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Keeping young performers safe

Guidance to accompany the 2015 child performance regulations



Guidance

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Keeping young performers safe

Audience	Local authorities; headteachers and governing bodies of maintained schools; headteachers and governing bodies of voluntary aided and foundation schools; teachers in charge of pupil referral units; church diocesan authorities; proprietors of independent schools; principals of further education institutions; higher education institutions; school staff unions; teacher unions; Governors Wales; Careers Wales; Local Safeguarding Children Board Chairs; broadcasting companies; theatre companies; operatic organisations; voluntary and charitable organisations that work with children or that have child members (including staff within those organisations that have a lead responsibility for safeguarding children).
Overview	This document contains guidance to support the new child performance regulations for Wales.
Action required	None – for information only.
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Additional copies	This document can be accessed from the Welsh Government's website at www.gov.wales/educationandskills
Related documents	<i>Child performance regulations: when children can take part in performances and the breaks they must have</i> (2014) The Children (Performances and Activities) (Wales) Regulations 2015

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Introduction

Wales has a long and proud tradition of participation in the performing arts and sports over many years, with many of our most celebrated performers achieving global success. These successes rarely happen overnight, and many children across Wales take part in performances and activities in school, local centres and professional theatres each and every day. Some take part in major professional shows or in film and television productions, or in major events for special visits or festivals. A few are paid for their performances, including those who are involved in sport and modelling.

Not all of these children will become household names of the future. However, the Welsh Government recognises that these opportunities can help children grow in confidence, increase their self-esteem and provide a basis on which to learn a range of new skills, as well as give some the chance to build a career in the creative sector. We want to make sure that children can take advantage of these opportunities wherever possible so that they can make the most of these benefits and enjoy the chance to perform in public.

Safeguarding and promoting the welfare of these children must always be the driving principle when we consider the arrangements which enable them to participate in these activities. This guidance provides a framework to ensure that the welfare of performing children is safeguarded effectively, that they receive proper care and that their education and rights are protected.

All local authorities have a legal duty to have regard to the need to safeguard and promote the welfare of children. These new arrangements are consistent with that duty and will help safeguard all children who take part in performances, sporting and modelling activities. This will mean different things for different children: some children will need individual licences, setting out specific rules to govern how long they work, who looks after them and how their education will continue. Others will only need simple rules to make sure their health and education are unaffected.

The Welsh Government has made new Regulations – the Children (Performances and Activities) (Wales) Regulations 2015 – which provide a legal framework to underpin these arrangements which will help ensure these children are safeguarded when they take part in performances and other activities. This guidance explains these new arrangements so that they can be easily understood by parents, organisers and local authorities, and that children get the chance to make the most of these opportunities. It will provide a framework to ensure that children have the opportunity to excel in their chosen activities, while we keep young performers safe.

Summary of guidance

What is the status of this guidance?

1. This guidance is designed to help you understand the requirements of the Children (Performances and Activities) (Wales) Regulations 2015, made by Welsh Ministers under the Children and Young Persons Act 1933 and The Children and Young Persons Act 1963. These Regulations came into force on 30 October 2015 and replace the Children (Performances) Regulations 1968 (as they applied to Wales) and revoke the Children (Performances) (Miscellaneous Amendments) Regulations 1998 (as they applied to Wales) and the Children (Performances) (Amendment) (Wales) Regulations 2007. This guidance is non-statutory and should be read with the Regulations and relevant primary legislation when considering licensing issues for performances, sporting and modelling activities.

Who is this guidance designed for?

2. This guidance underpins the arrangements for the effective licensing of child performance, which is managed by local authorities as the relevant licencing authority. It is relevant to all those people and organisations who are involved in whatever capacity in making arrangements for children to participate in stage, television, film or other performances, as well as those who take part in paid sport or modelling activities, where the child lives in Wales or where the performance or activity takes place in Wales.

3. This means that the guidance provides a framework for:

- those responsible for putting on professional or amateur performances involving children, including schools, youth groups and other voluntary organisations;
- theatre companies, promoters, agents and others involved in working with children in professional productions;
- people who engage children in paid sport or paid modelling activities;
- parents and carers of children involved in these performances and activities;
- people who act as chaperones to children involved in these performances and activities;
- local authorities;
- schools and other education providers; and
- magistrates' courts.

What has changed?

4. The main changes from the previous arrangements are that:

- a medical certificate is no longer routinely required before a licence can be issued;
- a chaperone has a level of discretion to vary the time a child finishes by up to one hour, and will then report the change to the local authority;
- the times for which different age groups can work have been rationalised, removing differences between stage and broadcast performances.

What does it cover?

5. This guidance provides advice on when a licence is needed and when it might not be needed. It sets out the information needed to get a licence, the rules by which a licence may be granted and the conditions that must be followed. It explains who should apply for a licence and who is responsible for making sure that the terms of a licence are met, along with the roles of local authorities and Welsh Ministers in issuing and overseeing licences. Some conditions apply to all performances and activities involving children, even where a licence is not required.

6. It covers children who normally live in Wales and are going to take part in a performance or activity in Great Britain (Wales, England and Scotland), as applications for licences for these children will need to be made to local authorities in Wales. It also deals with children living in Wales who are going to perform abroad (outside Great Britain and Ireland), although children intending to perform in Ireland do not need a licence from a UK local authority but will have to comply with local requirements. It also covers situations where children normally live outside Great Britain but where the person or organisation organising the activities is based in Wales, as applications will have to be made to the authority where that person or organisation is based.

7. The guidance also explains the role of chaperones (people approved by a local authority to look after children taking part in performances or activities) and the requirements they have to meet in order to be approved, and the rules regarding education, breaks and meals for children. The discretion of chaperones to change some of these, such as extending the latest finishing time if needed, is also explained.

Why has it changed?

8. The Welsh Government consulted on child performance arrangements in 2012 (jointly with the UK Government) and in 2014. We considered the responses and balanced their views while treating the effective safeguarding of children as our primary objective. We have also tried to meet the need for flexibility and clarity, but not at the expense of effective safeguarding. We have also considered the need for people from across the UK to work in Wales and for cross-border working with other UK countries.

9. As a result, the new Regulations have been made to replace those first made in 1968 and amended in 1998 and 2007 to strengthen safeguarding in response to the recommendations of the Clywch report (2004). The Regulations set out the rules as they apply to Wales in detail and this guidance aims to explain how they should be translated into practice for different people at different times.

When do these arrangements take effect?

10. The Regulations come into force in Wales on 30 October 2015 and must be used to decide on all licence applications received on or after that date. These continue in force until any further amendment is made by the National Assembly for Wales.

What do specific words mean?

11. In this guidance, the following words or phrases have these meanings:

child or **children** means a person or persons between birth and school leaving age (which is the last Friday in June as long as they will be 16 by the end of that school year's summer holidays);

local authority means, in Wales, a county council or county borough council as defined in the Local Government (Wales) Act 1994 or, in England or Scotland, an authority as defined by the relevant legislation;

1933 Act means the Children and Young Persons Act 1933, as amended;

1963 Act means the Children and Young Persons Act 1963, as amended;

Regulations means the Children (Performances and Activities) (Wales) Regulations 2015.

Why do I need to follow these arrangements?

12. The Regulations put in place a legal framework for the operation of these arrangements which are designed to ensure that children in Wales are able to take advantage of appropriate opportunities, while ensuring that they are effectively safeguarded while taking part in performances and activities.

13. Causing, procuring or allowing a child to take part in a performance without a licence where one is required is an offence. Failing to observe any condition of a licence or failing to keep and produce proper records are also offences. Any of these offences could lead to a fine or imprisonment.

1. When do you need a licence?

Summary

Licences can be required for almost any performance or activity involving children, including where the child is paid and when a performance is broadcast live or recorded to show in the future. In some cases, such as performances organised by schools or where no-one is being paid, a licence may not be needed or a general approval can be requested.

Types of performance/activity

1.1 The aim of a licence is to safeguard any child who is under compulsory school age and is taking part in a performance or activity – which normally means the child has not reached the last Friday in June and will be 16 by the end of that school year's summer holidays. They include performances by amateur groups, schools and students, as well as those by professional promoters, theatres or companies.

1.2 The need to have a licence depends on what is being organised, not on who is organising the performance or activity. The main factors are whether payments are made (by the audience) or received (by the child); the place where the performance takes place; and whether it is filmed or recorded for television, radio, the internet or a film. These include:

- any performance for which a charge is made for admission or for another reason;
- any performance on premises licensed to sell alcohol (even if the bar is closed during the performance);
- any live broadcast performance (including television, radio and internet streaming);
- any performance recorded to use in a broadcast or film that will be seen by the public (including sound or audio recording placed on a website or a performance recorded for a cinema screening or part of a film);
- any activity where children take part in sports or modelling for which payment, other than expenses, is made (whoever receives the payment).

unless an exemption applies. Annex 2 helps to explain which types of performances or activities may require a licence for a child to take part in and which types may not.

1.3 Even if someone organising a performance or activity thinks that they may be able to use one of the exemptions, they should first talk to their local authority to discuss the details and to let them know of the planned event. This will help organisers to be better assured that they do – or do not – need to apply for a licence, and help local authorities to make sure that all children involved are properly safeguarded. Even if a licence is not required, there are rules that apply to all performances involving children on how long they can take part in a performance or activity, how long they can stay there, and how long their breaks must be. These are set out in Chapter 3 and Annex 3.

Exemptions

1.4 Some types of performance will not need a licence, but these exemptions will only apply where no payment is made to (or in respect of) the child or children taking part in the performance (whoever takes the payment). These are where:

- a performance is organised by a school;
- the child has performed for fewer than four days in the past six months (the Four Day Rule); and
- no child is being paid and the organiser can apply for a Body of Persons Approval.

Schools

1.5 A performance may not require a licence if it is:

- a) organised by a school – an educational institution that provides primary or secondary education, rather than a dance school or similar; and
- b) the school is responsible for producing the performance, which may involve children from that school or from another.

The table below sets out when a performance would meet the criteria for this exemption – and when it would not.

