



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2007 Rhif 736 (Cy.66)

2007 No. 736 (W.66)

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

**Rheoliadau Plant (Perfformiadau)
(Diwygio) (Cymru)
2007**

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

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Plant (Perfformiadau) 1968 o ran plant naw oed neu drosodd er mwyn codi terfyn uchaf y cyfnod y caiff plentyn gymryd rhan mewn perfformiad neu ymarfer parhaus heb doriad i bedair awr. Maent hefyd yn estyn yr oriau a ganiateir yn ystod y diwrnod gwaith a chyfanswm yr oriau y caiff y plant hyn fod yn bresennol yn y man lle cynhelir y perfformiad neu'r ymarfer. Maent yn codi'r cyfyngiad sy'n gwahardd rhoi trwydded os yw plentyn wedi gweithio mwy na nifer penodedig o ddyddiau yn ystod y deuddeg mis blaenorol.

Mae'r Rheoliadau hefyd yn estyn yr addasiadau presennol i'r darpariaethau addysg i bob perfformiad neu weithgaredd. Am bob cyfnod o bedair wythnos, neu os yw'r cyfnod yn llai na phedair wythnos, am y cyfnod hwnnw, bydd y gofynion addysg yn cael eu bodloni os yw'r plentyn yn cael addysg am o leiaf chwe awr yr wythnos, ac os yw gweddill yr oriau addysg gofynnol yn digwydd ar ddyddiau heblaw pan na fyddai'n ofynnol i'r plentyn fynd i'r ysgol fel arfer, yn ddarostyngedig i uchafswm o bum awr o addysg yn digwydd ar unrhyw ddiwrnod.

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.

Mae'r Rheoliadau yn gosod cyfyngiadau ychwanegol ar roi trwyddedau o ran addasrwydd y matron ac yn ei gwneud yn ofynnol cael adroddiad gan bennaeth unrhyw ysgol a fynychir gan y plentyn. Maent yn ychwanegu amodau pellach sy'n gymwys i bob trwydded, yn ei gwneud yn ofynnol darparu'r testun i'r matron ac yn ei gwneud yn ofynnol cadw at bolisiau perthnasol diogelu plant.

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.

2007 Rhif 736 (Cy.66)**2007 No. 736 (W.66)****GOFAL CYMDEITHASOL,
CYMRU****SOCIAL CARE,
WALES****PLANT A PHOBL IFANC,
CYMRU****CHILDREN AND YOUNG
PERSONS, WALES****Rheoliadau Plant (Perfformiadau)
(Diwygio) (Cymru)
2007****The Children (Performances)
(Amendment)(Wales) Regulations
2007***Wedi'i wneud**6 Mawrth 2007**Made**6 March 2007**Yn dod i rym**2 Ebrill 2007**Coming into force**2 April 2007*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pŵer a roddwyd iddo gan adran 37(4) a (5) o Ddeddf Plant a Phobl Ifanc 1963(1), drwy hyn yn gwneud y Rheoliadau a ganlyn:

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:

Enwi, cychwyn, dehongli a chymhwyso**Title, commencement, interpretation and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Plant (Perfformiadau) (Diwygio) (Cymru) 2007, a deuant i rym ar 2 Ebrill 2007.

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) Yn y Rheoliadau hyn, ystyr "Rheoliadau 1968" ("the 1968 Regulations") yw Rheoliadau Plant (Perfformiadau) 1968(2).

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

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) These Regulations apply in relation to Wales.

Diwygio Rheoliadau 1968**Amendment of the 1968 Regulations**

2.-(1) Caiff Rheoliadau 1968 eu diwygio yn unol â darpariaethau'r rheoliad hwn.

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

(2) Yn rheoliad 2(1) dileer y geiriau "they may request a report from the head teacher in respect of the child,".

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

(1) 1963.p.37. Diwygiwyd Adran 37 gan Reoliadau Plant (Diogelu yn y Gwaith) 1998 (O.S.1998/276). O ran Cymru, trosglwyddwyd y pŵerau i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(2) O.S.1968/1728 fel y'i diwygiwyd gan Reoliadau Plant (Perfformiadau) (Diwygiadau Amrywiol) 1998 (O.S. 1998/1678).

(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).

