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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 372**

**The Children (Performances and Activities) (Scotland) Regulations 2014**

**PART 1**

**GENERAL**

**Citation, commencement, extent and application**

**1.**—(1) These Regulations may be cited as the Children (Performances and Activities) (Scotland) Regulations 2014 and come into force on 20th February 2015.

(2) These Regulations extend to Scotland only.

(3) These Regulations apply in relation to—

- (a) the granting of licences in respect of children resident in Scotland by education authorities<sup>(1)</sup> in Scotland to take part in performances or activities within Great Britain, where required by section 37(1) of the 1963 Act;
- (b) the granting of licences in respect of children not resident in Great Britain by education authorities in Scotland to take part in performances or activities within Great Britain, where the applicant for the licence is resident or has a place of business within the area of that education authority, where required by section 37(1) of the 1963 Act;
- (c) performances in Scotland, for which no licence is required by virtue of section 37(3)(a) of the 1963 Act; and
- (d) the granting of licences by justices of the peace in Scotland under section 25 of the 1933 Act to enable children to take part in performances or activities abroad for profit.

**Interpretation**

**2.**—(1) In these Regulations, unless the context otherwise requires—

“the 1933 Act” means the Children and Young Persons Act 1933;

“the 1963 Act” means the Children and Young Persons Act 1963;

“the 1995 Act” means the Children (Scotland) Act 1995<sup>(2)</sup>;

“activity” means participation in a sport, or work as a model, in the circumstances specified in section 37(1)(b) of the 1963 Act;

“applicant” is to be construed in accordance with regulation 4(1)(a);

“chaperone” is to be construed in accordance with regulation 14(1);

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(1) “Education authority” is defined in regulation 2(1). Section 44(2) of the 1963 Act provides that Part II of the 1963 Act is, in its application to Scotland (with the exception of one section), to be construed as if references to a local authority were references to an education authority.

(2) 1995 c.36.

“day” means a period of 24 hours beginning and ending at midnight and, for the purposes of regulation 28(3)(a), any performance taking place after midnight and before the earliest permitted hour as defined in regulation 28(4) is deemed to have taken place before midnight; “education authority” has the meaning given by section 135(1) of the Education (Scotland) Act 1980(3);

“host authority” means the education authority or, in England and Wales, the local authority in whose area a performance or an activity takes place;

“licence”, except in Part 7, means a licence authorising a child to do anything for which, by virtue of section 37(1) of the 1963 Act, a licence is required;

“licence holder” means the person to whom a licence is granted by the licensing authority;

“licensing authority” means the education authority to which an application for a licence requires to be made in accordance with section 37(1) of the 1963 Act;

“parent” includes a guardian appointed under sections 7 or 11(2)(h) of the 1995 Act, a person who has parental rights or parental responsibilities in relation to the child (within the meaning given to those expressions in Part 1 of the 1995 Act) or other person who has for the time being care or control of the child;

“public school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980;

“rehearsal” means any rehearsal for, or preparation for, a performance, being a rehearsal which takes place on the day of performance or during the period beginning with the first and ending with the last performance; and

“week” means a period of 7 days beginning with the day on which the first performance for which the licence is granted takes place or any 7th day following.

(2) Any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations and any reference in a regulation to a numbered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph bearing that number in that regulation.

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(3) 1980 c.44. This definition was amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 118(9).