
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 372

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

PART 4

RESTRICTIONS AND CONDITIONS APPLYING TO ALL LICENCES

Application of Part 4

11. The restrictions and conditions prescribed in this Part apply to the grant of licences for a performance or an activity.

Education

12.—(1) The licensing authority must not grant a licence unless it—

- (a) is satisfied that the child's education will not suffer by reason of taking part in the performance or activity for which the licence is requested;
- (b) has approved the arrangements (if any) for the education of the child during the period to which the licence relates; and
- (c) has approved the place where the child is to receive education during that period, subject to such conditions as it considers necessary to ensure that the place is suitable for the child's education.

(2) The licence holder must ensure that any arrangements approved by the licensing authority for the child's education are carried out.

(3) Where, during the period to which the licence relates, a child requires to be absent from school for more than 5 days on which the child would be required to attend school if the child were a pupil attending a public school, arrangements must be made for the education of the child by a private teacher in accordance with this regulation.

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

- (a) the proposed course of study for the child is satisfactory;
- (b) the proposed course of study will be properly taught by the private teacher;
- (c) the private teacher is a suitable person to teach the child in question;
- (d) the private teacher will not teach more than 5 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, 11 other children; and
- (e) the child will, during the period to which the licence relates, receive education for periods which, when aggregated, total not less than 3 hours on each day on which the child would be required to attend school if the child were a pupil attending a public school.

(5) Where the performance to which the licence relates is to be recorded with a view to use in a broadcast or in a film intended for public use, the requirements of paragraph (4)(e) are deemed to be satisfied if the licensing authority is satisfied that the child will receive education—

- (a) for not less than 6 hours a week;
- (b) during each complete period of 4 weeks or, if there is a period of less than 4 weeks, during that period, for periods not less than the aggregate periods of education required by paragraph (4)(e) in respect of the period;
- (c) on days on which the child would be required to attend school if the child were a pupil attending a public school; and
- (d) for not more than 5 hours on any such day.

(6) When calculating any period of education for the purposes of this regulation the following must not be included—

- (a) any period which is outside the hours when the child is permitted to be present at a place of performance or rehearsal under regulations 19 to 21; and
- (b) any period of less than 30 minutes.

Earnings

13. The licensing authority may grant a licence subject to a condition that any or all of the sums earned by the child for taking part in a performance or an activity be dealt with in a particular manner by the licence holder.

Chaperones

14.—(1) A licensing authority must not grant a licence unless it has approved a person to be a chaperone to—

- (a) have care and control of the child; and
- (b) safeguard, support and promote the wellbeing of the child,

at all times during the period beginning with the first and ending with the last performance or, as the case may be, occasion to which the licence relates except while the child is in the care and control of a parent or teacher.

(2) The maximum number of children a chaperone may have care and control of at any one time is—

- (a) 10; or
- (b) where a person approved to be a chaperone is the private teacher of the child in question, 3.

(3) The licensing authority must not approve a person to be a chaperone unless it is satisfied that the person—

- (a) is suitable and competent to—
 - (i) exercise proper care and control of a child of the age and gender of the child; and
 - (ii) safeguard, support and promote the wellbeing of the child; and
- (b) will not be prevented from carrying out duties towards the child by other duties towards any other children.

(4) Where a child suffers any injury or illness while in the care and control of the chaperone, the licence holder must ensure that the parent of the child, named in the application form, and the licensing authority and host authority are notified immediately.

Accommodation

15.—(1) This regulation applies where a child would be required to live in accommodation other than where that child would usually live by reason of taking part in a performance or an activity.

(2) A licensing authority must not grant a licence unless it has approved that accommodation as being suitable for that child.

(3) The licensing authority's approval may be subject to any of the following conditions—

- (a) that transport will be provided for the child between the accommodation and the place of performance, rehearsal or activity;
- (b) that suitable arrangements are made for meals for the child; and
- (c) any other condition to safeguard, support or promote the wellbeing of the child in connection with the accommodation in which the child will live.

Place of performance, rehearsal or activity

16.—(1) A licensing authority must not grant a licence unless it has approved the place where the child will perform, rehearse or take part in any activity.

(2) The licensing authority must not approve the place of performance, rehearsal or activity unless it is satisfied that, having regard to the age of the child and the nature, time and duration of the performance, rehearsal or activity—

- (a) suitable arrangements have been made for—
 - (i) the provision of meals for the child;
 - (ii) the child to dress for the performance, rehearsal or activity;
 - (iii) the child's rest and recreation, when not taking part in a performance, rehearsal or activity;
- (b) the place has suitable and sufficient toilets and washing facilities; and
- (c) the child will be adequately protected against inclement weather.

(3) The licensing authority may give its approval subject to such conditions as it considers necessary for the purposes of this regulation.

(4) In paragraph (2)(a)(ii), arrangements for a child who has attained the age of 5 to dress for a performance, rehearsal or activity are not suitable unless the child can dress only with children of the same gender.

Travel arrangements

17. A licensing authority must not grant a licence unless it is satisfied that the licence holder will make suitable arrangements (having regard to the child's age) to get the child home or to any other destination after the last performance or rehearsal or the conclusion of any activity on any day.