
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 481

CHILDREN

**Children (Public Performances)
Regulations (Northern Ireland) 1996**

Made - - - - 8th October 1996

Coming into operation 4th November 1996

The Department of Education in exercise of the powers conferred on it by Articles 137(3), 138(5) and (7) and 140(1) of the Children (Northern Ireland) Order 1995⁽¹⁾ and of every other power enabling it in that behalf, with the approval of the Department of Health and Social Services, hereby makes the following Regulations:

Part I

Introductory

Citation and commencement

1. These Regulations may be cited as the Children (Public Performances) Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

Interpretation

2. In these Regulations—

“the Order” means the Children (Northern Ireland) Order 1995;

“grant-aided” school means a school as defined in Article 2 of the Education and Libraries (N.I.) Order 1986⁽²⁾;

“day” means a period of twenty-four hours beginning and ending at midnight and, for the purposes of regulation 32(2)(a), any performance taking place after midnight and before the earliest permitted hour as defined in regulation 32(3) shall be deemed to have taken place before midnight;

“licence” means a licence granted under Article 138 of the Order which authorises a child to take part in a performance;

(1) S.I. 1995/755 (N.I. 2)

(2) S.I. 1986/594 (N.I. 3)

“licensing authority” means the education and library board described in Article 138(2) of the Order;

“board” means an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986;

“parent” includes the person with parental responsibility or care of the child within the meaning of Article 6 of the Order;

“school medical officer” means a medical practitioner employed, whether regularly or for the purposes of any particular case, to carry out medical examinations of pupils;

“week” means a period of seven days beginning with the day on which the first performance takes place.

Part II

Application for Licence, etc

Application for a licence

3.—(1) An application for a licence shall be in writing in the form set out in Schedule 1 and shall be signed by the applicant and a parent of the child and shall be accompanied by the documents specified therein.

(2) The applicant shall be the person responsible for the production of the performance.

(3) The licensing authority may refuse to grant a licence if the application is not received by it at least 30 days before the day on which the first performance is due to take place.

Power of licensing authorities to obtain additional information

4.—(1) The licensing authority may make such inquiries as it considers necessary to enable it to be satisfied that it should grant a licence, and in particular it may request a report from the Principal of the school in which the child is a pupil in respect of the child, it may request that the child be medically examined in order to ascertain whether he is fit to take part in the performances for which the licence is requested and that his health will not suffer by reason of taking part in such performances and may interview the applicant, the child and his parents and the proposed matron and private teacher (if any).

(2) The licensing authority may make such inquiries as it considers necessary to enable it to consider, if a licence should be granted, whether the licence should be granted subject to a condition relating to the manner in which sums earned by the child in taking part in any performance to which the licence relates should be dealt with.

Form of licence

5.—(1) A licence shall be in the form set out in Schedule 2.

(2) Except in the case of a licence under paragraph (3), the licence shall specify the names, dates, places and nature of the performances.

(3) A licence for—

(a) the British Broadcasting Corporation;

(b) persons licensed under the Broadcasting Act 1990⁽³⁾ by the Independent Television Commission or Radio Authority;

(3) 1990 c. 42

- (c) persons producing programmes for those mentioned under sub-paragraphs (a) and (b);
- (d) persons recording performances (by whatever means) with a view to their use in a film intended for public exhibition

may, if the applicant so requests in the application form, instead of specifying the dates of performances, specify the number of days on which the child may perform and the period, not exceeding six months, in which the performances may take place.

(4) One photograph of the child accompanying the application form shall be attached to the licence; the other shall be retained by the licensing authority.

(5) The licensing authority shall send a copy of the licence to the parent who signed the application form.

Particulars to be sent to a board

6. Where a place of performance specified in a licence is in the area of a different board from the licensing authority it shall send to that board a copy of the application form and the licence and such other information, if any, relating to the child as it considers appropriate.

Records to be kept by the holder of a licence

7. The holder of a licence shall keep the records specified in Schedule 3 and shall retain them for six months after the performance or last performance to which the licence relates.

Part III

Restrictions on the granting of licences

Number of performing days

8.—(1) Subject to paragraphs (2) and (3) and to regulation 9, a licensing authority shall not grant a licence—

- (a) in respect of a child of thirteen years or over if, during the twelve months preceding any performance in respect of which a licence is requested, he will have taken part in other performances on more than forty days;
- (b) in respect of a child under thirteen years, if, during the twelve months preceding any performance in respect of which a licence is requested, he will have taken part in other performances on more than twenty days;

(2) The relevant number of days of other performances specified in paragraph (1) may be increased by four provided the child has not taken part in a performance on any of the six days preceding any of the said four additional days of performance.

(3) Where an application is made for a licence for a child to take part in a performance to be recorded (by whatever means) with a view to its use in a television broadcast or in a film intended for public exhibition and

- (a) the child will not have taken part in any performance other than a performance to be recorded (by whatever means) with a view to its use in a television broadcast or in a film intended for public exhibition during the twelve months preceding the performance in respect of which the licence is requested, and
- (b) the purpose of the performance for which the licence is requested is to continue the recording of a performance which is incomplete,

the relevant number of days of other performances specified in paragraph (1) may be increased by ten.

(4) In deciding whether to grant a licence and the number of days in respect of which it should be granted, the licensing authority shall take into account—

- (a) the arrangements for rehearsals taking place during the fourteen days preceding the day of the first performance for which the licence is requested, and
- (b) any other form of employment in which the child is employed during the twenty-eight days preceding the day of the first performance for which the licence is requested.

