



Department  
for Education

# **Child performance and activities licensing legislation in England**

**Departmental advice for local authorities  
and individuals working with children in  
all types of professional or amateur  
performances, paid sport and paid  
modelling**

**February 2015**

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# Summary

## About this departmental advice

The child performance licensing and activities legislation sets out the arrangements that must be made to safeguard children when they take part in certain types of performances, paid sport or paid modelling<sup>1</sup>.

The legislation sets out what the law requires of people responsible for putting on performances with children, or engaging them in paid sport or paid modelling (in the rest of this document paid sport and paid modelling are referred to as 'activities'). The relevant primary legislation is Part II of the Children and Young Persons Act 1933<sup>2</sup> and Part II of the Children and Young Persons Act 1963<sup>3</sup>.

Streamlined and simplified regulations, the Children (Performances and Activities) (England) Regulations 2014, came into force on 6 February 2015<sup>4</sup>. The regulations are self-explanatory, so the government does not intend to set out detailed explanation of each of the provisions.

## Expiry or review date

This advice will be reviewed before March 2020.

## Who is this advice for?

This guidance is for:

- those responsible for putting on professional<sup>5</sup> or amateur performances involving children;
- people who engage children in paid sport or paid modelling;
- parents and carers of such children;
- local authorities;
- people who chaperone children in performances, paid modelling or paid sport;
- schools;
- magistrate's courts.

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<sup>1</sup> As listed under section 37(2) of the Children and Young Persons Act 1963 and, where the performance is to take place abroad and is for profit, see section 25 of the Children and Young Persons Act 1933.

<sup>2</sup> [Children and Young Persons Act 1933](#)

<sup>3</sup> [Children and Young Persons Act 1963](#)

<sup>4</sup> [Children \(Performances and Activities\) \(England\) Regulations 2014](#)

<sup>5</sup> Involving children both in Great Britain and abroad.

## **Main points**

### **Purpose of this advice**

This advice is to aid understanding of some of those requirements, especially those areas where questions are more often raised. It should be read alongside the legislation and the sector-led examples to best practice.

Reference to this advice is not a substitute for reference to the Acts and/or regulations and this advice has no statutory force. It should not be taken as providing an authoritative interpretation of the Acts or regulations as that, ultimately, is a matter for the courts.

### **Previous advice and guidance**

Guidance to the child performance legislation was previously issued by the Home Office in 1968. That guidance is obsolete and does not reflect the current legislation; it should be discarded. The Department for Education also published non-statutory guidance on Body of Persons Approvals (BOPAs) in 2010: that guidance is also obsolete and should be discarded. This departmental advice about the legal requirements in respect of child performance and activities supersedes all previous guidance and advice in England.

### **Children (Performances and Activities) (England) Regulations 2014**

On 15 December 2014 the Secretary of State for Education made the Children (Performances and Activities) (England) Regulations 2014. This followed a public consultation on proposals for a new framework for the hours children can perform and the breaks they must have.<sup>6</sup> These new regulations revoke and replace the Children (Performances) Regulations 1968 as they applied to England (as described in the bullet points below).

The regulations set out:

- the requirements in respect of applications for, and the conditions that apply to, licences issued by local authorities in England under section 37 of the 1963 Act for performances and activities;
- the information that must be contained in a licence granted under section 25 of the 1933 Act by a justice of the peace in England in respect of children performing for profit or taking part in activities for which payment is made abroad and the information that must be provided to the Secretary of State in respect of such licences under that section; and
- the requirements for performances in England that are exempted under section 37(3)(a) from the need to obtain a licence.

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<sup>6</sup> [The child performance consultation documents and the report from the exercise](#)

In the rest of this advice, Part II of the Children and Young Persons Act 1933 is referred to as “the 1933 Act” and Part II of the Children and Young Persons Act 1963 is referred to as “the 1963 Act”. The Children (Performances and Activities) (England) Regulations 2014 are referred to as “the regulations”.