Who is making the arrangements?	Is a licence required?
The child's school	No
Another school which the child does not attend such as: <ul style="list-style-type: none">• a performing arts school which also provides a child's main education; and• a school providing a child's main education working alongside a performing arts school. <p>This exemption would not be affected by a broadcaster filming the event as part of an observational documentary – as long as the children are not told what to do by the broadcaster.</p>	No
Dance schools and similar organisations where the child is attending only for training in that activity (not where they receive their main education)	Yes (assuming no other exemption applies)
Another person/organisation For example, where children from a school take part in a performance arranged by a broadcaster	Yes (assuming no other exemption applies)

Four day rule

1.6 Any child who has not performed on more than three days in the past six months does not need a licence for one more day's performance. Once a child has performed on four days or more in a six month period, then a licence is required (unless another exemption applies). This includes any performance, paid or otherwise, whether or not the child had a licence for any of those days or was covered by a Body of Persons Approval (see below). There will need to be 'reasonable grounds' to believe that the child had not performed on more than three days in the past six months. A letter from the child's parent to confirm this would be the best approach, and advice could also be sought from the licensing authority.

1.7 If the child needs to be absent from school to take part in the performance then written permission will be needed from the child's headteacher to allow them to miss school for the performance.

➤ Body of Persons Approval

1.8 In some cases, an organiser can apply for a Body of Persons Approval (BoPA) from the local authority where their performance(s) are taking place. This covers all children in one approval, rather than individual licences for each of the children taking part. The organiser can apply for a BoPA for a specific performance or for a limited period of time to put on performances involving children. It is also more flexible as the names of individual children are not required, allowing children to join at short notice or to drop out if other commitments become too great.

1.9 A BoPA can be a good option for amateur groups who otherwise might find the licensing process onerous and costly, to the extent that children may be deprived of good opportunities. They may also be appropriate for other types of organisation: the key requirement is that the child is not paid (and would not normally be expected to be) and that the organisation can show that it has robust and effective systems in place to safeguard children during rehearsals and performances.

1.10 Applications for a BoPA should be made to the local authority for the area where the performance will take place and applicants should make as much information as possible available to the authority. The authority can impose conditions that they feel are needed to ensure the well-being of the children involved and may revoke approvals if these are not met.

1.11 The organiser may not have all the information when they apply for a BoPA, such as how many children will take part in an open event. Applicants should provide all the information that they have, explain why it is limited, and when the rest may be available. In these cases, it is best to apply as early as possible to give the local authority a reasonable amount of time to assess any application – and in case it needs more information before granting approval. If the information cannot be provided in advance, the authority can issue approval on the condition that the information will be provided as soon as it is available, even if that is after the event.

1.12 Where an application for a BoPA involves large numbers of children over a significant number of local authority areas, then in certain circumstances the Welsh Ministers may consider the application. In most cases, though, local authorities are better placed to judge the needs and safeguarding arrangements required for the children involved and Welsh Ministers would not expect to receive applications on a regular basis.

2. What about education and schooling?

Summary

A child's education must not be adversely affected by taking part in a performance or activity. Headteachers must be involved in any application for licences for children who attend their school and need to give permission whenever a child is to miss school to take part in any performance or activity.

Absence from school

2.1 Every child should attend school at every opportunity so that they are given the chance to achieve their full potential. The links between attendance and achievement are very strong, and those who miss significant amounts of school are less likely to attain the levels and qualifications that they should. Attendance is also key to the success of the school as a whole, as well as the individual. Headteachers have to consider the well-being of the child, their class and the school when they are asked to allow children to be absent. They are not required to allow children to be absent if they feel it would damage their schooling and their chances of achieving their expected levels of educational attainment.

2.2 While opportunities to take part in performances or other activities are important, they should not be considered as more important than the child's schooling. The organiser of any performance or activity must make sure that the children involved continue to get suitable education while they are involved.

Headteacher's letter

2.3 Involvement of the child's or children's school is essential. A local authority must not grant a licence unless it is in receipt of a letter from the headteacher of the child's school confirming that their education will not suffer. This is not just about missing school – although maintaining good attendance will be part of the headteacher's consideration of the request – but about anything that might have a detrimental effect on their learning, such as regular late nights, lack of time to complete homework, or other things which could interfere with the child's wider education or well-being.

2.4 The letter should be given by the applicant to the authority with the application form, so the child's headteacher should be approached as early as possible to establish whether there might be any concerns over the application. The only exception is where the authority agrees that it is not possible or practicable to get such a letter (such as when an application is made during school summer holidays and does not involve time out of school), but not if there could have been time to get a letter if the application had been better planned.

Licence applications and approval for absence

2.5 If a licence application says that the child will be needed on specific dates, the application must also include, as part of the letter from the headteacher of their school, specific permission for them to be absent from school on those dates.

2.6 If the licence does not specify dates (an open licence), then the child must have the headteacher's agreement (submitted with the application) that they can miss school in order to take part. The child will still need to obtain permission from the headteacher for each occasion the child is to be out of school. Whatever the type of school, it is always the headteacher's decision as to whether a child is allowed to miss school, not the local authority.

2.7 No child should take part in a performance, rehearsal or activity during school time without the agreement of the headteacher. Doing so would be an "unauthorised absence" and regular unauthorised absences are likely to mean action from the school and local authority against the parents, who have the legal responsibility of ensuring their child attends school.

Other performances

2.8 If any event involves a child missing school, then the headteacher's permission is required. If the headteacher has agreed to their absence in a licence application, then this will normally be enough provided that the headteacher agrees to the specific dates on which they are absent.

2.9 Where there is no licence – the performance or activity is subject to a Body of Persons Approval (BoPA) or relies on another of the exemptions – then it is entirely up to the headteacher of the school to decide whether to approve the absence of any child to take part. Where the school is organising the event, then this is not likely to be a problem as the children involved will still be in school or under the schools' care and control.

2.10 Where there is a BoPA or the child is allowed to take part under the Four Day Rule, the child cannot take part in the event if it involves time out of school without agreement from the headteacher. Only if the performance, rehearsal or activity takes place outside school hours (late afternoon or evening, weekends, bank holidays and school holidays) is the child allowed to take part without that permission. However, if this affects the child's learning, the headteacher should discuss with the child's parents, and the local authority, the best way to make sure they are not disadvantaged.

Education outside school

2.11 It is vital that a child's education does not suffer as a result of being involved in a performance or activity. For many children, their time out of school may be fairly short, but for others the time commitment away from school might be considerable and frequent. A local authority must not agree a licence where they think that a child's education may suffer by taking part in the performance or activity. If needed, the authority must also set out how and where a child will receive education outside school and must be satisfied that it will be suitable for the child being taught.

2.12 Children who receive private teaching as part of their licence must have at least the minimum amount of teaching – equivalent to three hours a day for each normal school day missed. However, this can be aggregated over four weeks (or the total period of the licence if that is less than four weeks) to allow some flexibility from day to day, with a minimum of six hours in any one week and a maximum of five hours in any one day.

2.13 There is no specific time by which any private teaching must finish. However, it would not be appropriate for a child to regularly have lessons at the end of the day, when performing or rehearsing has finished, as they are unlikely to be receptive to learning when they are tired. The needs of each child must also be taken into account, rather than insisting on one fixed approach to teaching. Local authorities may also set conditions as part of the licence on how private teaching will be carried out in order to make sure the child's education continues.

2.14 All time spent in education counts towards the hours spent at the place of performance or rehearsal each day: these must not go past the maximum hours set for that child in the licence (see Annex 3). However, time spent in school or another place of learning that is not specified in the licence, such as time the child spends in school before going to take part in the event or any period of learning that lasts 30 minutes or less does not count towards this total.

Private teachers

2.15 The education required by the licence may be carried out by a private teacher, although it may also be carried out partly in a school by the school's teachers if the authority approves the arrangements. Any private teacher has to be considered 'suitable' by the local authority granting the licence. The local authority should request references, an up-to-date Disclosure and Barring Service (DBS) check, evidence of experience, qualifications and anything else which shows ability and suitability to teach children to the level expected for their age and attainment.

3. What rules apply to every performance, even without a licence?

Summary

Anyone who organises performances must make sure that a child does not work or rehearse longer or later than fits their age, whether or not a licence is needed. Children must also have proper breaks during the day and overnight.

All performances

3.1 There are some key requirements that apply to anyone organising performances involving children. These will apply to **all** these performances, whether licensed or otherwise, and so must be followed by all producers and organisations at all times, whatever the size and nature of the events.

Time taking part in performing or rehearsing each day

3.2 The main time limits that apply to different age groups are set out in Annex 3. These apply for all children in all performances– not just those for which a licence is required. The limits are the maximum times for which children can be present, rehearsing or performing at the performance venue and the minimum lengths of time for breaks during the day. The maximum amount of time spent rehearsing or performing each day is a limit and not a target. The actual amount of time spent rehearsing or performing by any child must reflect their age, situation and experience, along with consideration of their health, well-being and fitness to take part. The earliest start time and latest finish time are also limits so, for example, 7.00 am does not have to be the normal time for a child to turn up.

Breaks

3.3 Children need proper breaks during the day and between performances to rest and recover. Meal breaks must be at least 45 minutes and other breaks no less than 15 minutes long. The child must have a break of at least 1 hour 30 minutes between each performance. The only exception is when the earlier performance is shorter than one hour and

- the following performance or rehearsal is at the same venue; OR
- there is no time required to travel between performances or rehearsals.

In such a case, the break may be reduced to no less than 45 minutes. Some children may need longer breaks and their needs should be taken into account when planning schedules.

3.4 Overnight breaks must be at least 12 hours but most children should normally have an overnight break of no less than 14 hours. Organisers must make sure that each child is able to have proper rest.

3.5 The time spent in make-up or wardrobe, or any other form of specific or physical preparation such as warm-up exercises, does not count as a break but forms part of time spent in rehearsal. That means that such time forms part of the total number of hours allowed at the place of performance or rehearsal. The time spent in make-up or wardrobe, or any other form of specific or physical preparation, therefore cannot take place before the times listed in Annex 3 or as agreed in the licence.

3.6 Any child taking part in a performance must not take part in any other employment on the day of the performance or the day after. This does not stop them performing or rehearsing on two consecutive days, or being involved in publicity for the event. However, the restriction is there to allow children to get enough rest when they are not rehearsing or performing.