Granting of Licences

9.—(1) A licensing authority shall not grant a licence for a child under fourteen unless—

- (a) the licence is for acting and the application for the licence is accompanied by a declaration that the part the child is to act cannot be taken except by a child of about his age, or
- (b) the licence is for dancing in a ballet which does not form part of an entertainment of which anything other than ballet or opera also forms part and the application for the licence is accompanied by a declaration that the part the child is to dance cannot be taken except by a child of about his age, or
- (c) the nature of the child's part in the performance is wholly or mainly musical and either the nature of the performance is also wholly or mainly musical or the performance consists only of opera or ballet.

Medical examinations

10.—(1) Subject to paragraph (2), a licensing authority shall not grant a licence—

- (a) for performances for film or television, or
- (b) for broadcast performances, other than performances for television, with respect to which the applicant for the purposes of regulation 5(3) requests in the application form that the child may perform on more than six days in a period not exceeding six months, or
- (c) for other performances if the child would perform on the maximum number of days in a week, permitted under Part V or VI, as the case may be, and for a period exceeding one week,

unless the school medical officer, or other medically qualified person approved by the licensing authority, has examined the child and has certified that he is fit to take part in the performances for which the licence is requested and that his health will not suffer by reason of taking part in such performances.

(2) Where a child has been medically examined under paragraph (1), he need not be medically examined in order that a further licence may be granted in respect of a performance taking place within a period of six months from the date of the said medical examination unless it appears desirable to the licensing authority that he should be medically examined.

Part IV

Restrictions and conditions applying to all Licences

Application of Part IV

11. The restrictions and conditions specified in this Part shall apply in the case of every licence.

Education

12.—(1) The licensing authority shall not grant a licence unless it is satisfied that the child's education will not suffer by reason of taking part in the performances for which the licence is requested and it has approved the arrangements (if any) for the education of the child during the currency of the licence.

(2) The holder of the licence shall ensure that the arrangements for the child's education during the currency of the licence, approved by the licensing authority, are carried out.

(3) The licensing authority shall not approve any arrangements for the education of a child by a private teacher unless it is satisfied that—

- (a) the course of study proposed for the child is satisfactory;
- (b) the said course of study will be properly taught by the private teacher;
- (c) the private teacher is a suitably qualified person to teach the child in question; and
- (d) the private teacher will not teach more than five other children at the same time, or, if the other children being taught at the same time have reached a similar standard in the subject to the child in question, eleven.

(a) (4) (a) The licensing authority shall not approve any arrangements for the education of a child by a private teacher unless it is satisfied that the child will, during the currency of the licence, receive education for periods which, when aggregated, total not less than three hours on each day on which the child would be required to attend school if he were a pupil attending a grant-aided school.

(b) The requirements of sub-paragraph (a) shall be deemed to be satisfied if, in a case to which this sub-paragraph applies, the licensing authority is satisfied that the child will receive education—

- (i) for not less than six hours a week,
- (ii) during each complete period of four weeks on location, or, if there is a period on location of less than four weeks, during that period, for periods not less than the aggregate periods of education required by sub-paragraph (a) in respect of the period on location
- (iii) on days other than days on which the child would not be required to attend school if he were a pupil attending a grant-aided school, and
- (iv) for not more than five hours on any such day mentioned in (iii).

(c) Sub-paragraph (b) applies—

- (i) if the performances to which the licence relates are to be recorded (by whatever means) with a view to their use in a broadcast or in a film intended for public exhibition,
- (ii) to any period of recording on location exceeding one week.

(d) In calculating any period of education for the purposes of this paragraph there shall be disregarded—

- (i) any period which takes place, in the case of a child taking part in a performance to be recorded (by whatever means) with a view to its use in a broadcast or film intended for public exhibition, other than during the hours when he is permitted to be present at a place of performance or rehearsal under regulations 29 to 31, or, in any other case, which takes place other than between the hours of nine in the morning and four in the afternoon,
- (ii) any period which is less than thirty minutes.

- (e) In this paragraph the expression “on location” means at a place which is one mile or more from any film or broadcasting studio (including any land adjacent to the studio and occupied and used in connection with it).

(5) Any licence under which a child is to be taught by a private teacher shall be subject to the condition that the board in whose area the performance takes place approves the schoolroom or other place where the child is to receive education, and the board may give its approval subject to such conditions as it considers necessary to ensure that the place is suitable for the child’s education.

Earnings

13.—(1) Where the licensing authority thinks fit, it may grant a licence subject to a condition requiring the holder of the licence to ensure that the sums earned by the child in taking part in a performance to which the licence relates, or such part of those sums as may be required by the condition, shall be dealt with in a manner approved by the licensing authority.

- (2) Any such conditions shall be set out in the licence.

Matrons

14.—(1) A person approved by the licensing authority (in these regulations referred to as a matron) shall be in charge of the child at all times during the period beginning with the first and ending with the last performance to which the licence relates except while the child is in the charge of a parent or teacher.

(2) The licensing authority shall not approve a matron unless it is satisfied that she is suitable and competent to exercise proper care and control of a child of the age and sex of the child in question and that she will not be prevented from carrying out her duties towards the child by other activities or duties towards other children.

(3) The licensing authority shall not approve a matron if she is to be in charge of more than eleven other children during the time when she would be in charge of the child in question if approval were given.

(4) The licensing authority shall not approve as matron the private teacher of the child in question if she is to be in charge of more than two other children during the time when she would be in charge of the child if approval were given.

(5) A matron while in charge of a child shall have the care and control of the child with a view to securing his health, comfort, kind treatment and moral welfare.

