
STATUTORY INSTRUMENTS

1998 No. 1678

CHILDREN AND YOUNG PERSONS

**The Children (Performances) (Miscellaneous
Amendments) Regulations 1998**

<i>Made</i>	- - - -	<i>10th July 1998</i>
<i>Laid before Parliament</i>		<i>14th July 1998</i>
<i>Coming into force</i>	- -	<i>4th August 1998</i>

The Secretary of State, in exercise of powers conferred on him by section 25(2) and (8) of the Children and Young Persons Act 1933(1) and sections 37(4), (5) and (6) and 39(3) of the Children and Young Persons Act 1963(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children (Performances) (Miscellaneous Amendments) Regulations 1998 and shall come into force on 4th August 1998.

(2) In these Regulations—

“the 1968 Regulations” means the Children (Performances) Regulations 1968(3).

Amendments to the 1968 Regulations

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

(2) In regulation 1 (application for a licence)—

(a) in paragraph (1) for “take part in a performance to which section 37 of the Children and Young Persons Act 1963 applies”, substitute “do anything to which section 37(1) of the Act refers”;

(b) for paragraph (2) substitute the following new paragraph—

“(2) In the case of an application for a licence for a child—

(1) 1933 c. 12. Section 25(2) was amended by the Employment Act 1989 (c. 38), section 10(2) and Schedule 3, Part III, paragraph 6(b); section 25(2) and (8) were amended by the Children (Protection at Work) Regulations 1998 (S.I. 1998/276).
(2) 1963 c. 37. Section 37 and section 39(3) were amended by the Children (Protection at Work) Regulations 1998 (S.I. 1998/276).
(3) S.I. 1968/1728. The definition of “child” which applies to the 1968 Regulations is that contained in section 30 of the Children and Young Persons Act 1933 which was inserted into that section by the Employment Act 1989, section 10(2) and Schedule 3, Part III, paragraph 8.

- (a) to take part in a performance, to which sub-section (2) of section 37 of the Act applies, the applicant shall be the person responsible for the production of the performance in which the child is to take part;
- (b) to participate in an activity, the applicant shall be the person who is responsible for the organisation of the sporting event or, as the case may be, the person who proposes to engage the child as a model.”; and
- (c) in paragraph (3) after “first performance” insert “or, as the case may be, the first occasion”.
- (3) In regulation 2 (power of licensing authorities to obtain additional information)—
 - (a) in paragraph (1) after “performances” in both places where the word occurs insert “or activities”;
 - (b) in paragraph (2) after “performance” insert “or activity”.
- (4) In regulation 3 (form of licence)—
 - (a) in paragraph (2) at the beginning insert “In the case of a licence for a performance,”; and
 - (b) after paragraph (2) insert the following new paragraph—
 - “(2A) In the case of a licence for an activity, the licence shall specify the nature of the activity, the place at which it is to take place and either—
 - (a) the dates on which it is to take place; or
 - (b) the number of days on which a child may participate and the period, not exceeding six months, in which the activity may take place.”.
- (5) In regulation 4 (particulars to be sent to a local authority under section 39(3) of the Act) after “performance” insert “or activity”.
- (6) In regulation 5 (records to be kept by the holder of the licence under section 39(5) of the Act) for “performance or last performance” substitute “occasion or last occasion”.
- (7) In regulation 6 (number of performing days)—
 - (a) in paragraph (1) for “shall not grant a licence in respect of a child” substitute “shall not grant a licence in respect of a performance by a child”; and
 - (b) paragraph (5) is omitted.
- (8) In regulation 7 (troupe work) in paragraph (1) after “licence” insert “in respect of a performance”.
- (9) In regulation 10 (education) in paragraph (1) after “the performances” insert “or activities”.
- (10) In regulation 11 (earnings) after “performance” insert “or activity”.
- (11) In regulation 12 (matrons) in paragraph (1) after “performance” insert “or, as the case may be, occasion”.
- (12) In regulation 13 (lodgings)—
 - (a) in paragraph (1) after “performance” insert “or activity to which a licence relates”; and
 - (b) in paragraph (2)(a) after “rehearsal” insert “or, as the case may be, to the place where the activity to which the licence relates is to take place,”.
- (13) In regulation 14 (place of performance and place of rehearsal)—
 - (a) for paragraph (1) substitute—
 - “(1) A child shall not take part in a performance, rehearsal or activity for which a licence is required unless the place where he is to perform, rehearse or take part in any such activity has been approved by the local authority.”; and

- (b) in paragraphs (2) and (3) for “performance or rehearsal”, wherever the words occur, substitute “performance, rehearsal activity”.
- (14) In regulation 15 (arrangements for getting home) after “rehearsal” insert “or the conclusion of any activity”.
- (15) In regulation 19 (production of licence) after “performance” insert “or, as the case may be, the place where the activity to which the licence relates takes place”.
- (16) After Part VI insert the following new Part—

“PART VIA

LICENCES TO PERFORM AND PARTICIPATE IN ACTIVITIES ABROAD

41A. A licence under section 25 of the Children and Young Persons Act 1933 authorising a child to go abroad for any purpose specified in sub-section (1) of that section shall be in the form set out in Part I of Schedule 4.