# 1. Licensing children to take part in performances and activities in Great Britain

## 1.1 Licensing requirement

1.1.1 Under section 37 of the 1963 Act, a licence must be obtained before a child can take part in certain types of performance and activities in Great Britain<sup>7</sup>. This includes:

- any performance for which a charge is made, whether for admission or otherwise;
- performances on premises licensed to sell alcohol, for example in a hotel, a pub, a theatre;
- any live broadcast performance, for example a television or radio broadcast, internet streaming;
- any performance recorded (by whatever means) with a view to its use in a broadcast or such service or in a film intended for public exhibition.<sup>8</sup> For example a live stage performance recorded for a cinema screening, a feature film, a video or sound recording of a performance on a website. (Note that this does not extend to user generated content, for e.g. where young people or a family record themselves and share it on a website or social media);
- when children take part in sport or modelling for which payment is made (to the child or to someone else in respect of the child taking part) other than expenses.

1.1.2 It should be noted that:

- a performance licence may be required whether or not the child is paid;
- amateur groups, musical performances, student productions or films are not exempt from the requirements;
- licensing requirements apply only to children under the upper limit of compulsory school age (as defined by section 8(3) of the Education Act 1996) (i.e. as a general rule up to the last Friday in June in the school year in which they have their 16th birthday)<sup>9</sup>.

## 1.2 Rehearsals and warm ups for performances

1.2.1 Rehearsals taking place from the first to the last day of the performance period require a licence and are subject to the same restrictions and conditions as performances. A child may not take part in performances, including such rehearsals, on

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<sup>7</sup> That is England, Scotland or Wales.

<sup>8</sup> This may include the recording of performances for use on internet sites.

<sup>9</sup> The requirements apply to all children from babies to compulsory school leaving age. This is not changed by the raising of the participation age, which requires that 16-18s must participate in some form of education or training.

more than 6 consecutive days. Any rehearsal on the day of a performance or activity counts towards the permitted hours the child can be at the place of performance or activity. Warm-up time should be taken into account when assessing the amount of time that a child spends in rehearsal (see 4.4).

1.2.2 The licensing requirements of the Act do not apply to rehearsals that take place before the first day of performance. When considering an application for a licence, and in order to satisfy itself that the child's education and well-being will not suffer, the licensing authority should have regard to the amount of rehearsals before the first day of performance. The regulations require that information as to the dates, places, approximate duration of and proposed arrangements in relation to rehearsals taking place at any time before the first day of performance must be provided as part of the application for a licence.

1.2.3 The licensing authority can place conditions on the licence to protect the child's education or wellbeing, where they have reason to believe that the overall schedule might otherwise have a negative impact on the child (the sector led best practice provides some examples).

## 1.3 Exemptions from the licensing requirement for performances

1.3.1 Exemptions are set out in section 37(3) of the 1963 Act, which only apply **where no payment in respect of the child taking part in the performance is made** to the child or another person, other than expenses. These exemptions do not apply to paid sport or paid modelling. The exemptions are:

### The 'four day rule'

1.3.2 Under section 37(3)(a) of the 1963 Act, if a child has **not performed on more than 3 days in the last 6 months**, they will not need a licence for performance on a fourth day. Once a child has performed on 4 days in a 6 month period (in any performance, regardless of whether a licence was in place on any of those days or the child was taking part in a performance arranged under a body of persons approval – see 1.3.7) then a licence is required for any further performances (unless one of the other exemptions referred to below applies).

1.3.3 If a child is to be absent from school this exemption cannot be relied upon: a licence will be required.

1.3.4 Where the four day rule exemption is relied upon, certain conditions and restrictions will still apply to the performance (see section 4).

1.3.5 It is a legal requirement to seek a licence when one is required and any person who causes or procures any child to do anything in contravention of the licensing



requirement commits an offence and may be subject to a fine, imprisonment or both. If a producer is relying on the four day rule as a basis for not applying for a licence, they should have reasonable grounds for believing the child has not performed on more than 3 days in the previous 6 months<sup>10</sup>.

### **Performances given under arrangements made by a school**

1.3.6 Under section 37(3)(b) of the 1963 Act, a licence is not required where the performance in which the child is taking part is given under **arrangements made by a school**. The deciding factor is whether the school is responsible for organising and producing the performance. The school in question has to fall within the meaning of a 'school' in the relevant Education Acts i.e. an educational institution that provides primary and/or secondary education. The table below sets out when a performance would meet the criteria for this exemption, and when it would not.