(6) Where a child suffers any injury or illness while in the charge of a matron or teacher, the holder of the licence shall ensure that the parent of the child named in the application form and the board in whose area the performance takes place are notified immediately of such injury or illness.

Lodgings

15.—(1) Where by reason of taking part in a performance a child has to live elsewhere than at the place where he would otherwise live, that child shall live only in premises which have been approved by the board in whose area the performance takes place as suitable for occupation by him.

- (2) The board’s approval may be subject to any of the following conditions:—

- (a) that transport for the child from the said premises to the place of performance or rehearsal is provided;
- (b) that suitable arrangements are made for meals for the child;
- (c) any other condition conducive to the welfare of the child in connection with the premises in which the child will live.

Place of performance and place of rehearsal

16.—(1) A child shall not take part in a performance or rehearsal unless the place of performance or rehearsal has been approved by the board in whose area the performance takes place.

(2) The board in whose area the performance takes place shall not approve the place of performance or rehearsal unless it is satisfied that, having regard to the age of the child and the nature, time and duration of the performance or rehearsal—

- (a) suitable arrangements have been made for meals for the child, for the child to dress for the performance or rehearsal, and for the child's rest and recreation, when not taking part in a performance or rehearsal;
- (b) the place is provided with suitable and sufficient sanitary conveniences and washing facilities, and
- (c) the child will be adequately protected against inclement weather, and the board's approval may be given subject to such conditions as it considers necessary for the purposes of this paragraph.

(3) Arrangements for a child who has attained the age of five years to dress for a performance or rehearsal shall not be deemed to be suitable unless such a child can dress only with children of the same sex as the child in question.

Arrangements for getting home

17. The holder of the licence shall ensure that suitable arrangements (having regard to the child's age) are made for the child to get to his home or other destination after the last performance or rehearsal on any day.

Break in performances

18.—(1) Subject to paragraph (2), a child who takes part in performances, other than performances in a circus, or rehearsals on the maximum number of days in a week permitted under Part V or VI, as the case may be, for a period of eight consecutive weeks, shall not take part in any performance or rehearsal or be employed in any other form of employment during the fourteen days following.

(2) This regulation shall not apply if the number of days specified in the licence on which the child may perform is less than sixty.

Further medical examinations

(a) 19. (1) (a) Where a licence specifies the dates of performances and these fall on days in four consecutive weeks or more or where a licence specifies the period in which performances may take place and such period is one month or more, the holder of the licence shall ensure that the child is medically examined within forty-eight hours after the end of each such period of four weeks or each month, as the case may be, in order to ascertain whether he is fit to take part in any further performances for which the licence has been granted and whether his health will suffer by reason of taking part in such performances.

(b) The holder of the licence shall obtain from the person making the medical examination a report stating whether in his opinion the child is fit to take part in any further performances for which the licence has been granted and whether his health will suffer by reason of taking part in such performances.

(c) If the report states that the child is not fit or that his health would suffer he shall not take part in any further performance until the person making the medical examination has certified that the child is fit to take part and that his health will not suffer thereby.

(2) Where a child has been medically examined under regulation 10(1), that child shall be medically examined during the seven days immediately following the day of the last performance to which the licence relates unless the licensing authority is satisfied, having regard to the date of the last medical examination of the child under these regulations and the number and nature of performances in which the child has taken part, that no such medical examination is necessary.

(3) Where a medical examination is required, it shall be carried out by the school medical officer of the licensing authority or other medically qualified person approved by the licensing authority; and a copy of the medical report shall be sent to the licensing authority.

Restriction on employment

20.—(1) On the day on which, or on the day immediately following the day on which, a child takes part in a performance he shall not be employed in any other form of employment.

(2) On the day on which a child takes part in a performance for which a licence has been granted he shall not take part in a performance for which a licence is not required.

Production of licence

21. The holder of a licence shall on request produce the licence at all reasonable hours at the place of performance to an authorised officer of the board in whose area the performance takes place or a constable.

Part V

Performances other than broadcast or recorded performances

Licences to which Part V applies

22. The restrictions and conditions specified in this Part shall apply in the case of every licence authorising a child to take part in a performance other than a broadcast performance or a performance to be recorded (by whatever means) with a view to its use in a broadcast or in a film intended for public exhibition.

Maximum number of days in a week on which a child may take part in performances and rehearsals

23.—(1) Subject to the provisions of paragraph (2), a child shall not take part in performances or rehearsals to which this Part applies on more than six consecutive days.

(2) Where in any period of seven days a child takes part in performances or rehearsals to some of which this Part applies and to others of which Part VI applies, he shall not take part in such performances or rehearsals on more than five days in that period.

Maximum number and length of performances and rehearsals daily

24.—(1) A child shall not take part in a performance or rehearsal the duration of which exceeds three and a half hours.

(2) A child shall not take part in a performance or rehearsal if the duration of his appearances in the performance or rehearsal exceeds two and a half hours.

(3) A child shall not take part in more than one performance or rehearsal on any day unless he performs the same part in the performances or rehearsals, except where he takes the place of another performer in the same performance, and the performances or rehearsals are of the same nature.

(4) On any day on which a child is required to attend school after the morning session he shall not take part in more than one performance or rehearsal.

(5) Subject to the provisions of paragraph (3), a child on any other day shall not take part in more than two performances or rehearsals or more than one performance and one rehearsal.

(a) (6) (a) Subject to sub-paragraph (b), a child shall not take part in more than one performance or rehearsal on any day unless there is an interval of not less than one and a half hours between the end of his part in the first performance or rehearsal and the beginning of his part in the second performance or rehearsal.