4. What does a licence include?

Summary

Licences must only be agreed where the child will be properly safeguarded. This means proper care for the child's health, education and protecting the child's welfare and well-being, including their working and travelling time. Local authorities will require evidence that all these issues have been considered before agreeing to issue a licence.

Safeguarding children and their education

4.1 Local authorities have a duty to safeguard and promote the welfare of children and before issuing a licence they must be satisfied that:

- the child is fit to take part in the performance or activity;
- proper provision is made to secure the child's health and well-being; and
- proper provision is made to ensure that the child's education will not suffer.

4.2 Only if these conditions are met should a licence be issued. If an authority is not satisfied, it can put extra conditions in place or refuse to grant a licence.

Child protection policy

4.3 As part of this duty, the person applying must give the authority a copy of their organisation's child protection policy with the application. The licence should require them to make sure that the policy is followed and that the child is properly protected at all times.

Time rehearsing, performing and at the place of performance

4.4 All children have limits on the amount of time they can take part in performances and activities. These limits and the earliest start and latest finish times apply to children in all performances, whether licensed or not. These are listed in Annex 3.

4.5 Rehearsals during the performance period come under the licensing requirements and are subject to the same conditions and time limits as performances. Rehearsal time counts towards the maximum permitted hours a day for each child. Warm up time should be taken into account when assessing the amount of time that a child spends in rehearsal.

4.6 Licensing requirements do not apply to rehearsals that take place before the first day of performance. A local authority should still consider whether the amount of rehearsals before the first day of performance will have an adverse impact on the education and well-being of the child. The application for a licence must include details of any rehearsals which will take place before the first day of performance (dates, times, places and duration). The authority may place extra conditions on the licence if they believe that the overall schedule, including these rehearsals, might have a negative impact on the child.

Length of time performing

4.7 A child can take part in performances (including rehearsals) for no more than six days in a row, in order to give them time to recover and to allow them time away from the production. This can continue for no more than eight weeks. If a child works for this maximum time, they must have a minimum break of 14 days before their next performance. This rule will not apply if the child's licence specifies fewer than 60 days of performance. However, the authority can decide to limit the length of time performing for any child through conditions on the licence if it feels that the schedule would affect their education or well-being.

Travel time

4.8 Some children travel considerable distances to take part in a performance and the organisers should allow for that in setting the timetable for each day of the performance. The authority should take travel time into account and, if necessary, set out different start and finish times for a child to allow for travel as a condition of a licence.

Working at night

4.9 Although there is an earliest starting time and a latest finishing time (see Annex 3), a child is allowed to work at night (that is, after the latest finishing time and before the earliest starting time) if a request is made to the child's local authority. As the child's well-being is paramount, such work is subject to restrictions.

4.10 If a child is to work at night, then:

- the time spent performing at night must be counted as part of the total hours of performance or rehearsal in one day, and must not exceed the maximum for their age;
- if a child performs at night, then they must have a break of at least 16 hours until they take part in any further rehearsal or performance; and
- if a child performs for two consecutive nights, then they must not work again at night for another seven days.

4.11 For example, if the local authority agrees that a 10 year old child may work at night, they might work between 0000 (midnight) and 0300 on a Tuesday. This would mean that during the day before (between 0700 and 2300 on Monday), their time rehearsing and performing could not be longer than 6 hours 30 minutes (the maximum time allowed being 9 hours and 30 minutes).

4.12 Having finished at 0300, the same child could not return to work until 1900 on Tuesday (16 hours afterwards). If they were then to do some more work that night between 2300 (Tuesday) and 0200 (Wednesday), then the child could not:

- return to rehearsal or performance before 1800 (Wednesday) or
- do any other work at night until after 2300 on the following Wednesday (seven days later).

5. What is the role of a chaperone?

Summary

Chaperones are pivotal to ensuring the proper care of children taking part in performances. They must act in the best interest of the child and so must have appropriate training in line with local arrangements. Chaperones also have discretion to allow longer working if required. If they exercise this discretion, they must report this to the authority. They also have a right to review the performance script to make sure it is suitable, taking into account the age of the child.

Chaperones

5.1 Every child taking part in a performance or activity must be properly cared for and supervised at all times. This cannot always be done by their parents, so the local authority will approve chaperones to look after the child and their best interests while they are involved in the performance or activity. This applies whether the child is living at home or whether the child is away from home for a time. The chaperone's top priority must always be the best interests of the child they are looking after, including their health, well-being and education, throughout the time of the performance or activity.

5.2 A chaperone is needed where the child's parent or teacher is unable to supervise the child for the duration of the performance, rehearsal or activity. If the child is being supervised or cared for by one of their parents, or by one of their usual teachers (for example, during a school production), then a chaperone is not required. However, this does not apply to other members of the child's family. If a grandparent accompanies a child to an event, for example, then a chaperone will still be needed unless the grandparent has parental responsibility.

Training and suitability

5.3 People wishing to be approved as chaperones should apply to the local authority for the area where they live. Those applying to a local authority in Wales for approval as chaperones must be deemed suitable by that local authority before they can carry out any duties of a chaperone and must take appropriate child protection training in line with local arrangements. The content and timing of this training will be decided by the local authority under their safeguarding policy.

5.4 The authority will also need to be satisfied that a chaperone is suitable and competent to take charge of the children. This is likely to include references, an up-to-date Disclosure and Barring Service (DBS) check, and evidence of experience, qualifications and anything else which shows their ability and suitability to care for children. A chaperone can take charge of no more than twelve children at a time or, if they are also acting as a private teacher, no more than three.

General duties

5.5 A chaperone's only duty is to the child, which comes above any other expectations or demands from any other person or employer. The chaperone must be the child's champion and advocate, standing up to any request that they believe is not in the child's best interests or which might adversely affect their health, well-being or education. This also means that the child should be comfortable with the chaperone so that they can share any concerns. The chaperone must challenge behaviour and actions that they feel are not appropriate when children are involved and raise any worries about health, safety and risk in any area of the performance or activity.

5.6 This champion role will also mean the chaperone making sure that a child who is not well is not expected to perform and that breaks are not eroded by demands to be ready the moment the break ends. This is also a child protection role: a chaperone needs to make sure the children are not left with other adults (except their parent or teacher) and must protect the child from being forced into anything they do not want to do, either as part of the performance or activity or off stage.

5.7 As this role is entirely about safeguarding the child in their care, chaperones must behave appropriately while looking after the child. They must avoid any actions – such as drinking alcohol or smoking while on duty, taking care of the child while under the influence of alcohol, wearing inappropriate clothing or using inappropriate language in front of the child – that could threaten the well-being of the child. Similarly, the chaperone can only do that job while looking after children. They cannot also be members of the audience, work backstage, or be linked to any activity associated with the performance. Parents acting as chaperones will also need to carry out just that role while they are at the place of performance or rehearsal: if they want to watch a performance instead of remaining with the child, they will need another chaperone to stay with the child to meet the needs of the licence.

5.8 A chaperone should have a 'Key Contact' list for each of the children in their care. This should include parents/carers, the licensing authority for the child, the host authority (where performance or activity is taking place), any agents and the management of the company organising the event. They should always remain in close contact with the organiser and licence holder who has a legal responsibility to safeguard the child. The chaperone looking after a child may be approved by a local authority other than the one that issued the licence for the child.

Scripts

5.9 Where permitted by the licence, the chaperone can request to see the latest copy of the script being used for the performance, so that they can confirm that it is appropriate for the child. What is appropriate will vary according to the child, their age and the production itself. The chaperone should raise any concerns with the producers in order to safeguard the child in their care: if their concerns are not resolved, the chaperone should contact the local authority for the child to alert the authority to their concerns.

Discretion on finishing times

5.10 The chaperone may decide whether or not a child will be allowed to work past the latest finish time in certain exceptional circumstances. Sometimes a theatrical production will overrun or filming is delayed by technical reasons, meaning that the child is needed later than the Regulations or the licence allow. In these situations, the chaperone can agree an extension of no more than one hour, as long as they are satisfied that the child's well-being will not be affected and that the child's total time that day (including the additional time agreed) does not exceed the maximum allowed. The chaperone must then inform the relevant local authorities (those that issued licences for the children involved and the host authority where the event is taking place) that the extension was agreed and the reasons for agreeing it.

5.11 This discretion is designed for occasional use only, where there are unusual or unforeseen circumstances that delay a production. Chaperones should consider a request for an extension only in exceptional situations. It should not be used on a regular basis or to make up for poor scheduling by the organisers of the event. It would be reasonable for a local authority to ask for further information or to question the number of extensions granted if it seems to the authority that this provision is being used too often.

5.12 The chaperone may also agree to reduce one of the meal breaks to not less than 30 minutes where the performance or rehearsal is outdoors. Again, this is expected to be only an occasional occurrence.

6. How do you apply for a licence?

Summary

Only a person who has responsibility for making sure a child is properly safeguarded can apply for a licence. Applications for performances in Great Britain should be made to the local authority where the child normally lives. A doctor's certificate is not normally needed

Responsible person

6.1 The application must be made by the person or organisation responsible for organising, producing or running the activity or performance in which the child will be involved. The application must be made in writing to the relevant local authority at least 21 days before the licence is needed. If less notice is given, the authority has the right to refuse to grant a licence on the grounds that there is too little time to carry out their responsibilities. If the licence is granted, the applicant will be legally responsible for ensuring that all the conditions are met and that the child is properly safeguarded.

6.2 It is possible for an agent to apply for a licence on behalf of the child where the child is to take part in a modelling event and where the child, or someone on their behalf, is paid. However, an agent cannot apply for such a licence when the child is to take part in a 'performance' (see chapter 1 and Annex 2).

6.3 A person or organisation that is not responsible for that performance or activity and so cannot make sure that the child is protected and safeguarded throughout the activity cannot apply for, or be granted, a licence.

Responsible local authority

6.4 Where the child normally lives in Great Britain (Wales, England and Scotland), the application should be made to the local authority where they live. England and Scotland have separate, but similar, application processes for children who live there. The application will be considered by a licensing officer, who should have undertaken appropriate child protection training in line with local arrangements.

6.5 Where a child lives outside Great Britain – which means anyone from Northern Ireland, as well as anyone living outside the United Kingdom – then the application should be made to the local authority where the responsible person lives or works (their 'place of business').

