
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Children (Performances) Regulations 1968 (S.I. 1968/1728) (“the 1968 Regulations”). Their purpose is to extend the licensing requirements contained in the 1968 Regulations as now required by the Children and Young Persons Acts 1933 and 1963. Those Acts were amended by the Children (Protection at Work) Regulations 1998 (S.I. 1998/276) in order to implement, in relation to children, the provisions of the 1994 EC Directive on the Protection of Young People at Work. The regulations revoke regulations dating back to 1933 which govern the form of licence required to authorise a child to perform abroad and insert the requisite provision and licence form into the 1968 Regulations.

Regulation 2 amends the 1968 Regulations to make provision for a licence to be obtained before a child may participate in a sport or work as a model in circumstances where payment, other than expenses, is made either to the child or to someone else. A child means any person of compulsory school age. Before the enactment of these Regulations a licence was required only where a child took part in performances, widely defined to include, for example, all broadcast performances. The regulations governing application for and grant of licences for performances are unchanged. Regulation 2 accordingly makes a number of what are largely drafting amendments to Parts I, II and III of the 1968 Regulations either to apply various of those provisions, with suitable modifications, to licences authorising children to take part in sporting or modelling activities or, where appropriate, to make it clear that other provisions continue to apply to licences for performances only. Parts IV, V and VI which relate specifically to licences for performances are unchanged.

Regulation 2 also makes consequential amendments to the Schedules to the 1968 Regulations to alter the form of application for a licence, the licence itself and the records which a licence holder is required to keep.

Regulation 2 also inserts into the 1968 Regulations provision for the form of licence required under section 25 of the Children and Young Persons Act 1933 to authorise a child to perform abroad. New regulations 41A and 41B, together with the new Schedule 4, regulate the form of licence and the particulars which the justice of the peace who grants the licence must send to the Secretary of State. The principal difference between these provisions and those which they replace is that, as now required by section 25 of the 1933 Act, they govern the issue of a licence where a child is going abroad to take part in a sport or to work as a model in circumstances where payment is made (other than expenses). In addition, the form of licence is simplified.

Regulations 3 and 4 are consequential on regulation 2. Regulation 3 makes transitional provision to ensure the continued validity of licences granted to children to perform abroad under the 1933 Regulations. Regulation 4 revokes the 1933 Regulations.