(b) On not more than two days in any week a child may take part in more than one performance or rehearsal on any day if—

(i) there is an interval of not less than forty-five minutes between the end of his part in the first performance or rehearsal and the beginning of his part in the second performance or rehearsal; and

(ii) he is not present at the place of performance or rehearsal on such a day for more than six hours.

(7) Notwithstanding paragraphs (4), (5) and (6) and subject to paragraph (3), where a child takes part in a performance in a circus—

(a) on any day on which he is required to attend school after the morning session he may take part in not more than two performances or rehearsals or not more than one performance and one rehearsal;

(b) on any other day he may take part in not more than three performances or rehearsals:

Provided that—

(i) he shall not take part in more than one performance or rehearsal unless there is an interval of not less than one and a half hours between the end of his part in one performance or rehearsal and the beginning of his part in the next performance or rehearsal, and

(ii) the duration of his appearance in a performance or rehearsal does not exceed thirty minutes.

Earliest and latest hours at place of performance and place of rehearsal

25.—(1) Subject to paragraph (2), a child shall not be present at a place of performance or rehearsal after whichever is the earlier of the two following times:—

(a) ten in the evening, if he is under thirteen years, or half-past ten if he is thirteen years or over;

(b) thirty minutes after the end of his part in the performance or rehearsal or the last performance or rehearsal.

(2) If in order to enable a child to take part in a performance the child's presence at the place of performance is required after the latest permitted time specified in paragraph (1), he may be present at the place of performance not later than eleven in the evening on not more than three evenings in a week, provided that he is not so present on more than eight evenings in a period of four consecutive weeks.

(3) A child shall not be present at a place of performance or rehearsal before ten in the morning, and on the day immediately following a day on which a child has taken part in a performance or rehearsal he shall not take part in a performance or rehearsal until after the expiration of not less than fourteen hours from the end of his part in the performance or rehearsal in which he last performed on the preceding day.

(4) This regulation shall not apply with respect to a place of performance or rehearsal where the child lives or receives education in that place.

Part VI

Broadcast and recorded performances

Licences to which Part VI applies

26. The restrictions and conditions specified in this Part shall apply in the case of every licence authorising a child to take part in a broadcast performance or a performance to be recorded (by whatever means) with a view to its use in a broadcast or a film intended for public exhibition.

Maximum number of days in a week on which a child may take part in performances and rehearsals

27. Where in any period of seven days a child takes part in performances or rehearsals to which this Part applies or to some of which this Part applies and to others of which Part V applies, he shall not take part in such performances or rehearsals on more than five days in that period.

Limitation on daily performances

28. On any day a child may take part only in performances or rehearsals which are of the same nature and in which he performs the same part or takes the place of another performer in the same performance.

Children aged thirteen years or over

29.—(1) Subject to the provisions of paragraph (2), a child of thirteen years or over shall not be present at a place of performance or rehearsal—

- (a) for more than eight hours a day;
- (b) before nine in the morning or after seven in the evening, except that a child may be present after half-past eight in the morning if on the preceding day he was not present after half-past six in the evening.

(2) Notwithstanding paragraph (1) where the holder of the licence is a person listed in regulation 5(3) a child who is thirteen years or over may—

- (a) be present in any week at a place of performance or rehearsal between the hours of ten in the morning and ten in the evening—
 - (i) for not more than twelve hours on any one day, or
 - (ii) for not more than ten hours a day on any two days, or
 - (iii) for not more than eight hours a day on any three days,

if he is not present at a place of performance or rehearsal on any other day in that week and has not been present at a place of performance or rehearsal after seven in the evening on more than twenty days during the preceding twelve months; or

- (b) be present on one day in any week at a place of performance or rehearsal for not more than twelve hours between the hours of ten in the morning and ten in the evening, provided that—
 - (i) he is not present at the place of performance or rehearsal for more than four hours on any other day in that week;

- (ii) he does not take part in a performance or rehearsal for a total period of more than two hours on any other day in that week;
 - (iii) he does not take part in a performance or rehearsal on the day immediately following the day on which he has been present at the place of performance or rehearsal after seven in the evening in accordance with this paragraph; and
 - (iv) he has not been present at a place of performance or rehearsal after seven in the evening in accordance with this paragraph on any day during the six preceding days.
- (3) A child who is thirteen years or over shall not take part in a performance or rehearsal on any day—
- (a) for a continuous period of more than one hour without an interval for rest;
 - (b) for a total period of more than three and a half hours.
- (4) A child of thirteen years or over shall not be present at a place of performance or rehearsal—
- (a) for more than four consecutive hours without there being two or more intervals of which one shall be for the purpose of a meal and shall be of not less than one hour and the other or others shall be for the purpose of rest and shall not be less than fifteen minutes;
 - (b) for more than eight consecutive hours without there being three or more intervals of which two shall be for the purposes of meals and shall each be of not less than one hour and the other or others shall be for the purpose of rest and shall not be less than fifteen minutes.
- (5) In calculating the number of hours on any day during which a child is present at a place of performance or rehearsal, there shall, in the case of a child for whom arrangements for his education by a private teacher have been approved by the licensing authority, be included any periods of education taken into account for the purpose of complying with the requirements of regulation 12(4), whether or not they take place at the place of performance or rehearsal.