Information required

6.6 The information required for a licence falls into two sections – information about the child and information about the performance or activity. This is listed in Annex 4, which sets out the information that is needed and guidance on what should be included in the application.

6.7 A medical certificate is no longer required as part of every application. However, a local authority may request a medical examination of the child before a licence is granted.

Signatures

6.8 The application form must be signed by the applicant and a parent of the child.

Risk assessments

6.9 As part of their approach to ensure the effective safeguarding of children, applicants should have carried out risk assessments of a number of areas to make sure that children are properly protected. These will include physical safety on stage, health risks and work pressure on the children, as well as wider safeguarding and child protection issues. These risk assessments should be included with the application and the child protection policy. The local authority should raise any areas of concern before agreeing a licence.

Information security and data protection

6.10 Every application and licence will contain personal data on children aged 16 or under. The Data Protection Act requires everyone involved in collecting and using this data to ensure that appropriate measures are taken to protect it from misuse or loss. This means that appropriate levels of protection must be used to keep the information safe. More information is available from the [Information Commissioner's Office](#).

6.11 Anyone sending an application will need to make sure it is secure from interception or tampering. The Royal Mail and other mail companies offer parcel tracking and signed-for services that provide additional security. Similarly, completed licences should only be issued with appropriate levels of security, whether through the post or when collected in person.

6.12 Any submission by e-mail must be sent to a secure address in the appropriate local authority. General enquiry addresses and named e-mail addresses, unless confirmed as secure, should not be used to submit personal data. The route of any electronic applications must be agreed with the authority before they are sent, so that receipt can be confirmed by the right person.

6.13 Local authorities have Information Security policies and protocols. People handling licence applications should discuss the systems they use with their own Information Security teams and should consider what could be done to improve the security of this information, electronic or analogue, throughout the application process.

7. How will the application be considered?

Summary

Applications should be made in full at least 21 days before the licence is needed. Local authorities can ask for further information and can attach extra conditions when necessary.

Timing of applications

7.1 The application must be made in writing to the local authority where the child normally lives at least 21 days before the licence is needed. This allows time for all the proper checks to be carried out and to make sure that all the necessary safeguarding procedures are in place. Applicants should talk to the local authority as soon as they think a licence will be needed so that any problems can be resolved as early in the process as possible.

Requests for missing and further information

7.2 All the information listed in Annex 4 must be submitted unless it is clearly not applicable to the child in question. If the local authority does not receive all the information needed, then it should request any missing information from the applicant. Until this is received, the application should not be considered and the issuing of any licence is likely to be delayed.

7.3 The authority can also request further information if it feels that it needs to know more in order to decide the application. These include:

- a medical examination and report on the child (this is no longer an automatic requirement, but can still be requested if it appears necessary);
- an interview with the private teacher proposed by the applicant; and
- an interview with the child, the child's parent(s), the applicant or the proposed chaperone.

Further conditions

7.4 The local authority must do everything it can to safeguard the child's health, well-being and education. This may mean further conditions to safeguard these before agreeing to issue the licence. Early discussions with authority staff will be important to make sure that any issues are explained fully and understood, and that any further conditions are accepted and properly followed.

7.5 Where an application for a licence does not include the dates of the proposed performance or activity, then the authority must set a limit on the number of days on which the child can take part over a six month period. This can be managed by making as much information as possible available to the authority in the application so that the proposed workload is as clear as it can be to all involved.

Timescale

7.6 There is no time limit in which an application must be considered. An application made less than 21 days before the first performance may be refused. Should an authority request further information, then this may further delay granting the licence. However, many authorities are willing to grant licences in under 21 days where the applications are clear and complete and where the range of safeguarding issues have been properly addressed. Applications that are incomplete, or which have not properly considered the safeguarding of the child, are likely to take longer or be refused.

Approval of accommodation

7.7 The licensing authority must approve any place where the child is staying if they are not staying at home. The authority has wide discretion to ensure that the accommodation is suitable to meet the needs of the child or children staying there, including proper meals that meet dietary, cultural or other requirements. It can also put further conditions on the licence to make sure that the child has proper transport to and from the place where they are performing, and any other conditions they feel are necessary to support the well-being of the child.

Approval of place of performance or rehearsal

7.8 The licensing authority must also approve the place or places where the child is performing, rehearsing or taking part in an activity. This includes any locations for filming or broadcast, any rehearsal rooms, any sports stadia or locations for modelling and fashion shows, as well as theatres and film/television sets. The authority cannot approve a place – and so cannot approve a licence – unless it is content that it is suitable for the child involved, taking account of age, gender and any other matters.

7.9 There must be proper arrangements for meals, for dressing and for changing clothes and costumes, and for toilets, washing and hygiene. In particular, any child aged 5 or above must be able to change in facilities restricted to their own sex, not mixed sex or unrestricted ‘children’s’ areas. These areas should also be limited to children wherever possible. If that is not possible then restrictions on adults’ access to those areas must be in place and strictly adhered to.

Approval or refusal of application

7.10 If the licence is approved, the local authority should issue the licence in a secure manner to the applicant, listing any conditions it considers necessary. It must also send a copy to the child’s parents and to the authority/authorities in whose areas the performances or activities will take place.

7.11 If the local authority refuses to grant a licence, it should give its reasons in writing to the applicant. The decision to refuse to grant the licence could be challenged, as can the conditions under which the licence is issued.

8. What do you need to do once you have a licence?

Summary

Licence holders must keep all required documentation until 6 months after the last performance. Local authorities and the police can request to see these and authorities can inspect premises, accommodation, education and chaperoning as part of their duties.

Retaining records

8.1 Once a licence has been granted, the licence holder must keep copies of all the information and documentation that formed part of the application for that licence, for six months after the final date of performance stated on it. The licence itself can be inspected by the local authority for the area where the performances are being held, or by a police officer, at any time during the lifetime of the licence.

Keeping records of time spent by the child

8.2 Licence holders must maintain records of the days and the amount of time that children spend:

- at the place of performance or rehearsal;
- performing, rehearsing or in sporting and modelling activities (this includes time taken to warm up and warm down);
- performing or rehearsing continuously;
- resting or at meal breaks;
- in education;
- performing after the latest time set in the licence;
- performing at night;

as well as:

- start and finish times for each day;
- records of any injuries and illnesses;
- the dates of any breaks in performances (when a child is performing for the maximum number of days); and
- a list of all money earned by the child, whether paid to the child or another person, and (if required by the licence) how this has been managed.

Local authority enforcement, extension and revocation

8.3 Local authorities must ensure that the child's welfare is protected throughout the period of the licence. The records above may be inspected by the licensing authority (where the child lives) or the host authority (where performance is taking place), or the police. They may inspect these records, or the accommodation or place(s) of performance and rehearsal, in order to make sure that licensing conditions are being met. Licence holders are legally required to retain certain records for six months after the last performance or activity.

8.4 Areas that the local authority may look for when inspecting a place of performance or activity are:

- ensuring that the children taking part in the performance are happy, fit and not overworked;
- inspection of the facilities, including accommodation, shelter, and whether the children have been provided with suitable clothing, food and drink;
- chaperones – supervision, relationship with the child;
- tuition – discussion with tutor, child and parent, inspecting records;
- health and safety – (availability/access to/provision of) first aid, medical facilities;
- record keeping – inspecting licences and daily record sheets;
- observation and discussion with child, parent, chaperone and production team.

9. What about taking part in performances or activities abroad?

Summary

Applications for a licence for a child to perform abroad for profit must be made to a magistrate. The rules are different for children aged under 14 and for those aged 14 and over. Licences may only be granted for three months at a time and the magistrate must be satisfied that the child understands what they are being asked to do.

Licence for performances or activities abroad

9.1 If a child is to work abroad for profit, then a magistrate must issue a licence before they can travel and take part. In this case, 'abroad' means outside Great Britain and Ireland, so visits to the Republic of Ireland and Northern Ireland do not need a magistrate's licence.

9.2 For children under the age of 14, a licence can only be given where the child is:

- acting a part that can only be played by a child about that age;
- dancing in a ballet (or as part of an opera) and the part can only be danced by a child about that age; or
- taking a wholly or mainly musical part in a performance which is wholly or mainly musical, opera or ballet.

For the first two conditions, the application must be accompanied by a declaration that the part cannot be acted or danced other than by a child of around that age.