41B. Where a licence under section 25 of the Children and Young Persons Act 1933 is granted, renewed or varied in accordance with that section, the particulars which the justice of the peace must send to the Secretary of State for transmission to the proper consular officer are those specified in Part II of Schedule 4.”.

- (17) In regulation 42 (interpretation)—
 - (a) after the definition of “the Act” insert—

““activity” means participation in a sport or work as a model in the circumstances specified in sub-section (1)(b) of section 37 of the Act”;
 - (b) for the definition of “licence” substitute ““licence” means a licence authorising a child to do anything for which, by virtue of section 37(1) of the Act, a licence is required”; and
 - (c) in the definition of “performance” for “section 37” substitute “section 37(2)”.
- (18) In Schedule 1 (form of application for a licence)—
 - (a) in Part I for paragraph 1, substitute—

I (a) grant to (b) a licence
authorising (c) to go abroad to fulfil the following engagement(s):
.....
.....
.....
I grant the licence until (being a period not exceeding 3
months from the date below) subject to the following restrictions and conditions
.....
.....
for the observance of which the applicant is to give security of (d)
Signed
Justice of the Peace
Date:

(a) Name of Justice of the Peace.
(b) Name of applicant.
(c) State whether the engagement is to sing, play, perform or be exhibited for profit, to take part in a sport or to work as a model.
(d) Delete if not applicable.

- (b) in paragraph 3(c) after “in the performances” insert “or regulating the activity”;
- (c) in the Annex to Part 1—
 - (i) in paragraphs 1, 3 to 6, 8, 10 and 18 after “performances”, wherever the word occurs, insert “or activities”;
 - (ii) in paragraph 9 at the beginning insert “Where a licence is requested in respect of a performance”;
 - (iii) in paragraph 17 for “performance or rehearsal”, wherever the words occur, substitute “performance, rehearsal or activity”, and
 - (iv) after paragraph 18 insert—

- “19 Where the application is for a licence for an activity, a statement by the child’s parent that the child is medically fit for the proposed activity.”; and
- (d) in Part II—
- (i) in paragraph 5 at the end insert “or activities”,
 - (ii) in paragraph 8 at the end insert “or activity”,
 - (iii) in paragraph 9 after “performance” insert “or first activity”, and
 - (iv) in paragraph 10(i) after “performances”, in the first place where the word occurs, insert “or activities”.
- (19) In Schedule 2 (form of licence)—
- (a) after paragraph (2) insert—
 - “(3) otherwise to take part in a sport for payment (other than expenses) on the dates specified below or on the number of days and during the period specified below, or
 - (4) otherwise to work as a model for payment (other than expenses) on the dates specified below or on the number of days and during the period specified below,”; and
 - (b) for “The performances in respect of which the licence is granted are” substitute “The performances or activities in respect of which the licence is granted are”.
- (20) In Schedule 3 (records to be kept by the holder of a licence)—
- (a) after “holder of a licence” insert “granted in respect of a performance”; and
 - (b) at the end insert—
 - “The holder of a licence granted in respect of any activity shall keep the records specified in paragraphs 1, 2(a), 3, 7 and 8 as if any reference in those paragraphs to a “performance” were a reference to the activity for which the licence was granted.”.
- (21) After Schedule 3 insert as Schedule 4 the Schedule to these Regulations.

Transitional Provision

3. A licence issued under the Employment Abroad of Persons under Eighteen, Licence and Regulations 1933(4) which is in force on 4th August 1998 remains in force until the date stated on the licence.

Revocation

4. The Employment Abroad of Persons under Eighteen, Licence and Regulations 1933 are hereby revoked.

10th July 1998

Frank Dobson
One of Her Majesty’s Principal Secretaries of
State (Department of Health)

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

SCHEDULE

Regulation 2(21)

(To be inserted as Schedule 4 to the 1968 Regulations)

“SCHEDULE 4

Regulations 41A and 41B

PART I

Form of licence to enable child to perform or participate in other activities abroad

I(a) grant to(b) a licence
authorising(c) to go abroad to fulfil the following engagement(d):

.....
.....
.....
.....
.....

I grant the licence until (being a period not exceeding 3
months from the date below) subject to the following restrictions and conditions

.....
.....
.....
.....
.....

for the observance of which the applicant is to give security of(e)

Signed

Justice of the Peace

Date:

PART II

Particulars for transmission to the proper consular officer

1. The name and address of the child.
2. The date, place of birth and nationality of the child.
3. The name and address of the applicant for the licence.
4. The name and address of the parent of the child.
5. Particulars of the engagement including where and for how long the child is to participate.
6. A copy of the contract of employment or other document showing the terms and conditions on which the child is engaged.
7. A copy of the licence.”

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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.