<b>Who is making the arrangements?</b>	<b>Is a licence required?</b>
The child's school	No
<p>A school within the meaning of the relevant Education Acts (but which the child does not attend) – this can include:</p> <ul style="list-style-type: none"> <li>• a performing arts school which also provides a child's main education; and</li> <li>• a school providing a child's main education working alongside a performing arts school (education is jointly provided), providing each is a 'school'.</li> </ul> <p>A child who is home educated could qualify under this exemption if the arrangements for the performance are made by a school<sup>11</sup>.</p> <p>This exemption would not be affected by a broadcaster filming the event as part of an observational documentary – as long as the children are not directed to act in a particular way.</p>	No
Dance schools, circus schools, conservatoires and similar organisations where the child is attending purely for training in that performance activity (as opposed to receiving their main education)	Yes (assuming no other exemption applies)

<sup>10</sup> The provision dealing with the offences is Section 40 of the 1963 Act.

<sup>11</sup> The legislation does not specify that arrangements have to be made by a school that the child is attending – just that they be made by a school.

Who is making the arrangements?	Is a licence required?
A third party. For example, where children from a school or a number of schools take part in a performance where arrangements are made by a third party such as a broadcasting company, i.e. the third party is responsible for the production.	Yes (assuming no other exemption applies)

### **Body of Persons approval (BOPA)**

1.3.7 Also under section 37(3)(b) of the 1963 Act, a licence is not required where a performance is given under arrangements made by a ‘body of persons’ approved by the local authority in whose area the performance takes place or, in a few exceptional circumstances, by the Secretary of State. Further detail is set out below.

#### **What is a BOPA?**

- A BOPA can be issued for an organisation (known as a ‘body of persons’ for these purposes) for a specific performance or for a limited period of time as set out in the approval, to put on performances involving children.
- The granting of a BOPA to an organisation replaces the need to apply for individual licences from each child’s home local authority during the period of approval – as long as the BOPA criteria and conditions continue to be fulfilled.

#### **Who can apply?**

- The organisation responsible for putting on the performance, and for ensuring the safety and wellbeing of the children taking part, must apply.
- Any type of organization can apply; it doesn’t matter if they are a professional company, amateur group, stage or broadcast - as long as no payment (other than expenses) is made for the child to take part.

#### **Who can issue a BOPA?**

- BOPAs are issued by the local authority where the performance is taking place.
- The Secretary of State has the power to issue a BOPA, but will not generally consider applications. This is because local authorities are better placed to assess arrangements made to safeguard children in local activities, to inspect those arrangements and enforce any requirements or conditions intended to protect children.
- The Secretary of State will not consider any applications that do not involve a large number of performances with a large number of children across a significant number of local authority areas.

#### **What needs to be considered?**

- The decision whether to issue a BOPA is at the discretion of the local authority (or Secretary of State). They would want assurance that the body had clear, robust and well embedded policies for safeguarding children.
- A BOPA does not authorise absence from school for any child involved in the performances. If the performance involves absence from school that should be approved by the school – but see 3.2 in respect of the ability to approve absence from school.
- Where a performance is taking place under the auspices of a BOPA, the legislation does not require that the child be supervised by a chaperone approved by the local authority.

## 1.4 Applying for a licence

1.4.1 Where a child is resident in Great Britain (i.e. England, Scotland or Wales) and the performance is to take place in Great Britain, an application for a licence must be submitted to the child's home local authority. Local authorities are responsible for the administration of licences. This sits alongside their overall responsibility for safeguarding children. (For performances or activities outside of Great Britain, see section 7).

1.4.2 Where a child does not live in Great Britain, the application must be made to the local authority in whose area the applicant lives or has their place of business. This includes all performances that take place in England, Scotland and Wales and this means, for example, that where a child is resident in Northern Ireland or the Republic of Ireland, the licence application should be submitted to the local authority where the responsible person either resides or has his place of business.

1.4.3 The legislation does not specify where the application should be made if the responsible person has no residence or place of business in England. However, there is still a licence requirement (see sector led best practice).

1.4.4 The person<sup>12</sup> responsible for organising, producing or running the activity or for the production of the performance in which the child is to take part should be the person who applies, in writing, for the licence where one is required. For the purposes of this advice, we shall refer to him/her as the "responsible person". The responsible person should apply for the licence, is the holder of the licence once it is issued, and is accountable for ensuring its conditions are met.

1.4.5 A third party who is not responsible or accountable for the arrangements of a performance or activity, and cannot take operational decisions during the course of that performance or activity for the purpose of protecting the child and ensuring their wellbeing, cannot sign the application or be the holder of the licence.