9.3 From 14 until school leaving age, a licence can be given for a child to:

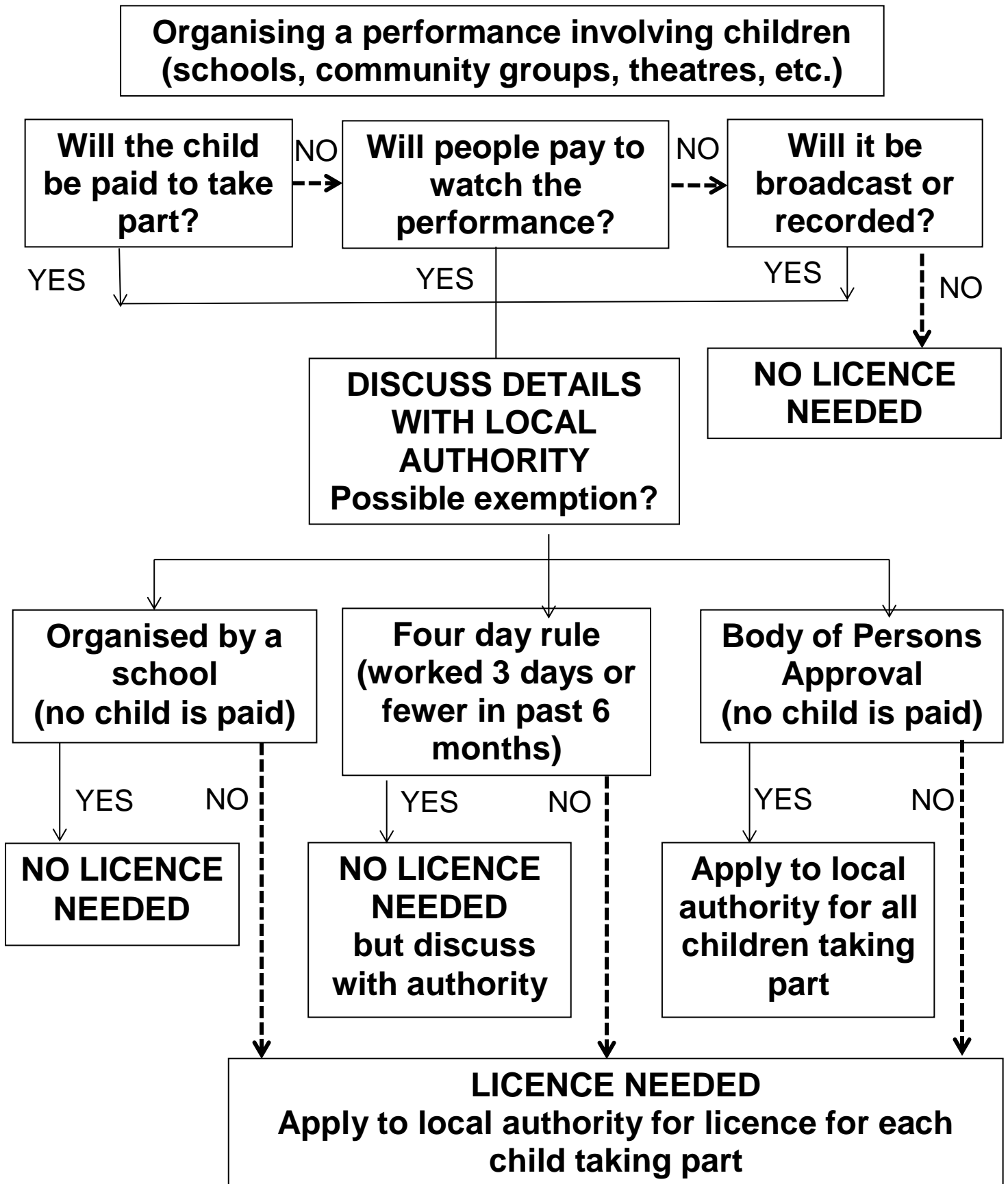
- sing, play (a musical instrument), perform or be exhibited for profit, including any broadcast (live or recorded) performances; or
- take part in sport or work as a model where the child is paid for taking part (whether payment is made to the child directly or to another person), except for expenses.

9.4 The magistrate must be satisfied that the child is going abroad for a specific engagement and has the contracts to confirm this, that the child understands what they are being asked to do, that they are fit and well, and that arrangements are in place for the child to return home after the contract has ended. The magistrate should make sure that they have contacted the local authority where the child lives to get any information on the child's recent performances and licence applications, and to get other information that the local authority or the magistrate may deem relevant to the application to work abroad.

9.5 A licence may be granted for up to three months, although it can be extended further. A magistrate must require security from the applicant – money, property or other asset held by the court to guarantee compliance with the licence conditions – if they think it is necessary.

9.6 The information required for a licence for a child to take part in performances or activities abroad is different to that required to work in Great Britain, and will be sent to the Welsh Government to be sent to the appropriate UK consular officer.

Annex A: Outline of licensing process



Annex B: Which performances may require a licence

A licence may be required for:	A licence may not be required for:
Performances that meet the criteria in section 37(2) of the 1963 Act. These can include: acting; singing; dancing; playing in an orchestra; stand-up comedy; magic act; and any production where the activity is contrived or constructed for dramatic effect.	Observational documentaries where a child is filmed carrying out normal day to day activities for example playing in the street, participating in an ordinary lesson, training for their sport.
'Reality' television where the activity in which the child participates is manipulated/controlled or directed for the purpose of the entertainment.	Elements of a programme where the child is not being directed but is being observed doing normal activities are treated as observational documentary provided the child is filmed being themselves without direction.
Presenting or compering (where this has an element of contrived performance).	Daily news reporting, news reports (including investigations in the public interest, such as testing if shops sell goods to a child under age).
Entertaining or performing where the performance meets any of the criteria under section 37(2) of the 1963 Act e.g. for a paying audience, on licensed premises, a recording for broadcast or public exhibition.	<ul style="list-style-type: none"> • Being interviewed as a member of the public; • self-generated content, e.g. a child records themselves and puts that on the internet; • castings and auditions that are not recorded for public exhibition; and • being part of an audience (watching a show either in a studio, theatre or stadium).
Dancing at a community dance festival or performance that meets any of the criteria set out under section 37(2) of the 1963 Act.	Dance workshops held on the same day of the performance at a different venue.
Photo-shoots and modelling where the child (or someone else in respect of the child's taking part) receives payment.	Photo-shoots and modelling where no payment is made in respect of the child's participation.
Taking part in a sport where the child (or someone else in respect of the child's taking part) receives payment, other than expenses.	Being a ball boy or girl.

Annex C: Time limits for children taking part in any performance or activity

Age	Maximum number of hours in one day at place of performance or rehearsal*	Maximum continuous number of hours of performance or rehearsal in one day	Maximum total number of hours of performance or rehearsal in one day	Earliest start and latest finish times	<u>Minimum</u> duration of breaks
Birth until child reaches 5	5 hours	30 minutes	2 hours	Start 0700 Finish 2200	15 minutes 45 minutes for a meal (if child present for 4 continuous hours or more)
From 5 until child reaches 9	8 hours	2 hours 30 minutes	3 hours	Start 0700 Finish 2300	When present for 4 to 8 hours: 45 minute meal break 15 minute break plus additional 15 minute break if present 8 hours or more
From 9 until child reaches school leaving age	9 hours 30 minutes	2 hours 30 minutes	5 hours		

All breaks must be used for the purposes of meals, rest, education or recreation for a child under the age of 5

* This includes any time spent in education agreed in a licence.

Minimum break between performances on same day	Minimum break overnight between attendances
1 hour 30 minutes unless earlier performance is 1 hour or less and no travel is required, in which case the minimum break may be reduced to 45 minutes.	12 hours unless child takes part in night work, in which case the minimum break after such work is 16 hours

Annex D: Information needed for a licence application

Part A – The child

Information	Detail
Name, address and date of birth.	To be confirmed by the documentation required below.
Name and address of school or private teacher.	This is the school currently attended by the child or, if the child is not attending a school, the name and address of the private teacher.
Details of each licence granted for this child during the past twelve months.	In each case, this must include (a) the name of the local authority (b) the date on which the licence was granted; and (c) the dates and nature of performances or activities, except where licence(s) were granted by the authority to which this application is made.
Details of each application for a licence for this child refused in the past twelve months.	Again, this must include (a) the name of the local authority; and (b) the reasons (if known) for the refusal to grant a licence, except where licence(s) were refused by the authority to which this application is made.
Details of any performances in which the child took part for which a licence was not required in the past twelve months.	In each case, this must include (a) the date of the performance; (b) the number of days of performance; (c) the title of the performance; and (d) the name and address of the person responsible for the production of the performance in which the child took part.
Dates (if any) on which the child has been absent from school during the twelve months preceding the date of the application by reason of taking part in a performance or activity.	This includes all occasions where the child has been absent because of a performance or activity. This includes times when the child has performed under exemptions, such as in school productions, and when different people have applied for licences for that child.
Amount of money earned by the child in the past twelve months.	This must state whether the monies were earned from performances or activities for which (a) a licence was granted or (b) a licence was not required.

Part B – Performance or activity

Information	Detail
Name, title and address of the applicant.	This must be either the person responsible for organising the activity or the production of the performance in which the child is involved.
Name and nature of the performances or activities the licence is for.	For example, theatrical, filming, sport, modelling, or other description. It must also explain what the child will be required to do while taking part and the type of activity.
Place of activities, performances and rehearsal.	Includes the detail of any periods on location.
The dates of activities, performances or rehearsals or the number of days, and the period during which, the child may take part.	Where specific dates are not yet available, the application must set out the number of days the licence is for and when the child will be needed to take part.
Expected total running time or duration of activities or and the approximate duration of the child's appearance.	This includes rehearsal time and must reflect the limits on attendance and performance.
The amount of night-work (if any) being requested.	This must set out: (a) how many days this will take place; (b) how long work will last each day; and (c) why night-work is needed.
The sums to be earned by the child.	This includes how much the child will earn by taking part in the performances or activities and, if this money isn't being paid direct to the child, the name, address and description of the person to whom the money will be paid.
The proposed arrangements for any rehearsals prior to the first performance.	For every planned rehearsal, give: (a) the date; (b) the place; and (c) the approximate time and duration.
The days or half days on which leave of absence from school is requested.	This includes time for both performances and rehearsals, or activities.
Letter from the headteacher of the child's school	This must cover any issues that might affect the child's education and well-being, as well as agreement to the child's absence from school. This can only be omitted if the authority agrees that the applicant obtaining a letter from the headteacher is unfeasible.

Information	Detail
Proposed arrangements (if any) for the education of the child.	<p>If the child is going to be educated at school (their usual school or another one), then the name and address of the school is needed.</p> <p>Where the education is to be provided other than by a school, then the application needs to give:</p> <ul style="list-style-type: none"> (a) the name, address and qualification(s) of the proposed private teacher; (b) the place where the child will be taught; (c) the proposed course of study; (d) the number of other children to be taught by the private teacher at the same time as this child, and the sex and age of each of the other children; and (e) the amount of education the child is to receive.
The name and address of the proposed chaperone or, if none is required, the name and address of the parent or teacher who will have care of the child.	
The name of the local authority which has previously approved the appointment of the named chaperone.	
The number of children to be in the charge of the chaperone while the chaperone is in charge of the child.	Includes the sex and age of each of those children.
The address where the child will live, the details of any other children living there and details of any chaperone living in that accommodation.	This only applies when the child will be living away from home or the place where they normally live.
Approximate length of time which the child will spend travelling and arrangements for transport.	<p>The total travel time must be taken into account by the authority in agreeing the licence, so the application needs to set out the time it will take to travel to and from the place of performance or rehearsal.</p> <p>The ordinary overnight accommodation of the child will normally be the starting point, including their home when they remain with the parent(s) each night.</p>

Information	Detail
The name of any other local authority to which an application has been made for another child to take part in performances or activities to which the application relates (if not known at the time of application, to be provided when known).	List the authorities to which applications have been made for other children to be granted licences for the same performances or activities. If those applications to other authorities are made after completing this application, then details of those authorities must be provided when known.