Children aged five years to twelve years

- 30.**—(1) Subject to the provisions of paragraph (2), a child of five years but under thirteen years shall not be present at a place of performance or rehearsal—
- (a) for more than seven and a half hours a day;
 - (b) before nine in the morning or after half-past four in the afternoon, except that a child of ten years may be present until five in the afternoon.
- (2) Notwithstanding paragraph (1), regulation 29(2) shall apply to a child of twelve years as if for the words “thirteen years or over” there was substituted the words “twelve years” and the words “seven in the evening” wherever they occur there were substituted the words “five in the afternoon”.
- (3) A child of five years or over but under thirteen years shall not take part in a performance or rehearsal on any day—
- (a) for a continuous period of more than forty-five minutes without an interval for rest;
 - (b) for a total period of more than three hours.
- (4) A child of five years or over but under thirteen years shall not be present at a place of performance or rehearsal—
- (a) for more than three and a half consecutive hours without there being two or more intervals of which one shall be for the purpose of a meal and shall be of not less than one hour and the other or others shall be for the purpose of rest and shall not be less than fifteen minutes;
 - (b) for more than eight consecutive hours without there being three or more intervals of which two shall be for the purposes of meals and shall be of not less than one hour and the other or others shall be for the purpose of rest and shall not be less than fifteen minutes.

(5) In calculating the number of hours on any day during which a child is present at a place of performance or rehearsal, there shall, in the case of a child for whom arrangements for his education by a private teacher have been approved by the licensing authority, be included any periods of education taken into account for the purpose of complying with the requirements of regulation 12(4), whether or not they take place at the place of performance or rehearsal.

Children under five years

31.—(1) A child under five years shall not be present at a place of performance or rehearsal—

- (a) for more than five hours a day;
- (b) before half-past nine in the morning or after half-past four in the afternoon.

(2) Such a child shall not take part in a performance or rehearsal on any day—

- (a) for a continuous period of more than thirty minutes without an interval for rest;
- (b) for a total period of more than two hours.

(3) Any time during which such a child is present at a place of performance or rehearsal, but is not taking part in a performance or rehearsal, shall be used for the purposes of meals, rest and recreation.

Work outside latest permitted hour

32.—(1) Notwithstanding anything in regulations 29 to 31, but subject to the restrictions and conditions laid down in paragraph (2), where the board in whose area the performance takes place is satisfied that a scene must be recorded out of doors and after the latest permitted hour, it may permit a child to take part in a performance after the latest permitted hour, but it shall only permit the child to take part in a performance after midnight and before the earliest permitted hour if it is satisfied that it is impracticable for the recording of the performance to be completed before midnight.

(2) Where the board permits a child to take part in a performance after the latest permitted hour, the following restrictions and conditions shall apply—

- (a) the number of hours during which the child takes part in a performance after the latest permitted hour shall be included in computing the maximum number of hours during which he may take part in a performance or rehearsal on any one day under regulations 29 to 31;
- (b) the child shall not take part in any other performance or rehearsal until not less than sixteen hours have elapsed since the end of his part in the performance;
- (c) where the child takes part in a performance after the latest permitted hour on two successive days, the board in whose area the performance takes place shall not permit him to take part in any further performance after the latest permitted hour during the seven days immediately following the said two days.

(3) In this regulation “latest permitted hour” and “earliest permitted hour” in relation to a particular child mean the latest hour and the earliest hour respectively at which that child may be present at the place of performance or rehearsal under regulations 29 to 31.

Exceptions to regulations 29 to 31

- (a) **33.** (1) (a) The matron in charge of a child may allow that child to take part in a performance for a period not exceeding thirty minutes immediately following the latest permitted hour if—

- (i) the total number of hours during which the child takes part in a performance, including the said period of thirty minutes, does not exceed the maximum number of hours permitted under regulations 29 to 31;

- (ii) it appears to the matron that the welfare of the child will not be prejudiced; and
 - (iii) it appears to the matron that the conditions necessitating the child taking part in a performance after the latest permitted hour arose in circumstances outside the control of the holder of the licence.
- (b) If a child takes part in a performance after the latest permitted hour, the holder of the licence shall ensure that the matron notifies the board in whose area the performance takes place not later than the day immediately following the day on which that child takes part in the performance.
- (c) In this regulation “latest permitted hour” in relation to a particular child means the latest hour at which that child may be present at the place of performance or rehearsal under regulations 29 to 31.
- (2) The matron in charge of a child may allow one of the intervals to be set aside for the purposes of meals under regulation 29 or 30 as the case may be, to be reduced where the child is taking part in a performance or rehearsal out of doors, provided that—
- (a) the duration of that interval is not less than thirty minutes; and
 - (b) the maximum number of hours during which he may take part in a performance or rehearsal under the said regulation 29 or 30 is not exceeded.

Part VII

Performances for which by reason of Article 137(3)(a) of the Order a Licence is not required

Performances for which a licence is not required, other than broadcast or recorded performances

34. Regulations 35 and 36 shall apply in the case of a child taking part in a performance for which by reason of Article 137(3)(a) of the Order a licence is not required, being a performance other than a broadcast performance or a performance to be recorded (by whatever means) with a view to its use in a broadcast or in a film intended for public exhibition.

Maximum number and length of performances daily

35.—(1) A child shall not take part in a performance the duration of which exceeds three and a half hours.

(2) A child shall not take part in a performance if the duration of his appearances in the performance exceeds two and a half hours.

(3) A child shall not take part in more than one performance on any day unless he performs the same part in the performances, except where he takes the place of another performer in the same performance, and the performances are of the same nature.

(4) On any day on which a child is required to attend school after the morning session he shall not take part in more than one performance.

(5) Subject to paragraph (3), a child on any other day shall not take part in more than two performances.

- (a) (6) (a) Subject to sub-paragraph (b), a child shall not take part in more than one performance on any day unless there is an interval of not less than one and a half hours between the end of his part in the first performance and the beginning of his part in the second performance.