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<sup>12</sup> 'Person' can in fact be an organisation – a body corporate or unincorporated. However, there will need to be an individual who signs the application on behalf of the organisation.

1.4.6 The information and documentation that must be included with an application are set out in Schedule 2 to the regulations. Where any information that is required by the regulations is unavailable, applicants should indicate this to the local authority to which the application is being made, including reasons why the information is not available. This should not, however, prevent a local authority from processing the application where good reasons are available as to the lack of that information.

1.4.7 Licensing is not simply a paper exercise: someone with the authority to make or change the arrangements during the performance or activity must be legally accountable for ensuring safeguarding arrangements are made and adhered to.

## 1.5 What is the timescale for getting a licence?

1.5.1 The responsible person must submit a licence application to the relevant local authority, allowing sufficient time for the local authority to consider and process it. A local authority may refuse to consider an application if the performance or activity is less than 21 days away. Responsible persons should consider the risks to children and the arrangements needed to mitigate them at the start of planning for any performance or activity. Safeguarding children must not be an afterthought.

1.5.2 Business practice might demand and expect a more rapid turnaround of licence applications. Adoption of best practice – by applicants and licensing authorities - can help speed the process. Licensing authorities need a realistic and reasonable amount of time to assess licence applications and satisfy themselves about the arrangements for safeguarding the child: this must take priority over any business or operational concerns.

## 1.6 Granting a licence

1.6.1 Under section 37(4) of the 1963 Act, a licence must only be granted by the local authority to which the application is submitted once it is assured that:

- the child's education, health and wellbeing will not suffer; and
- the conditions of the licence will be observed<sup>13</sup>.

## 1.7 Conditions that may be placed on a licence application

1.7.1 Under regulation 5, a licensing authority **must** impose any conditions it considers necessary to ensure the child is fit to take part in the performance or activity, that there will be proper provision for the child's wellbeing and that the child's education will not suffer (so that it is able to comply with its duty under section 37(4)). For example, such

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<sup>13</sup> The granting of licences under section 37(4) must be exercised by the licensing authority subject to any restrictions and conditions in the regulations.

conditions may include conditions specific to transport and travelling to and from the place of performance or activity.

1.7.2 Where the applicant is unable to specify the dates of the performance or activity then, if the licensing authority decides to grant a licence, it **must** impose a condition that the child can only take part in that performance or activity for a specified number of days within a 6 month period. In practice this is often referred to as an 'open licence'. A licence can only be issued to the responsible person for a specific performance or activity. There is no such thing as an 'open licence' with regard to, for example, different modelling jobs. Best practice can, however, be adopted by licensing authorities to streamline and speed up the application process, to enable children to take up opportunities that may arise at short notice.

1.7.3 In addition, the local authority may impose conditions in respect of:

- any earnings the child receives in relation to taking part in the performance or activity;
- any accommodation in which the child will live whilst taking part in the performance or activity where the child is required to live away from home; and
- the place where the performance, rehearsal or activity is to take place.

## 1.8 Turning down a licence application

1.8.1 If a local authority refuses to grant a licence it **must** provide the reason(s) for this decision, in writing (see section 39(6) of the 1963 Act). The responsible person may appeal to a magistrates' court against the refusal, revocation or variation, and against any condition under which a licence is granted or an approval is given (where the condition is not one that the local authority are required, under the legislation, to impose).

## **2. General requirements**

2.1 The regulations set out detailed requirements that must be met when a child takes part in a performance or activity under a licence, or where a child is performing without the need for a licence because of the exemption under section 37(3)(a) of the 1963 Act. These restrictions can be broken down into three categories:

- 1) General requirements applicable to all licensed performances or activities set out in Part 3 of the regulations;
- 2) Restrictions in relation to all performances (i.e. all licensed performances and all performances exempted under section 37(3)(a) of the Act) set out in Part 4 of the regulations; and
- 3) Restrictions and exceptions in relation to all licensed performances set out in Part V of the regulations.

## 3. General requirements applicable to all licensed performances or activities

### 3.1 Regulation 13 - Education

3.1.1 Under section 37(4) of the 1963 Act and regulation 13, the local authority to whom the application is submitted must not grant a licence unless it is satisfied that the child's education will not suffer as a result of taking part in a performance or activities for which the licence is requested.