- (3) Dirymir Rheoliad 6 o Reoliadau 1968.
- (4) Ar ôl rheoliad 8 mewnosoder y canlynol-
"8A Report from head teacher"
 (1) A licensing authority must not grant a licence in respect of a child who attends school unless -
 (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) Yn rheoliad 10(4) (addysg)-
 (a) hepgorer "on location" ym mhob man lle digwydd y geiriau hynny, a
 (b) hepgorer is-baragraff (e).
- (6) Yn rheoliad 12, ar ôl paragraff (1) mewnosoder y canlynol-
 "(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) Ar ôl rheoliad 12(6) mewnosoder-
 "(7) (a) 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) Ar ôl rheoliad 19 mewnosoder y canlynol-
"19A Child Protection Policy"
 The licence holder must ensure that the policy or policies enclosed with the application are adhered to."
- (9) Yn rheoliad 27 -
 (a) yn y pennawd, yn lle "thirteen" rhodder "nine";
 (b) ym mharagraff (1), yn lle "thirteen" rhodder "nine";
 (c) ym mharagraff (1)(a), yn lle "eight" rhodder "nine and a half";
 (ch) yn lle is-baragraff (b) o baragraff (1), rhodder "(b) before seven in the morning or after seven

- (3) Regulation 6 of the 1968 Regulations is revoked.
- (4) After regulation 8 insert the following-
"8A Report from head teacher"
 (1) A licensing authority must not grant a licence in respect of a child who attends school unless -
 (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 -
 "(7) (a) 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-
"19A Child Protection Policy"
 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

- in the evening.";
- (d) ym mharagraff (2) yn lle'r geiriau o a chan gynnwys "the Independent Television Authority" hyd at a chan gynnwys "the Independent Television Authority" rhodder "the Channel 3 licence holder, a broadcaster or independent production company";
- (dd) ym mharagraff (2)(a), ar ôl "performance or rehearsal" mewnosoder "either between the hours of seven in the morning and seven in the evening or";
- (e) ym mharagraff (2)(a)(iii), yn lle "eight" rhodder "nine and a half";
- (f) ym mharagraff (2)(b), ar ôl "twelve hours" mewnosoder "either between the hours of seven in the morning and seven in the evening or";
- (ff) ym mharagraff (3), yn lle "thirteen" rhodder "nine";
- (g) ym mharagraff (3)(b), yn lle "three and a half" rhodder "four";
- (ng) ym mharagraff (4), yn lle "thirteen" rhodder "nine";
- (10) Yn rheoliad 28 -
- (a) yn y pennawd, yn lle "twelve" rhodder "eight";
- (b) yn lle "the age of thirteen" ym mhob man lle digwydd y geiriau hynny, rhodder "the age of nine";
- (c) ym mharagraff (1)(b) dileer ", except that a child who has attained the age of ten years may be present until five in the afternoon";
- (ch) hepgorer paragraff (2).
- (11) Yn rheoliad 37 -
- (a) yn y pennawd, yn lle "thirteen" rhodder "nine";
- (b) ym mharagraff (1), yn lle "thirteen" rhodder "nine"; (c) ym mharagraff (1)(a), yn lle "eight" rhodder "nine and a half";
- (c) yn lle is-baragraff (b) o baragraff (1), rhodder "(b) before seven in the morning or after seven in the evening.";
- (ch) ym mharagraff (2)(b), yn lle "three and a half" rhodder "four".
- (12) Yn rheoliad 38 -
- (a) yn y pennawd, yn lle "twelve" rhodder "eight";
- (b) ym mharagraff (1), yn lle "thirteen" rhodder "nine";
- (c) ym mharagraff (1)(b) dileer ", except that a child who has attained the age of ten years may be present until five in the afternoon".
- 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) Ar ôl paragraff 19 o'r Atodiad i Ran 1 o Atodlen 1 mewnosoder y canlynol-

"20

The child protection policy or policies that the applicant will apply."

(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."

Llofnodwyd ar ran y Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1).

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

6 Mawrth 2007

6 March 2007

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

2007 Rhif 736 (Cy.66)

**GOFAL CYMDEITHASOL,
CYMRU**

**PLANT A PHOBL IFANC,
CYMRU**

Rheoliadau Plant (Perfformiadau)
(Diwygio) (Cymru)
2007

2007 No. 736 (W.66)

**SOCIAL CARE,
WALES**

**CHILDREN AND YOUNG
PERSONS, WALES**

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

© Hawlfraint y Goron 2007

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2007

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£3.00

W0036/03/07

ON