(b) On not more than two days in any week a child may take part in more than one performance on any day if—

- (i) there is an interval of not less than forty-five minutes between the end of his part in the first performance and the beginning of his part in the second performance; and
- (ii) he is not present at the place of performance on such a day for more than six hours.

(7) Notwithstanding paragraphs (4), (5) and (6) and subject to paragraph (3), where a child takes part in a performance in a circus—

- (a) on any day on which he is required to attend school after the morning session, he may take part in not more than two performances;
- (b) on any other day, he may take part in not more than three performances;

Provided that—

- (i) he shall not take part in more than one performance unless there is an interval of not less than one and a half hours between the end of his part in one performance and the beginning of his part in the next performance, and
- (ii) the duration of his appearance in a performance does not exceed thirty minutes.

Earliest and latest hours at place of performance

36.—(1) Subject to paragraph (2), a child shall not be present at a place of performance after whichever is the earlier of the two following times:—

- (a) ten in the evening, if he is under thirteen years, or half-past ten if he is thirteen years or over;
- (b) thirty minutes after the end of his part in the performance or last performance.

(2) If in order to enable a child to take part in a performance the child's presence at the place of performance is required after the latest permitted time specified in paragraph (1), he may be present at the place of performance not later than eleven in the evening on not more than three evenings in a week provided that he is not so present on more than eight evenings in a period of four consecutive weeks.

(3) A child shall not be present at a place of performance before ten in the morning, and on the day immediately following a day on which a child has taken part in a performance he shall not take part in a performance until after the expiration of not less than fourteen hours from the end of his part in the performance in which he last performed on the preceding day.

(4) This regulation shall not apply with respect to a place of performance where the child lives or receives education in that place.

Broadcast and recorded performances for which a licence is not required

37. Regulations 38 to 42 shall apply in the case of a child taking part in a performance for which by reason of Article 137(3)(a) of the Order a licence is not required, being a broadcast performance or a performance to be recorded (by whatever means) with a view to its use in a broadcast or in a film intended for public exhibition.

Limitation on daily performances

38. On any day a child may take part only in performances which are of the same nature and in which he performs the same part or takes the place of another performer in the same performance.

Children aged thirteen years or over

39.—(1) A child who is thirteen years or over shall not be present at a place of performance—

- (a) for more than eight hours a day;
- (b) before nine in the morning or after seven in the evening, except that a child may be present after half-past eight in the morning if on the preceding day he was not present after half-past six in the evening.

(2) Such a child shall not take part in a performance on any day—

- (a) for a continuous period of more than one hour without an interval for rest;
- (b) for a total period of more than three and a half hours.

(3) Such a child shall not be present at a place of performance for more than four consecutive hours without there being two or more intervals of which one shall be for the purpose of a meal and shall be of not less than one hour and the other or others shall be for the purpose of rest and shall not be less than fifteen minutes.

Children aged five years to twelve years

40.—(1) A child of five years or over but under thirteen years shall not be present at a place of performance—

- (a) for more than seven and a half hours a day;
- (b) before nine in the morning or after half-past four in the afternoon, except that a child of ten years or over may be present until five in the afternoon.

(2) Such a child shall not take part in a performance on any day—

- (a) for a continuous period of more than forty-five minutes without an interval for rest;
- (b) for a total period of more than three hours.

(3) Such a child shall not be present at a place of performance for more than three and a half consecutive hours without there being two or more intervals of which one shall be for the purpose of a meal and shall be of not less than one hour and the other or others shall be used for the purpose of rest and shall not be less than fifteen minutes.

Children aged two years to four years

41.—(1) A child of two years or over but under five years shall not be present at a place of performance

- (a) for more than five hours a day;
- (b) before half-past nine in the morning or after half-past four in the afternoon.

(2) Such a child shall not take part in a performance on any day—

- (a) for a continuous period of more than thirty minutes without an interval for rest;
- (b) for a total period of more than two hours.

(3) Any time during which such a child is present at a place of performance, but is not taking part in a performance, shall be used for the purposes of meals, rest and recreation.

Children under two years

42.—(1) A child under two years shall not be present at a place of performance—

- (a) for more than three hours a day;
- (b) before half-past nine in the morning or after four in the afternoon.

- (2) Such a child shall not take part in a performance on any day—
- (a) for a continuous period of more than twenty minutes without an interval for rest;
 - (b) for a total period of more than one hour.
- (3) Any time during which such a child is present at a place of performance, but is not taking part in a performance, shall be used for the purposes of meals, rest and recreation.

Restriction on employment

43.—(1) On the day on which, or on the day immediately following the day on which, a child takes part in a performance for which by reason of Article 137(3)(a) of the Order a licence is not required, he shall not be employed in any other form of employment.

(2) On the day on which a child takes part in a performance for which by reason of Article 137(3)(a) of the Order a licence is not required, he shall not take part in a performance for which a licence is required.

Part VIII

Revocation

Revocation

44. The Children (Performances) Regulations (Northern Ireland) 1971(4) are hereby revoked.

Sealed with the Official Seal of the Department of Education on 8th October 1996.

L.S.

J. S. Smith
Assistant Secretary

The Department of Health and Social Services approves the foregoing Regulations.
Sealed with the Official Seal of the Department of Health and Social Services on 8th October 1996.

L.S.

P. A. Conliffe
Assistant Secretary

SCHEDULE 1

Regulation 3

Form of Application for a Licence

(Note — It is important that this form, duly completed, should be sent so as to reach the licensing authority not less than thirty days before the first performance for which the licence is requested, since the licensing authority may otherwise refuse to grant a licence.)