3.1.2 Where arrangements are made for the education of the child during the term of the licence (i.e. because the child will be absent from school), these arrangements must be approved by the local authority. The local authority must be satisfied that the course of study and private teacher are suitable for the child in question, and that the numbers of children to be taught by the private teacher at the same time do not exceed the limits set out in regulation 13(3)(d).

3.1.3 The responsible person must ensure that where such arrangements are approved by the licensing authority, these arrangements are carried out.

3.1.4 Where arrangements are made for the education of the child, the child must receive education that, when taken together over the term of the licence, amounts to a minimum of 3 hours per day that the child would be required to attend a school maintained by the local authority issuing the licence.<sup>14</sup>

3.1.5 Regulation 13(4) provides that this requirement will be met if the child receives education:

- for not less than 6 hours a week; and
- during each complete period of 4 weeks (or if there is a period of less than 4 weeks, then during that period) for periods of time not less than the aggregate periods required by regulation 13(3)(e) (i.e. not less than 3 hours on each day); and
- on days on which the child would be required to attend school if he/she were attending a school maintained by the local authority (i.e. usual school days); and
- for not more than 5 hours on any such day.

3.1.6 To illustrate this, if a child would be attending a maintained school for five days a week, over a four week period, a child would be required to undertake sixty hours education (three hours x five days x four weeks). This could be provided as follows:

- Week One – six hours (not more than five hours in any one day)

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<sup>14</sup> This is regardless of what type of school that particular child normally attends.

- Week Two – six hours (not more than five hours in any one day)
- Week Three – twenty-four hours (five hours on four days + four hours on one day)
- Week Four – twenty-four hours (five hours on four days + four hours on one day)
- TOTAL – sixty hours.

3.1.7 Regulation 13(3) applies to the provision of education by a private tutor. However, the last limb does not specifically state that the periods of education have to be provided by the private tutor so licensing authorities may be content to approve arrangements that include some of the education being provided at a school.

## 3.2 Absence from school

3.2.1 In accordance with section 37(7) of the 1963 Act, where a licence is issued and it specifies the dates that a child is to be away from school to perform then the child's absence from school is deemed to have been granted such that permission is not needed from the school.

3.2.2 In circumstances where a licence is issued and the terms of the licence do not specify dates (i.e. an 'open' licence, see 1.7.2), then if the child attends an independent school (including academies and free schools) it is at the discretion of the head teacher to authorise the leave of absence for each date. A child should not be absent from school to take part in a performance or activity without such approval. This will also apply to any performance the child is taking part in to which an exemption under section 37(3) applies.

3.2.3 For local authority maintained schools and special schools not maintained by the local authority<sup>15</sup>, a child may not be absent from school in order to perform or to take part in paid sport or modelling unless a licence has been obtained from the child's local authority<sup>16</sup>. In practice, this means that unless the performance or activity is taking place outside of school hours (for example at a weekend or during school holidays), a child may not rely upon one of the exemptions in section 37(3) in order to perform as the head teacher may only authorize absence for a child to take part in a performance or activity for which a licence has been obtained.

## 3.3 Regulation 15 - Chaperones

3.3.1 A child performing, rehearsing for a performance during the performance period, taking part in an activity, or staying in accommodation in order to take part in a performance or activity under a licence, must be supervised at all times whilst taking part in a performance or activity, or whilst at that accommodation, by a chaperone, unless they are under the direct supervision of either their parent or a teacher from their school

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<sup>15</sup> Section 337 of the Education Act 1996 defines a non-maintained special school as a school 'specially organised to make special educational provision for pupils with special educational needs', which is approved by the Secretary of State.

<sup>16</sup> Regulation 7 of the Education (Pupil Registration) (England) Regulations 2006.



or their home tutor. Chaperones must be approved by the local authority that has granted the relevant licence to the child as part of the application process as being suitable to exercise care and control of the child in question.

### **3.4 Regulation 16 – Accommodation**

3.4.1 Where a child is to live away from home in order to take part in a performance or activity under a licence, the local authority issuing the licence must approve that place as being suitable for the child in question. As stated above at 1.7, a local authority may impose conditions in respect of the accommodation, including that transport will be arranged for the child to get to and from the accommodation to the place of performance, rehearsal or activity, and that suitable arrangements must be made for meals for the child.

