STATUTORY RULES OF NORTHERN IRELAND

1996 No. 481

CHILDREN

Children (Public Performances) Regulations (Northern Ireland) 1996

Made - - - -	*8th October 1996*
Coming into operation	*4th November 1996*

The Department of Education in exercise of the powers conferred on it by Articles 137(3), 138(5) and (7) and 140(1) of the Children (Northern Ireland) Order 1995(**1**) and of every other power enabling it in that behalf, with the approval of the Department of Health and Social Services, hereby makes the following Regulations:

Part I

Introductory

Citation and commencement

1. These Regulations may be cited as the Children (Public Performances) Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

Interpretation

2. In these Regulations—

"the Order" means the Children (Northern Ireland) Order 1995;

"grant-aided" school means a school as defined in Article 2 of the Education and Libraries (N.I.) Order 1986(**2**);

"day" means a period of twenty-four hours beginning and ending at midnight and, for the purposes of regulation 32(2)(*a*), any performance taking place after midnight and before the earliest permitted hour as defined in regulation 32(3) shall be deemed to have taken place before midnight;

"licence" means a licence granted under Article 138 of the Order which authorises a child to take part in a performance;

(**1**) S.I. 1995/755 (N.I. 2)
(**2**) S.I. 1986/594 (N.I. 3)

"licensing authority" means the education and library board described in Article 138(2) of the Order;

"board" means an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986;

"parent" includes the person with parental responsibility or care of the child within the meaning of Article 6 of the Order;

"school medical officer" means a medical practitioner employed, whether regularly or for the purposes of any particular case, to carry out medical examinations of pupils;

"week" means a period of seven days beginning with the day on which the first performance takes place.

Part II

Application for Licence, etc

Application for a licence

3.—(1) An application for a licence shall be in writing in the form set out in Schedule 1 and shall be signed by the applicant and a parent of the child and shall be accompanied by the documents specified therein.

(2) The applicant shall be the person responsible for the production of the performance.

(3) The licensing authority may refuse to grant a licence if the application is not received by it at least 30 days before the day on which the first performance is due to take place.

Power of licensing authorities to obtain additional information

4.—(1) The licensing authority may make such inquiries as it considers necessary to enable it to be satisfied that it should grant a licence, and in particular it may request a report from the Principal of the school in which the child is a pupil in respect of the child, it may request that the child be medically examined in order to ascertain whether he is fit to take part in the performances for which the licence is requested and that his health will not suffer by reason of taking part in such performances and may interview the applicant, the child and his parents and the proposed matron and private teacher (if any).

(2) The licensing authority may make such inquiries as it considers necessary to enable it to consider, if a licence should be granted, whether the licence should be granted subject to a condition relating to the manner in which sums earned by the child in taking part in any performance to which the licence relates should be dealt with.

Form of licence

5.—(1) A licence shall be in the form set out in Schedule 2.

(2) Except in the case of a licence under paragraph (3), the licence shall specify the names, dates, places and nature of the performances.

(3) A licence for—

(a) the British Broadcasting Corporation;

(b) persons licensed under the Broadcasting Act 1990(**3**) by the Independent Television Commission or Radio Authority;

(**3**) 1990 c. 42

(c) persons producing programmes for those mentioned under sub-paragraphs (*a*) and (*b*);

(d) persons recording performances (by whatever means) with a view to their use in a film intended for public exhibition

may, if the applicant so requests in the application form, instead of specifying the dates of performances, specify the number of days on which the child may perform and the period, not exceeding six months, in which the performances may take place.

(4) One photograph of the child accompanying the application form shall be attached to the licence; the other shall be retained by the licensing authority.

(5) The licensing authority shall send a copy of the licence to the parent who signed the application form.

Particulars to be sent to a board

6. Where a place of performance specified in a licence is in the area of a different board from the licensing authority it shall send to that board a copy of the application form and the licence and such other information, if any, relating to the child as it considers appropriate.

Records to be kept by the holder of a licence

7. The holder of a licence shall keep the records specified in Schedule 3 and shall retain them for six months after the performance or last performance to which the licence relates.

Part III

Restrictions on the granting of licences

Number of performing days

8.—(1) Subject to paragraphs (2) and (3) and to regulation 9, a licensing authority shall not grant a licence—

(a) in respect of a child of thirteen years or over if, during the twelve months preceding any performance in respect of which a licence is requested, he will have taken part in other performances on more than forty days;

(b) in respect of a child under thirteen years, if, during the twelve months preceding any performance in respect of which a licence is requested, he will have taken part in other performances on more than twenty days;

(2) The relevant number of days of other performances specified in paragraph (1) may be increased by four provided the child has not taken part in a performance on any of the six days preceding any of the said four additional days of performance.