Application to the Education and Library Board

PART I

(TO BE COMPLETED BY THE APPLICANT)

1. I hereby apply for a licence under Article 137(1)(a) of the Children (Northern Ireland) Order 1995 authorising the child (insert name of child)

***(1)** to take part in performances on the dates specified in item 4(i) of the Annex.

***(2)** to take part in performances on the number of days and during the period specified in item 4(ii) of the Annex.

*Delete if inapplicable

2. I certify that to the best of my knowledge the particulars contained in the Annex are correct.

3. I attach the following:—

(a) the birth certificate of the child or other satisfactory evidence of the child's age;

(b) two identical prints (unmounted) of a photograph of the child taken during the six months preceding the date of this application;

(c) a copy of the contract, draft contract or other documents containing particulars of the agreement regulating the child's appearance in the performances for which the licence is requested;

***(d)** a declaration under Article 138(4)(a) of the Children (Northern Ireland) Order 1995.

*Delete if inapplicable

4. I understand that if a licence is granted to me it will be granted subject to the restrictions and conditions laid down in or under the Children (Public Performances) Regulations (Northern Ireland) 1996.

Date Signed.....
(Applicant)

Full Name:

Address:

Occupation:



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ANNEX TO PART 1

PARTICULARS CONNECTED WITH THE PERFORMANCE IN WHICH THE CHILD IS TO TAKE PART

1. Name and nature(a) of the performances in respect of which the licence is requested.
2. Description of the child's part.
3. Place of the performances in respect of which the licence is requested(b).
4. (i) The dates of performances for which the licence is requested, or
(ii) the number of days, and the period during which it is requested that the child may take part in performances(c).
5. Time and duration of performances in respect of which the licence is requested.
6. Approximate duration of the child's appearances in the performances in respect of which the licence is requested.
7. The amount of night work (if any) for which approval will be sought from the board in whose area the performance takes place under regulation 32 of the Children (Public Performances) Regulations (Northern Ireland) 1996 stating—
 - (i) the approximate number of days
 - (ii) the approximate duration on each day.
8. The sums to be earned by the child in taking part in the performances in respect of which the licence is requested.
9. Proposed arrangements for rehearsals taking place during the fourteen days preceding the first performance for which the licence is requested, stating in respect of each rehearsal—
 - (i) the date.
 - (ii) the place.
 - (iii) the approximate duration.
10. The days or half-days on which leave of absence from school is requested to enable the child to take part in performances for which the licence is requested or in rehearsals.
11. Proposed arrangements (if any) under regulation 12 of the Children (Public

(a) Nature of the performances, e.g. theatrical, filming, television, etc
(b) This includes the places at which work on location is to be done
(c) A licence specifying the number of days on which a child may perform and the period, not exceeding six months, in which the performance may take place may be granted only to:—

- (i) the British Broadcasting Corporation; or
- (ii) those licensed by the Independent Television Commission or Radio Authority; or
- (iii) persons producing programmes for those mentioned under (i) or (ii); or
- (iv) persons recording performances (by whatever means) with a view to its use in a film intended for public exhibition

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Performances) Regulations (Northern Ireland) 1996 for the education of the child during the period for which the licence is requested stating—

- (i) the name and address of the school to be attended, or
- (ii) (a) the name, current address, other addresses in the previous five years, teacher reference number (if any) and qualification of the proposed private teacher;
(b) the place where the child will be taught;
(c) the proposed course of study;
(d) the number of other children to be taught by the private teacher at the same time as the child in respect of whom this application is made, and the sex and age of each such child;
(e) whether the child is to receive the required amount of education in accordance with regulation 12(4)(a) or regulation 12(4)(b).

12. The name of the board (if any) which has previously approved the appointment of the private teacher for the purposes of a licence.

13. The name, current address, other addresses in the previous years and qualification of the proposed matron.

14. The name of the board (if any) which has previously approved the appointment of the matron for the purposes of a licence.

15. The number of other children to be in the charge of the matron during the time when she would be in charge of the child in respect of whom this application is made, and the sex and age of each such child.

16. The address of the lodgings where the child will live if a licence is granted by reason of which the child has to live elsewhere than at the place where he would otherwise live, the name of the householder and the number of other children who will live in the same lodgings.

17. Approximate length of time which the child will spend travelling—

- (a) to the place of performance or rehearsal;
 - (b) from the place of performance or rehearsal,
- and the arrangements (if any) for transport
- (a) to the place of performance or rehearsal;
 - (b) from the place of performance or rehearsal.

18. Name of any other licensing authority to which an application has been made for another child to take part in performances to which this application relates.

PART II

(TO BE COMPLETED BY A PARENT)

Please give the following particulars:

1. Full name of child.
2. Date of birth of child.
3. Address of child.

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4. Name and address of schools attended by the child during the twelve months preceding the date of this application or, if he has not attended school, the name and address of his private teacher.

5. Particulars of each licence granted during the twelve months preceding the date of this application by any board other than the licensing authority to whom this application is made, stating in each case—

- (i) the name of the board;
- (ii) the date on which the licence was granted;
- (iii) the dates and nature of the performances.

6. Particulars of each application for a licence made during the twelve months preceding the date of this application and refused by any board other than the licensing authority to whom this application is made, stating in each case—

- (i) the name of the board;
- (ii) the date of the application;
- (iii) the reasons (if known) for the refusal to grant a licence.