### **3.5 Regulation 17 – Place of performance and place of rehearsal**

3.5.1 The local authority issuing the licence must approve the place where the performance, rehearsal (during the performance period) or activity is to take place. In order to do so, the local authority must be satisfied that suitable arrangements will be made for meals for the child and for changing/washing facilities. When providing its approval, the local authority may impose such conditions as it feels necessary.

### **3.6 Regulation 18 – Travel arrangements**

3.6.1 The responsible person must ensure that suitable travel arrangements are made to get the child home, or to any accommodation provided to the child. Where the local authority issuing the licence has imposed conditions in respect of such arrangements, the responsible person must ensure that those conditions are complied with.

## 4. Restrictions in relation to all performances (i.e. all licensed performances and all performances exempted under section 37(3)(a) of the Act).

4.1 Regulations 20 to 24 set out a number of limitations and requirements in respect of all performances for which a licence is required or for which no licence is required by virtue of the exemption in section 37(3)(a) of the 1963 Act. These restrictions only apply to performances; they do not apply to activities. The licensing authority may consider it appropriate, with reference to regulation 5, to place these limitations and requirements as conditions on licences for paid modelling or paid sport (see sector-led examples to best practice). They may not be appropriate for all types of paid sport, however, for e.g. where stamina and endurance may be an integral part of the sport.

4.2 Under regulation 20, a child must not take part in any other employment on the day of, or the day following, a performance. There are no restrictions on actions related to the performance they are licensed for, for e.g. a child can take part in a press conference on the day of a performance, and there are no restrictions on the number of performances or rehearsals – as long as these take place within the overall hours limits.

4.3 The earliest and latest hours that a child can be present at a place of performance or rehearsal (during the performance period) are set out in regulation 21 – a child under the age of 5 can be present from 7am until 10pm, whilst a child of 5 and over can be present from 7am to 11pm.

4.4 The **maximum** number of hours a child can perform or be at a place of performance is set out in regulation 22. It is important to note that these are the maximum hours permitted by the legislation; it is not intended that they be the default working pattern for all children. The principles that underpin each licence decision (as set out in section 37(4)) need to be considered: the child must be fit to take part in the performance, proper provision must be made to secure the child's health and kind treatment and that their education does not suffer.

4.5 Any time spent in education that is required by regulation 13 counts toward the maximum permitted hours in one day.

4.6 For children aged 5 until 9 the limit for continuous hours of performance or rehearsal (during the performance period) in one day is 2.5 hours. It is not expected that a child under 9 would ever normally be on stage or in front of a camera continuously for such a long period. If a child is taking part in a physical performance (such as a dance) however, this allows them time to properly warm up<sup>17</sup>.

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<sup>17</sup> A warm up is classed as rehearsal, and if it takes place on or after the date of the first performance it counts toward the total permitted performance time.

4.7 The **minimum** breaks a child must have whilst performing and overnight breaks are specified by regulations 23 and 24. It is important to note that the regulations specify the minimum breaks required by law; it is not intended that they be rigidly adhered to. Children may need more or longer breaks, depending on the activity, the child, and the individual circumstances.

4.8 Whilst 12 hours is the minimum required overnight break for all children, it is generally expected that most children should normally have an overnight break of no less than 14 hours duration. Licensing authorities will want to consider factors such as the time that may be required for the child to travel to and from the place of performance and their home, and whether to place any conditions on the licence to ensure the child has an adequate overnight break.

## **5. Restrictions and exceptions in relation to all licensed performances**

5.1 Regulations 26 to 29 set out restrictions and exceptions that apply to all licensed performances.

5.2 Regulation 26 sets the maximum number of consecutive days upon which a child may perform as 6. As this is a maximum, local authorities should consider whether it would be appropriate for the child in question to perform for this maximum number of days, or whether there might be reasons why this would not be appropriate (in light of the need to be satisfied of the things set out in paragraph 1.6.1 above).

5.3 Under regulation 27, a child must have a break of at least fourteen days following the last performance where that child has been performing on the maximum number of consecutive days over a period of eight week, unless the period to which the licence applies is less than sixty days.

5.4 Regulations 28 and 29 provide exceptions to the rules in respect of the latest time a child may be at a place of performance or rehearsal (during the performance period) under regulation 21 – respectively, these allow local authorities and chaperones to authorise a child to perform after the latest hour, both subject to certain specified conditions being met.

