
WELSH STATUTORY INSTRUMENTS

2007 No. 736 (W.66)

**SOCIAL CARE, WALES
CHILDREN AND YOUNG PERSONS, WALES**

**The Children (Performances)
(Amendment)(Wales) Regulations 2007**

Made - - - - 6 March 2007
Coming into force - - 2 April 2007

The National Assembly for Wales, in exercise of the powers conferred upon it by section 37(4) and (5) of the Children and Young Person Act 1963(1) hereby makes the following Regulations:

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the Children (Performances) (Amendment) (Wales) Regulations 2007, and they come into force on 2 April 2007.

(2) In these Regulations, “the 1968 Regulations” means the Children (Performances) Regulations 1968(2).

(3) These Regulations apply in relation to Wales.

Amendment of the 1968 Regulations

2.—(1) The 1968 Regulations are amended in accordance with the provisions of this regulation.

(2) In regulation 2(1) delete the words “they may request a report from the head teacher in respect of the child.”

(3) Regulation 6 of the 1968 Regulations is revoked.

(4) After regulation 8 insert the following—

“Report from head teacher

8A.—(1) A licensing authority must not grant a licence in respect of a child who attends school unless —

(1) 1963.c.37. Section 37 was amended by the Children (Protection at Work) Regulations 1998 (S.I.1998/276). In relation to Wales, the powers have been transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(2) S.I.1968/1728 as amended by the Children (Performances) (Miscellaneous Amendments) Regulations 1998 (S.I.1998/1678).

- (a) they have obtained a report from the head teacher of that school dealing with any matters relevant to the authority's consideration of section 37(4) of the Act; and
 - (b) have taken account of that report:
- unless the authority is satisfied that it has not been practicable to obtain a report.”
- (5) In regulation 10(4) (education)—
 - (a) omit “on location” in each place where those words occur, and
 - (b) omit sub-paragraph (e).
 - (6) In regulation 12, after paragraph (1) insert the following—
 - “(1A) The licensing authority must not approve a matron unless they are satisfied that —
 - (a) they have provided the matron with information as to the legal responsibilities of a matron and the law on performances by children; and
 - (b) the matron has undertaken child protection training to the level recommended by the Local Safeguarding Children Board where such recommendation has been made.”.
 - (7) After regulation 12(6) insert —
 - (a) “(7) Where the licensing authority think fit, they may grant a licence subject to a condition requiring the holder of the licence to provide the matron with a current copy of the script for the production concerned; and
 - (b) any such condition must be set out in the licence.”
 - (8) After regulation 19 insert the following—

“Child Protection Policy

19A The licence holder must ensure that the policy or policies enclosed with the application are adhered to.”

- (9) In regulation 27—
 - (a) in the heading, for “thirteen” substitute “nine”;
 - (b) in paragraph (1), for “thirteen” substitute “nine”;
 - (c) in paragraph (1)(a), for “eight” substitute “nine and a half”;
 - (d) for sub-paragraph (b) of paragraph (1), substitute “(b) before seven in the morning or after seven in the evening.”;
 - (e) in paragraph (2) for the words from and including “the Independent Television Authority” to and including “the Independent Television Authority” substitute “the Channel 3 licence holder, a broadcaster or independent production company”;
 - (f) in paragraph (2)(a), after “performance or rehearsal” insert “either between the hours of seven in the morning and seven in the evening or”;
 - (g) in paragraph (2)(a)(iii), for “eight” substitute “nine and a half”;
 - (h) in paragraph (2)(b), after “twelve hours” insert “either between the hours of seven in the morning and seven in the evening or”;
 - (i) in paragraph (3), for “thirteen” substitute “nine”;
 - (j) in paragraph (3)(b), for “three and a half” substitute “four”;
 - (k) in paragraph (4), for “thirteen” substitute “nine”.
- (10) In regulation 28—
 - (a) in the heading, for “twelve” substitute “eight”;

- (b) for “the age of thirteen” in each place where those words occur, substitute “the age of nine”;
 - (c) in paragraph (1)(b), delete “, except that a child who has attained the age of ten years may be present until five in the afternoon”;
 - (d) omit paragraph (2).
- (11) In regulation 37—
- (a) in the heading, for “thirteen” substitute “nine”;
 - (b) in paragraph (1), for “thirteen” substitute “nine”; (c) in paragraph (1)(a), for “eight” substitute “nine and a half”;
 - (c) for sub-paragraph (b) of paragraph (1), substitute “(b) before seven in the morning or after seven in the evening.”;
 - (d) in paragraph (2)(b), for “three and a half” substitute “four”.
- (12) In regulation 38—
- (a) in the heading, for “twelve” substitute “eight”;
 - (b) in paragraph (1), for “thirteen” substitute “nine”;
 - (c) in paragraph (1)(b), delete “, except that a child who has attained the age of ten years may be present until five in the afternoon”.
- (13) After paragraph 19 of the Annexe to Part 1 of Schedule 1 insert the following—
- “20** The child protection policy or policies that the applicant will apply.”

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3).

6 March 2007

D. Elis-Thomas
The Presiding Officer of the National Assembly

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Children (Performances) Regulations 1968 in relation to children aged nine or over to increase the maximum length of time to four hours in which a child may take part in a continuous performance or rehearsal without a break. They also extend the permitted hours in the working day and the total number of hours in which these children may be present at the place of performance or rehearsal. They remove the restriction which prohibits the granting of a licence if a child has worked more than a specified number of days in the previous 12 months.

The Regulations also extend, to all performances or activities, existing modifications to the education provisions. For each period of four weeks, or if less than four weeks, for that period, education requirements will be met if the child receives education for at least 6 hours each week, with the remainder of the required hours education taking place on days other than days on which the child would not normally be required to attend school, subject to a maximum of five hours education taking place on any day.

The Regulations impose additional restrictions on the grant of licences in relation to the suitability of the matron and requiring a report to be obtained from the head teacher of any school the child attends. They add further conditions that apply to all licences, requiring the provision of the script to the matron and adherence to relevant child protection policies.