7. Particulars of each performance for which a licence was not required in which the child took part during the twelve months preceding the date of this application, stating in each case—

- (i) the date;
- (ii) the place;
- (iii) the nature of the performance;
- (iv) the name of the person responsible for the production of the performance in which the child took part.

8. Dates (if any) on which the child has been absent from school during the twelve months preceding the date of this application by reason of his taking part in a performance.

9. Particulars of any other form of employment in which the child is employed during the twenty-eight days preceding the day of the first performance for which the licence is requested stating—

- (i) the nature of the employment;
- (ii) the days on which the child is employed;
- (iii) the times during which the child is employed.

10. Particulars relating to the sums earned by the child during the twelve months preceding the date of this application stating—

- (i) whether the sums earned were in respect of performances for which a licence was granted, performances for which a licence was not required or other forms of employment;
- (ii) the amount of the sums earned;
- (iii) the date on which payment was received;
- (iv) the name, address and description of the person from whom the payment was received.

I support this application for a licence.

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

I certify that to the best of my knowledge the foregoing particulars are correct and I understand that if a licence is granted it will be granted subject to the restrictions and conditions laid down in or under the Children (Public Performances) Regulations (Northern Ireland) 1996.

Date Signed.....
(Parent)

Full Name:

Address:

Relationship to child:*

*State whether parent or person with parental responsibility or person having care of, or control over, the child.

SCHEDULE 2

Regulation 5

Form of Licence

The _____, on an application relating to _____ (hereinafter called "the child") whose photograph is attached hereto, hereby grant to _____ a licence authorising the child—

- * (1) To take part in performances on the dates specified below, or
- * (2) to take part in performances on the number of days and during the period specified below,

*Delete if inapplicable

subject to the restrictions and conditions laid down in or under the Children (Public Performances) Regulations (Northern Ireland) 1996.

The performances in respect of which the licence is granted are(a)

*The child may be absent from (insert name of school) for the purposes authorised by this licence on(b)

*The holder of the licence shall ensure that(c)

*Delete if applicable

-
- (a) In the case of (1) above state the names, dates, places and nature of the performances and in the case of (2) above state the names, places and nature of the performances, the number of days on which the child may perform and the period in which the performances may take place.
 - (b) Set out the days or half days on which the child may be absent from school. If absence from school is granted to enable a child to take part in a rehearsal, this should also be stated.
 - (c) Set out the terms of any condition imposed under regulation 13 of the Children (Public Performances) Regulations (Northern Ireland) 1996 in respect of any sums earned by the child in taking part in the performances to which this licence relates.

SCHEDULE 3

Regulation 7

Records to be kept by the holder of a Licence

The holder of a licence shall keep the following records:—

1. The licence.
2. The following particulars in respect of each day which the child is present at the place of performance:—
 - (a) the date;
 - (b) the time of arrival at the place of performance;
 - (c) the time of departure from the place of performance;
 - (d) the times of each period during which the child took part in a performance or rehearsal;
 - (e) the time of each rest interval;
 - (f) the time of each meal interval;
 - (g) the times of any night-work authorised under regulation 32 by the board in whose area the performance takes place.
3. Where arrangements are made for the education of the child by a private teacher, the date and duration of each lesson and the subject taught.
4. Details of injuries and illnesses (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 illnesses prevented the child from being present at the place of performance.
5. The dates of medical examinations (if any) of the child carried out under regulation 19.
6. The dates of the breaks in performances required under regulation 18.
7. The amount of all sums earned by the child by reason of taking part in the performance and the names, addresses and descriptions of the persons to whom such sums were paid.
8. Where the licensing authority grants a licence subject to the condition that sums earned by the child shall be dealt with in a manner approved by them, the amount of the sums and the manner in which they have been dealt with.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations revoke and replace with amendments the Children's (Performances Regulations) (Northern Ireland) 1971 ("the 1971 Regulations"). They make provision with respect to children in Northern Ireland who take part in a performance to which Article 137(1)(a) of the Children (Northern Ireland) Order 1995 ("the 1995 Order") applies. For the purposes of these regulations a child means a person who is not over school-leaving age. Article 137(1)(a) applies to a performance in connection with which a charge for admission is made, a performance in licensed premises, a broadcast performance and any performance recorded (by whatever means) with a view to its use in a broadcast or in a film intended for public exhibition.

Part II of the regulations deals with an application for, and the grant of, a licence and the keeping of records by the licence holder. Regulation 3 of the 1971 Regulations allowed the licensing authority to refuse to grant a licence if the application was not received by it at least 21 days from the day on which the performance was due to take place. These Regulations increase that period from 21 to 30 days.

Part III of the regulations places restrictions on the grant of a licence. Regulation 8 prohibits the grant of a licence if the child has taken part in performances on more than a specified number of days during the previous year. The specified number of days in relation to a child over thirteen has been reduced by these Regulations from 79 days to 40 days and, in respect of a child under thirteen, from 39 days to 20 days. Regulation 10 requires the child to be medically fit.

Part IV of the regulations imposes certain restrictions and conditions attaching to all licences. They concern the welfare of the child, e.g. education and lodgings.

Parts V, VI and VII of the regulations limit the number of performances per week, the maximum number and length of daily performances and the length of time that a child can be present at the place of performance. Part V relates to performances, other than broadcast or recorded performances, for which a licence is required. Part VI relates to broadcast and recorded performances for which a licence is required. Part VII relates to performances for which a licence is not required because during the preceding six months the child has not taken part in performances on more than three days.

Any person who contravenes Article 137 or 140 of the 1995 Order shall be guilty of an offence under Article 147 of that Order and be liable to a fine not exceeding level 3 on the standard scale (currently £1,000).