## **6. Compliance and enforcement**

6.1 The local authority has a responsibility to enforce the licensing requirements. They may carry out inspections of the premises:

- where rehearsals during the performance period are taking place;
- where performances or activities are taking place; or
- where the child is receiving their education

in order to check that the licensing conditions are being met.

6.2 Local authorities have powers to amend or revoke existing licences, including those issued by local authorities in Wales and education authorities in Scotland where the performance or activity to which the licence relates takes place within their area.

## **7. Licensing children to perform or take part in activities abroad**

### **7.1 When is a licence required?**

7.1.1 Under section 25 of the 1933 Act, a licence must be obtained before a child of 14 but below compulsory school leaving age can go abroad for the purpose of:

- singing, playing (a musical instrument), performing or being exhibited ‘for profit’<sup>18</sup>, including any broadcast performance; or
- taking part in a sport or working as a model where payment is made to the child or to another in respect of the child’s taking part in that activity, other than expenses.

### **7.2 Restrictions on licensing children aged under 14**

7.2.1 Under section 42 of the 1963 Act, a licence may be obtained for a child under the age of 14 only in respect of specific performances or activities:

- where the engagement is for acting and the application is accompanied by a declaration that the part cannot be taken apart from by a child of around that age;
- where the engagement is for dancing in a ballet (as part of a ballet or opera) and the application is accompanied by a declaration that the part cannot be danced other than by a child of around that age; and
- where the engagement is for taking part in a performance the nature of which is wholly or mainly musical or which consists only of opera and ballet and the nature of his/her part in the performance is wholly or mainly musical.

Abroad is defined in section 30 of the 1933 Act as meaning outside Great Britain and Ireland. If a child is going to perform in Ireland for profit, there is no requirement to obtain a licence from a magistrate (the producer will need to comply with any requirements in the area that the performance is to take place).

### **7.3 When is a licence not required?**

7.3.1 This requirement does not apply where the child in question was only temporarily resident within the UK.

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<sup>18</sup> For example, a performance for which people are asked to pay an admission fee.

## **7.4 Who issues the licence?**

7.4.1 Under section 25(2) of the 1933 Act, a magistrate grants any licence for a child to perform or take part in activities abroad.

## **7.5 Who should apply for the licence?**

7.5.1 Unlike licences for children to perform in Great Britain, there is no stipulation in legislation as to who the applicant for the licence needs to be. However, under section 25(2), the licence cannot be issued unless the magistrate is satisfied that the application is made by or with the consent of the parent/guardian of the child.

## **7.6 What information should be included in a licence application?**

7.6.1 A licence cannot be issued unless the magistrate is satisfied that:

- the child is going abroad to fulfil a particular engagement;
- the child is fit to perform, proper provision has been made to secure his/her health and wellbeing, and for his/her supervision, and for his/her return from abroad at the expiration or revocation of the licence; and
- a copy of the employment contract (or other document showing the terms and conditions of employment for the performance) has been drawn up in a language that the child understands and provided to him/her.

7.6.2 The person applying for the licence must send notice of the intended application together with a copy of the contract of employment or other document showing the terms and conditions of employment to the chief of police for the district in which the child resides at least 7 days before making the application, who may then make a report to the court as to why the licence should or should not be granted.

## **7.7 Licensing decisions**

7.7.1 Licences may only be granted for up to a period of 3 months, although they may be renewed on application (where such an application is supported by the child's parent or guardian and a report is provided from a 'trustworthy person' confirming that the conditions of the licence are being complied with).

7.7.2 A licence may also be varied or revoked by a magistrate.

7.7.3 When granting a licence, the magistrate must (unless satisfied that in the circumstances it is unnecessary) require the applicant to give security in order to ensure that the restrictions and conditions of the licence will be complied with.

7.7.4 Where a decision is made to grant a licence, the information set out in regulation 31 of the regulations must be sent by the magistrate to the Secretary of State for transmission to the appropriate consular officer.

## **7.8 What information does the licence contain once granted?**

7.8.1 A licence granted under section 25 of the 1933 Act must include the information specified in regulation 30 of the Regulations.

7.8.2 Conditions can also be attached to the licence.





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Reference: DFE-00052-2015



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