Additional documentation

Information	Detail
A copy of the birth certificate of the child.	
Two identical photographs of the child taken during the six months preceding the date of the application.	
A copy of the contract, draft contract or other documents containing particulars of the agreement regulating the child's appearance in the performances or regulating the activity for which the licence is requested.	
The child protection policy or policies that the applicant will apply.	

Annex E: Cross-reference

Regulations to Guidance

Regulation	Title	Guidance (paragraphs)
Part 1	General	
1	Title, commencement & application	6.4, 6.5
2	Interpretation	
3	Revocations	
Part 2	Documentation requirements in relation to all licences	
4	Application for licence	6.1–6.3, 6.6–6.8, 7.1, 7.6
5	Licence conditions	4.1, 7.4
6	(Licence without specified dates)	7.5
7	(Further information)	7.2, 7.3
8	Form of licence	
9	Particulars that authority must provide	7.10
10	(Particulars to host authority)	7.10
11	Records kept by licence holder	8.2
12	Production of licence	8.1
13	Child protection policy	4.3
14	Letter from headteacher	2.3, 2.4, 2.8–2.10
Part 3	General requirements applicable to all licenced performances or activities	
15	Education	2.1, 2.2, 2.11–2.15
16	Earnings	
17	Chaperones	5.1–5.9
18	Accommodation	7.7
19	Place of performance/rehearsal	7.8
20	Travel arrangements and time	4.8
Part 4	Restrictions in relation to all performances	Chapter 3
21	Application of this part	
22	Employment	3.6
23	Earliest and latest times	3.2, Annex 3
24	Attendance at place of performance/rehearsal and hours of performance	3.2, 4.4–4.6, Annex 3
25	Breaks on day child is performing/rehearsing	3.3, 3.5, Annex 3
26	Minimum breaks overnight	3.4, Annex 3

Regulation	Title	Guidance (paragraphs)
Part 5	Restrictions and exceptions in relation to all licenced performances	
27	Application of this part	
28	Max number of consecutive days	4.7
29	Break in performances	4.7
30	Night-work	4.9–4.12
31	Chaperone discretion	5.10–5.12
Part 6	Licences to perform and participate in activities abroad	
32	Form of licence	9.1–9.5
33	Information to be provided to consular officer	9.6

Guidance to Regulations

Guidance (Chapter/ Paragraph)	Title	Regulation	Principal Acts
1.	When do you need a licence?		
1.1–1.3	Types of performance/activity		1963 Act s37(2)
1.4	Exemptions:		1963 Act s37(3)
1.5	<ul style="list-style-type: none"> Schools 		1963 Act s37(3)(b)
1.6–1.7	<ul style="list-style-type: none"> Four Day Rule 		1963 Act s37(3)(a)
1.8–1.12	<ul style="list-style-type: none"> Body of Persons Approval 		1963 Act s37(3)(b)
2.	What about education and schooling?		1963 Act s37(4),(7)
2.1–2.2	Absence from school	15	
2.3–2.4	Headteacher's letter	14	
2.5–2.7	Licence applications and approval for absence	14, 15	
2.8–2.10	Other performances	14	
2.11–2.14	Education outside school	15	
2.15	Private teachers	15	
3.	What rules apply to every performance, even without a licence?		
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WELSH STATUTORY INSTRUMENTS

2015 No. 1757 (W. 242)

CHILDREN AND YOUNG PERSONS, WALES

**The Children (Performances and
Activities) (Wales) Regulations 2015**

<i>Made</i>	- - - -	<i>7 October 2015</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>9 October 2015</i>
<i>Coming into force</i>	- -	<i>30 October 2015</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 25(2) and 25(8) of the Children and Young Persons Act 1933⁽¹⁾ and sections 37(3), 37(4), 37(5), 37(6), 39(3) and 39(5) of the Children and Young Persons Act 1963⁽²⁾, and now vested in them⁽³⁾.

PART 1

General

Title, commencement and application

1.—(1) The title of these Regulations is the Children (Performances and Activities) (Wales) Regulations 2015 and they come into force on 30 October 2015.

(2) These Regulations apply in relation to—

- (a) the granting of licences in respect of children resident in Wales by local authorities in Wales 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 local authorities in Wales to take part in performances or activities within Great Britain, where

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- (1) 1933 c. 12; section 25(2) was amended by section 10 of the Employment Act 1989 (c.38) and regulations 5(c) and (d) of S.I. 1998/276; section 25(8) was amended by regulation 5(d) of S.I. 1998/276.
- (2) 1963 c. 37; section 37(3) was amended by section 582(1) of the Education Act 1996 (c.56) and regulation 12(4)(a), (b) and (c) of S.I. 1998/276; section 37(4) was amended by regulation 12(5)(a) and (b) of S.I. 1998/276; section 37(6) was amended by regulation 12(6) of S.I. 1998/276; section 39(3) was amended by regulation 14(3)(a) and (b) of S.I. 1998/276; and section 39(5) was amended by regulation 14(4) of S.I. 1998/276
- (3) The functions of the Secretary of State so far as exercisable in relation to Wales transferred to the National Assembly for Wales under the National Assembly for Wales (Transfer of Functions) Order 1999. The functions of the National Assembly for Wales were then vested in Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

the applicant for the licence is resident or has a place of business within the area of that local authority, where required by section 37(1) of the 1963 Act;

- (c) performances in Wales, for which no licence is required by virtue of section 37(3)(a) of the 1963 Act;
- (d) the granting of licences by justices of the peace in Wales under section 25 of the 1933 Act to enable children to take part in performances or activities abroad for profit.

Interpretation

2. In these Regulations—

“the 1933 Act” (“*Deddf 1933*”) means the Children and Young Persons Act 1933;

“the 1963 Act” (“*Deddf 1963*”) means the Children and Young Persons Act 1963;

“activity” (“*gweithgaredd*”) means taking part in a sport, or working as a model in the circumstances specified in section 37(1)(b) of the 1963 Act;

“chaperone” (“*hebryngwr*”) has the meaning given in regulation 17(1);

“day” (“*diwrnod*”) means a period of twenty-four hours beginning and ending at midnight and, for the purposes of regulation 30 and paragraph 13 of Part 2 of Schedule 2, any performance taking place after midnight and before the earliest permitted hour as defined in regulation 23 shall be deemed to have taken place before midnight;

“education authority” (“*awdurdod addysg*”) has the meaning given by section 135(1) of the Education (Scotland) Act 1980(4);

“host authority” (“*awdurdod lletyol*”) means the local authority or, in Scotland, the education authority in whose area a performance or activity takes place;

“licence holder” (“*deiliad trwydded*”) means the person to whom a licence is granted by the licensing authority;

“licensing authority” (“*awdurdod trwyddedu*”) means the local authority to which the application for a licence is made and which grants the licence;

“parent” (“*rhiant*”) means a person who has parental responsibility, as defined in section 3 of the Children Act 1989(5), for the child in question;

“rehearsal” (“*ymarfer*”) means, other than for the purposes of paragraph 15 of Part 2 of Schedule 2, any rehearsal for, or preparation for, a performance, being a rehearsal which takes place on the day of the performance or during the period beginning with the first and ending with the last performance;

“school leaving age” (“*oedran gadael ysgol*”) means the age at which a person ceases to be of compulsory school age in accordance with section 8(3) of the Education Act 1996(6); and

“week” (“*wythnos*”) means a period of seven days beginning with the day on which the first performance or activity for which the licence is granted takes place or any seventh day after that.

Revocations

3. The Regulations listed in Schedule 1 are revoked in respect of Wales.

(4) 1980 c. 44. This definition was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 118(9).

(5) 1989 c. 41.

(6) 1996 c. 56.

PART 2

Documentation requirements in relation to all licences

Application for licence

4.—(1) An application for a licence must—

- (a) be made in writing by—
 - (i) the person 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; or
 - (ii) the person responsible for the production of the performance in which the child is to take part;
- (b) contain the information specified in Parts 1 and 2 of Schedule 2;
- (c) be signed by the applicant and a parent of the child; and
- (d) be accompanied by the documentation specified in Part 3 of Schedule 2.

(2) The licensing authority may refuse to grant a licence if the application is not received at least twenty-one days before the day on which the first performance or activity, for which the licence is requested, is to take place.

Licence conditions

5. The licensing authority must impose any conditions which it considers necessary in order to ensure that—

- (a) the child is fit to take part in the performance or activity;
- (b) proper provision is made to secure the child's health and wellbeing; and
- (c) proper provision is made to ensure that the child's education will not suffer.

6. Where the applicant requests a licence for a child to take part in a particular activity, performance or rehearsal, but is unable to specify the dates upon which the child will take part in that activity, performance or rehearsal at the time of the application, if the licensing authority decides to grant the licence, it must impose a condition that the child may only take part in that particular activity, performance or rehearsal for a specified number of days within a six month period.

7.—(1) Where the licensing authority considers that the information provided by the applicant is insufficient to enable it to decide whether to issue a licence or whether to issue a licence subject to conditions, the licensing authority must request additional information or documentation to enable it to make such a decision.

(2) In particular, the licensing authority may—

- (a) request that the child is medically examined;
- (b) interview any proposed private teacher;
- (c) interview the applicant, the child, the child's parents, or the proposed chaperone, as appropriate.

Form of licence

8.—(1) A licence must include—

- (a) the name of the child;
- (b) the name of the parents of the child;

- (c) the name of the applicant;
 - (d) the names, times, nature and location of the activity or performance (and location of any of any rehearsal if different) for which the licence has been granted;
 - (e) the dates of the activity, performance or rehearsal, or instead of the dates, the number of days on which the child will participate in the activity, performance or rehearsal and the period, not exceeding six months, in which the activities, performances or rehearsals may take place in accordance with regulation 6;
 - (f) any conditions, which the licensing authority considers necessary for the grant of the licence; and
 - (g) a statement that the licence is subject to the restrictions and conditions contained within these Regulations.
- (2) A photograph of the child must be attached to the licence.