(3) Where an application is made for a licence for a child to take part in a performance to be recorded (by whatever means) with a view to its use in a television broadcast or in a film intended for public exhibition and

(a) the child will not have taken part in any performance other than a performance to be recorded (by whatever means) with a view to its use in a television broadcast or in a film intended for public exhibition during the twelve months preceding the performance in respect of which the licence is requested, and

(b) the purpose of the performance for which the licence is requested is to continue the recording of a performance which is incomplete,

the relevant number of days of other performances specified in paragraph (1) may be increased by ten.

(4) In deciding whether to grant a licence and the number of days in respect of which it should be granted, the licensing authority shall take into account—

(a) the arrangements for rehearsals taking place during the fourteen days preceding the day of the first performance for which the licence is requested, and

(b) any other form of employment in which the child is employed during the twenty-eight days preceding the day of the first performance for which the licence is requested.

Granting of Licences

9.—(1) A licensing authority shall not grant a licence for a child under fourteen unless—

(a) the licence is for acting and the application for the licence is accompanied by a declaration that the part the child is to act cannot be taken except by a child of about his age, or

(b) the licence is for dancing in a ballet which does not form part of an entertainment of which anything other than ballet or opera also forms part and the application for the licence is accompanied by a declaration that the part the child is to dance cannot be taken except by a child of about his age, or

(c) the nature of the child's part in the performance is wholly or mainly musical and either the nature of the performance is also wholly or mainly musical or the performance consists only of opera or ballet.

Medical examinations

10.—(1) Subject to paragraph (2), a licensing authority shall not grant a licence—

(a) for performances for film or television, or

(b) for broadcast performances, other than performances for television, with respect to which the applicant for the purposes of regulation 5(3) requests in the application form that the child may perform on more than six days in a period not exceeding six months, or

(c) for other performances if the child would perform on the maximum number of days in a week, permitted under Part V or VI, as the case may be, and for a period exceeding one week,

unless the school medical officer, or other medically qualified person approved by the licensing authority, has examined the child and has certified that he is fit to take part in the performances for which the licence is requested and that his health will not suffer by reason of taking part in such performances.

(2) Where a child has been medically examined under paragraph (1), he need not be medically examined in order that a further licence may be granted in respect of a performance taking place within a period of six months from the date of the said medical examination unless it appears desirable to the licensing authority that he should be medically examined.

Part IV

Restrictions and conditions applying to all Licences

Application of Part IV

11. The restrictions and conditions specified in this Part shall apply in the case of every licence.

Education

12.—(1) The licensing authority shall not grant a licence unless it is satisfied that the child's education will not suffer by reason of taking part in the performances for which the licence is requested and it has approved the arrangements (if any) for the education of the child during the currency of the licence.

(2) The holder of the licence shall ensure that the arrangements for the child's education during the currency of the licence, approved by the licensing authority, are carried out.

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

(a) the course of study proposed for the child is satisfactory;

(b) the said course of study will be properly taught by the private teacher;

(c) the private teacher is a suitably qualified person to teach the child in question; and

(d) the private teacher will not teach more than five other children at the same time, or, if the other children being taught at the same time have reached a similar standard in the subject to the child in question, eleven.

(a) (4) (a) The licensing authority shall not approve any arrangements for the education of a child by a private teacher unless it is satisfied that the child will, during the currency of the licence, 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 he were a pupil attending a grant-aided school.

(b) The requirements of sub-paragraph (*a*) shall be deemed to be satisfied if, in a case to which this sub-paragraph applies, the licensing authority is satisfied that the child will receive education—

(i) for not less than six hours a week,

(ii) during each complete period of four weeks on location, or, if there is a period on location of less than four weeks, during that period, for periods not less than the aggregate periods of education required by sub-paragraph (*a*) in respect of the period on location

(iii) on days other than days on which the child would not be required to attend school if he were a pupil attending a grant-aided school, and

(iv) for not more than five hours on any such day mentioned in (iii).

(c) Sub-paragraph (*b*) applies—

(i) if the performances to which the licence relates are to be recorded (by whatever means) with a view to their use in a broadcast or in a film intended for public exhibition,

(ii) to any period of recording on location exceeding one week.

(d) In calculating any period of education for the purposes of this paragraph there shall be disregarded—

(i) any period which takes place, in the case of a child taking part in a performance to be recorded (by whatever means) with a view to its use in a broadcast or film intended for public exhibition, other than during the hours when he is permitted to be present at a place of performance or rehearsal under regulations 29 to 31, or, in any other case, which takes place other than between the hours of nine in the morning and four in the afternoon,

(ii) any period which is less than thirty minutes.