaperone is responsible for the child throughout the currency of the licence. This includes seeing that his lodgings are satisfactory in every way and that he is properly occupied during his spare time.

No child should be allowed to perform when unwell. If a child falls ill or is injured while in the charge of a chaperone or tutor a doctor should be called and the licence holder must immediately notify the parent named in the applicant form and the local authority.

Other Employment

A child may not be employed in any other employment (e.g. paper round) on the day on which, or the day following which, he takes place in a licenced performance.

Useful Publications

The Children and Young Persons act 1933

The children and Young Parsons act 1963

The Children (Performances) Regulations 1968

The Law on performances by children (a guide to the children performances) regulations 1968 and related statutory provisions.

All of the above books are published by Her Majesty's Stationary Office.

The licensing requirements are to protect the child's education, health and welfare. While a licence is in force the place of performance may be visited by an inspecting officer from LEA, who will want to make sure that everything is in order. If seems that it would not be good for the child to continue performing the licence maybe withdrawn.