Particulars that a licensing authority must provide in respect of a licence

9. The licensing authority must send a copy of the licence to the parent who signed the application form.

10. Where a performance or activity is to take place in the area of a host authority other than the licensing authority, in accordance with section 39(3) of the 1963 Act, the licensing authority must send to that host authority a copy of the application form, licence, any additional information or documentation obtained by it under regulation 7 and, where the licensing authority approves any arrangements for the child's education, details of the days during the period of the licence on which the child subject to the licence would ordinarily be required to attend school if that child were attending a school maintained by the licensing authority.

Records to be kept by the licence holder under section 39(5) of the 1963 Act

11. For six months from the date of the last performance or activity to which the licence relates, the licence holder must retain the records specified in—

- (a) Part 1 of Schedule 3, where the licence is granted in respect of a performance; or
- (b) Part 2 of Schedule 3, where the licence is granted in respect of an activity.

Production of licence

12. The licence holder must, on request, produce the licence at all reasonable hours during the period beginning with the first and ending with the last performance or activity to which the licence relates, at the place of performance (or any place of rehearsal), or the place where the activity to which the licence relates takes place, to an authorised officer of the host authority or a constable.

Child protection policy

13. The licence holder must ensure that the policy or policies enclosed with the application are adhered to.

Letter from head teacher

14.—(1) Subject to paragraph (2), a licensing authority must not grant a licence in respect of a child who attends school unless it—

- (a) has received a letter from the head teacher of that school dealing with any matter relevant to the authority's consideration of section 37(4) of the 1963 Act; and

(b) has taken account of that letter.

(2) The requirement in paragraph (1) does not apply where the authority is satisfied that the production of a letter has not been practicable.

PART 3

General requirements applicable to all licensed performances or activities

Education

15.—(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 performances or activities;
- (b) has approved the arrangements (if any) for the education of the child during the period to which the licence applies; and
- (c) has approved the place where the child is to receive education, 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) The licensing authority must not approve any arrangements for the education of a child by a private teacher unless it is satisfied—

- (a) with the proposed course of study for the child;
- (b) that the proposed course of study will be delivered by a suitable private teacher;
- (c) that the private teacher will teach no more than six children (including the child in question) at any time, or twelve children if all the children being taught have reached a similar standard in the subject being taught to the child in question; and
- (d) that the child will, during the period to which the licence applies, receive education for periods, which when aggregated, total not less than three hours on each day on which the child would be required to attend school if the child were attending a school maintained by the licensing authority.

(4) The requirements of paragraph (3)(d) are deemed to have been met if the licensing authority is satisfied that the child will receive education—

- (a) for not less than six hours a week;
- (b) during each complete period of four weeks, or if there is a period of less than four weeks, during that period, for periods not less than the aggregate periods of education required by paragraph (3)(d) 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 school maintained by the licensing authority; and
- (d) for not more than five hours on any such day.

(5) For the purposes of this regulation, any period of education does not include—

- (a) any period which takes place other than during the hours when a child is permitted to be present at a place of performance or rehearsal under regulation 23; and
- (b) any period of less than thirty minutes.

Earnings

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

Chaperones

17.—(1) A licensing authority must approve 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,

whilst the child is taking part in an activity, performance, or rehearsal or whilst the child is living elsewhere than the place the child would otherwise live during the period to which the licence applies.

(2) Paragraph (1) does not apply if the child is being cared for by the child's parent or a teacher who would ordinarily provide the child's education.

(3) The maximum number of children a chaperone may take care of at any one time is—

- (a) twelve; or
- (b) where the person approved to act as a chaperone is the private teacher of the child in question, three.

(4) The licensing authority must not approve a person as a chaperone unless it is satisfied that the person—

- (a) has undertaken child protection training;
- (b) is suitable and competent to exercise proper care and control of a child of the age and sex of the child in question; and
- (c) will not be prevented from carrying out duties towards the child by duties towards other children.

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

(6) The licensing authority may if it thinks fit, grant a licence subject to a condition requiring the holder of the licence to provide the chaperone with a current copy of the script for the production concerned.

(7) A condition imposed under paragraph (6) must be set out in the licence.

Accommodation

18.—(1) Where a child is required to live somewhere other than where that child would usually live during the period to which the licence applies by reason of taking part in the performance or activity for which the licence is obtained, the licensing authority must approve that place as being suitable for that child.

(2) 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 place of performance, rehearsal or activity, and the accommodation;
- (b) that suitable arrangements are made for meals for the child; and
- (c) any other condition conducive to the welfare of the child in connection with that accommodation.

Place of performance and place of rehearsal

19.—(1) The licensing authority must approve any 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; and
 - (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.

(4) In paragraph (2)(a)(ii), arrangements for a child who has attained the age of five years to dress for a performance, rehearsal or activity are not suitable unless such a child can dress only with children of the same sex as the child in question.

Travel arrangements and time

20.—(1) The licence holder must ensure that suitable arrangements (having regard to the child's age) are made 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.

- (2) The licensing authority must—
- (a) have regard to the length of time which the child will spend travelling to and from the place of performance or rehearsal when giving its approval; and
 - (b) include any conditions that it considers necessary in relation to the earliest and latest times that the child can be at the place of performance or rehearsal.

PART 4

Restrictions in relation to all performances

Application of this Part

21. The requirements in this Part apply to all licensed performances and to all performances, which are exempted from the requirement to obtain a licence, under section 37(3)(a) of the 1963 Act.

Employment

22. A child taking part in a performance must not be employed in any other employment on the day of that performance or the following day.

Earliest and latest times at place of performance or rehearsal

23.—(1) Table 1 sets out the earliest and latest times a child may be at a place of performance or rehearsal.

(2) This regulation does not apply where the place of performance or rehearsal is the place where the child ordinarily lives or receives education.

Table 1

<i>Age of child</i>	<i>Earliest time</i>	<i>Latest time</i>
Birth until child reaches 5	07:00	22:00
5 to school leaving age	07:00	23:00

Attendance at place of performance or rehearsal and hours of performance

24.—(1) Table 2 sets out the maximum number of hours a child may be at a place of performance or rehearsal, may perform or rehearse in one day and may perform or rehearse continuously.

(2) When calculating the number of hours on any day during which a child is present at a place of performance or rehearsal, any periods of education required to comply with arrangements approved under regulation 15 must be taken into account, even if that education is provided elsewhere than at the place of performance or rehearsal.

Table 2

<i>Age of child</i>	<i>Maximum number of hours in one day at place of performance or rehearsal</i>	<i>Maximum total number of hours of performance or rehearsal in one day</i>	<i>Maximum continuous number of hours of performance or rehearsal in one day</i>
Birth until child reaches 5	5	2	0.5
5 until child reaches 9	8	3	2.5
9 to school leaving age	9.5	5	2.5

Breaks on any day on which a child is performing or rehearsing

25.—(1) When a child under the age of five is present at the place of performance or rehearsal—

- (a) any breaks must be for a minimum duration of fifteen minutes, except that where a child is present for four or more consecutive hours, any such breaks must include at least one break of forty-five minutes used for the purpose of a meal; and
- (b) any break must be used for the purposes of meals, rest, education or recreation.

(2) When a child aged five or over is present at the place of performance or rehearsal for more than four, but less than eight consecutive hours, the child must have a minimum of:

- (a) one meal break of a minimum duration of forty-five minutes; and
- (b) one other break of a minimum duration of fifteen minutes.

(3) When a child aged five or over is present at the place of performance or rehearsal for eight or more consecutive hours, the child must have:

- (a) the breaks required under paragraph (2); and
- (b) at least one other break of a minimum duration of fifteen minutes.

(4) Subject to paragraph (5), a child must have a break of a minimum duration of one and a half hours between the child's participation in consecutive performances where on the same day—

- (a) the child performs the same part or takes the place of another performer in more than one instance of the same performance including rehearsals, falling within section 37(2)(a) or (b) of the 1963 Act, for which a licence has been obtained;
 - (b) the child is taking part in performances under different licences granted in respect of the child; or
 - (c) the child is taking part in a performance for which a licence has been obtained and in a performance for which a licence is not required under section 37(3)(a) of the 1963 Act.
- (5) Where the earlier performance or rehearsal is less than one hour in duration, and—
- (a) the following performance or rehearsal takes place at the same place of performance or rehearsal; or
 - (b) there is no time required for travel between the earlier and consecutive performance or rehearsal,

the break between those performances (or rehearsals) may be reduced to a minimum of forty-five minutes.

Minimum breaks overnight

26. Subject to regulation 30, a child must have an overnight break of a minimum duration of twelve hours between attendance at a place of performance or rehearsal.

PART 5

Restrictions and exceptions in relation to all licensed performances

Application of this Part

27. The restrictions and exceptions in this Part apply to all licensed performances.

Maximum number of consecutive days on which a child may take part in performances or rehearsals

28. A child must not take part in performances or rehearsals on more than six consecutive days.

Break in performances

29.—(1) A child who takes part in performances, other than circus performances, on the maximum number of consecutive days permitted by regulation 28 for a period of eight consecutive weeks, must not take part in any performance or rehearsal during the fourteen days following the last performance.

(2) This requirement does not apply if the number of days specified in the licence on which the child may perform is fewer than sixty.

Night-work

30.—(1) Subject to paragraph (2), a licensing authority may permit a child to take part in a performance before the earliest and after the latest times set out in regulation 23.

(2) Where a licensing authority permits a child to take part in a performance before the earliest and after the latest times set out in regulation 23—

- (a) the number of hours during which the child takes part in a performance between the latest and earliest times must be included when calculating the maximum number of hours that the child may take part in a performance or rehearsal in compliance with regulation 24;
- (b) the child must not take part in any other performance or rehearsal until at least sixteen hours have elapsed since the end of the child's part in the performance; and
- (c) where the child takes part in a performance between the latest and earliest times on two consecutive days, the licensing authority must not permit the child to take part in any further performance in the hours between the latest and earliest times during the seven days immediately following those two days.

Chaperone discretion

31.—(1) The chaperone in charge of a child may allow that child to take part in a performance for a period not exceeding one hour immediately following the latest time specified in regulation 23 provided that—

- (a) the total number of hours during which the child takes part in a performance or rehearsal, including the period not exceeding one hour, does not exceed the maximum number of hours permitted under regulation 24;
- (b) it appears to the chaperone that the welfare of the child will not be prejudiced; and
- (c) it appears to the chaperone that the conditions requiring the child to take part in a performance after the latest time specified arose in circumstances outside the control of the licence holder.

(2) Where the chaperone allows a child to take part in a performance after the latest time specified in regulation 23, the licence holder must ensure that the chaperone notifies the licensing and host authorities no later than the following day and provides the reason for this decision.

(3) The chaperone in charge of a child may allow one of the breaks for a meal, required under regulation 25, to be reduced where the child is taking part in a performance or rehearsal outdoors, provided that—

- (a) the duration of the break is not less than thirty minutes; and
- (b) the maximum number of hours during which the child may take part in a performance or rehearsal under regulation 24 is not exceeded.

PART 6

Licences to perform and participate in activities abroad

Form of licence

32. A licence granted under section 25 of the 1933 Act must include—

- (a) the name of the child;
- (b) the name of the applicant;
- (c) details of the engagement that the child is going abroad to fulfil;
- (d) the date on which the licence is granted and upon which it will expire;
- (e) details of any security given by the applicant in accordance with section 25(6) of the 1933 Act;
- (f) details of any conditions considered necessary for the grant of the licence; and
- (g) the signature of the person granting the licence.

Information to be provided to consular officer

33. Where a licence under section 25 of the 1933 Act is granted, renewed or varied, the particulars which the justice of the peace must send to the Welsh Ministers for transmission to the proper consular officer are—

- (a) the name and address of the child;
- (b) the date, place of birth and nationality of the child;
- (c) the name and address of the applicant for the licence;
- (d) the name and address of the parent of the child;
- (e) details of the engagement, including where and for how long the child is to participate;
- (f) a copy of the contract of employment or other document showing the terms and conditions on which the child is engaged; and
- (g) a copy of the licence.

7 October 2015

Huw Lewis
Minister for Education and Skills, one of the
Welsh Ministers

SCHEDULES

SCHEDULE 1

Regulation 3

Revocations

Table 3

<i>Regulations</i>	<i>Reference</i>
The Children (Performances) Regulations 1968	1968/1728
The Children (Performances)(Miscellaneous Amendments) Regulations 1998	1998/1678
Children (Performances) (Amendment)(Wales) Regulations 2007	2007/736

SCHEDULE 2

Regulation 4

Information Required For A Licence Application

PART 1

Information to be provided by the applicant in relation to the child

1. Name, address and date of birth of the child for whom the licence is requested.
2. Name and address of the school currently attended by the child or, if the child is not attending a school, the name and address of the child's private teacher.
3. Details of each licence in relation to the child granted during the twelve months preceding the date of the application by any local authority or, in Scotland, any education authority, other than the licensing authority to which the application is made, stating in each case—
 - (a) the name of the local authority or the education authority;
 - (b) the date on which the licence was granted; and
 - (c) the dates and nature of performances or activities.
4. Details of each application in relation to the child for a licence refused by any local authority or, in Scotland, any education authority, other than the licensing authority to which the application is made, in the twelve months preceding the date of the application, stating in each case—
 - (a) the name of the local authority or education authority; and
 - (b) the reasons (if known) for the refusal to grant a licence.
5. Details of any performances for which a licence was not required, by virtue of section 37(3) of the 1963 Act, in which the child took part during the twelve months preceding the date of the application, stating in each case—

- (a) the date of the performance;
- (b) the number of days of performance;
- (c) the title of the performance; and
- (d) the name and address of the person responsible for the production of the performance in which the child took part.

6. Dates (if any) on which the child has been absent from school during the twelve months preceding the date of the application by reason of taking part in a performance or activity.

7. Amount of any monies earned by the child during the twelve months preceding the date of the application, stating whether the monies earned were in respect of performances or activities for which a licence was granted or a performance for which a licence was not required.

PART 2

Information to be provided by the applicant about the performances or activities

8. Name, title and address of the applicant.

9. Name and nature of the performances or activities in respect of which the licence is requested (for example, theatrical, filming, sport, modelling), and a description of what the child will be required to do as a result of taking part in the performances or activities.

10. Place of activities, performances and rehearsals for which the licence is requested, including any periods on location.

11. The dates of activities, performances or rehearsals for which the licence is requested, or the number of days, and the period during which, it is requested that the child may take part in activities, performances or rehearsals.

12. Expected total running time or duration of activities or performances (including any rehearsals) in respect of which a licence is requested and the approximate duration of the child's appearance in such performances or activities.

13. The amount of night-work (if any) for which approval is being sought from the licensing authority under regulation 30 stating—

- (a) the approximate number of days;
- (b) the approximate duration on each day; and
- (c) the reason that the performance must take the form of night-work.

14. The sums to be earned by the child in taking part in the performances or activities in respect of which the licence is requested, and the name, address and description of the person to whom or to which the sums are to be paid, if not to the child in question.

15. Where a licence is requested in respect of a performance, the proposed arrangements for any rehearsals prior to the first performance for which the licence is requested, stating in respect of each rehearsal—

- (a) the date;
- (b) the place; and
- (c) the approximate time and duration.

16. The days or half days on which leave of absence from school is requested to enable the child to take part in performances (including rehearsals) or activities for which the licence is requested.

17. Proposed arrangements (if any) under regulation 13 for the education of the child during the period for which the licence is requested stating—

- (a) where the education is to be provided by a school, the name and address of the school to be attended; or
- (b) where the education is to be provided otherwise than by a school—
 - (i) the name, address and qualification of the proposed private teacher;
 - (ii) the place where the child will be taught;
 - (iii) the proposed course of study;
 - (iv) the number of other children to be taught by the private teacher at the same time as the child in respect of whom the application is made, and the sex and age of each child; and
 - (v) whether the child is to receive the amount of education in accordance with regulation 15(3)(d).

18. The name and address of the proposed chaperone, or where no such chaperone is required by virtue of regulation 17(2), the name and address of the parent or teacher who will have care of the child.

19. The name of the local authority or, in Scotland, the education authority (if any), which has previously approved the appointment of the chaperone for the purposes of a licence.

20. The number of children to be in the charge of the chaperone during the time when the chaperone will be in charge of the child in respect of whom the application is made, and the sex and age of each child.

21. The address of any accommodation where the child will live if different from the place where the child would ordinarily live, the number of other children, and details of the chaperone (if any), who will live in the same accommodation.

22. Approximate length of time which the child will spend travelling, and the arrangements (if any) for transport—

- (a) to the place of performance, rehearsal or activity; and
- (b) from the place of performance, rehearsal or activity.

23. The name of any other local authority or, in Scotland, any education authority to which an application has been made for another child to take part in performances or activities to which the application relates (if not known at the time of application, to be provided when known).

PART 3

Required documentation

24. For the purposes of regulation 4(1)(d), the required documentation is—

- (a) a copy of the birth certificate of the child;
- (b) two identical photographs of the child taken during the six months preceding the date of the application;
- (c) a copy of the contract, draft contract or other documents containing particulars of the agreement regulating the child's appearance in the performances or regulating the activity for which the licence is requested; and
- (d) the child protection policy (or policies) and any other policies that the applicant will apply.

SCHEDULE 3

Regulation 11

Records To Be Kept By The Licence Holder

PART 1

Licence granted in respect of a performance

1. The licence.
2. The following particulars in respect of each day on which the child is present at the place of performance or place of rehearsal—
 - (a) the date;
 - (b) the time of arrival at the place of performance or rehearsal;
 - (c) the time of departure from the place of performance or rehearsal;
 - (d) the times of each period during which the child took part in a performance or rehearsal;
 - (e) the time of each rest interval;
 - (f) the time of each meal interval; and
 - (g) the times of any night-work authorised by the licensing authority under regulation 30.
3. Where arrangements are made for the education of the child by a private teacher, the date and duration of each lesson and the subject taught.
4. Details of injuries and illnesses (if any) suffered by the child at the place of performance or place of rehearsal, including the dates on which such injuries occurred and stating whether such injuries or illnesses prevented the child from being present at the place of performance or place of rehearsal.
5. The dates of the breaks in performances required under regulation 29(1).
6. The amount of all monies earned by the child by reason of taking part in the performance and the names, addresses and description of the persons to whom such sums were paid.
7. Where the licensing authority grants a licence subject to the condition that sums earned by the child must be dealt with in a manner approved by it, the amount of the sums and the manner in which they have been dealt with.

PART 2

Licence granted in respect of an activity

8. The records specified in Part 1 as if that part concerned the activity for which the licence was granted.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Parts 2 to 5 of these Regulations set out the requirements in relation to applications made to local authorities in Wales for, and the conditions that apply to, licences for performances and activities granted under section 37 of the Children and Young Persons Act 1963 (“the 1963 Act”), as well as requirements applicable to performances for which no licence is required by virtue of section 37(3)(a) of the 1963 Act.

Part 6 of these Regulations sets out requirements in respect of licences granted under section 25 of the Children and Young Persons Act 1933 (“the 1933 Act”) for children performing or taking part in activities abroad for profit.

Regulation 3 revokes the Children (Performances) Regulations 1968, and a number of sets of amending regulations, in respect of Wales.

Part 2 of these Regulations includes information as to documentation requirements relating to all licences, the powers of local authorities to impose conditions on a licence, records that must be retained by the licence holder and requirements in respect of the production of the licence by that person.

Part 3 of these Regulations sets out general requirements in respect of all licensed performances and activities. These include measures concerning the wellbeing of the child, in particular in relation to their education, supervision and accommodation during the period to which the licence applies.

Part 4 of these Regulations sets out requirements that apply to licensed performances and to performances for which a licence would be required, but for the exemption under section 37(3)(a) of the 1963 Act. These include restrictions in relation to working hours and breaks.

Part 5 of these Regulations sets out further restrictions and exceptions to the rules in Part 4, which apply to licensed performances only. These further relate to working hours and breaks and allow local authorities in Wales and chaperones to exercise discretion in certain circumstances.

Part 6 of these Regulations sets out the requirements in relation to the content of licences granted under section 25 of the 1933 Act (permitting children to perform or take part in activities abroad for profit), and information that must be provided to the Welsh Ministers under section 25(8) of that Act, for transmission to the proper consular officer.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained by contacting the Education and Public Services Group, Welsh Government, Cathays Park, Cardiff CF10 3NQ.