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CHILDREN AND YOUNG PERSONS

The Children (Performances) Regulations (Northern Ireland) 1971

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REGULATIONS, DATED 22ND JANUARY 1971, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTIONS 40 AND 41 OF THE CHILDREN AND YOUNG PERSONS ACT (NORTHERN IRELAND) 1968.

The Ministry of Home Affairs, in exercise of the powers conferred on it by sections 40 and 41 of the Children and Young Persons Act (Northern Ireland) 1968(a) hereby makes the following Regulations:—

PART I

APPLICATION FOR LICENCE, ETC.

Application for a licence

1.—(1) An application to a licensing authority for a licence authorising a person under the age of 16 to take part in a performance to which section 40 of the Children and Young Persons Act (Northern Ireland) 1968 applies shall be made in writing in the form set out in Schedule 1 or in a form to the like effect 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 in which the child is to take part.

(3) The licensing authority may refuse to grant a licence if the application form is not received by them at least twenty-one days before the day on which the first performance for which the licence is required takes place.

Power of licensing authorities to obtain additional information

2.—(1) The licensing authority may make such inquiries as they consider necessary to enable them to be satisfied that they should grant a licence as required by section 40(4) of the Act, and in particular they may request a report from the head teacher in respect of the child, they 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 they consider necessary to enable them 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

3.—(1) A licence granted to an applicant by a licensing authority shall be in the form set out in Schedule 2 or in a form to the like effect.

(2) The licence shall specify the names, dates, places and nature of the performances except that in the case of a licence granted to the British Broadcasting Corporation, the Independent Television Authority, a programme contractor within the meaning of section 1(5) of the Television Act 1964(b) or a body supplying programmes to such a programme contractor to be broadcast by the Independent Television Authority or a licence authorising a child to take

(a) 1968. c. 34 (N.I.). (b) 1964. c. 21.

part in a performance to be recorded (by whatever means) with a view to its use in a film intended for public exhibition the licence may, if the applicant so requests in the application form, in lieu of specifying the said dates, 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.

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

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

Particulars to be sent to a local authority under section 41(3) *of the Act*

4. Where a place of performance specified in a licence is in the area of another local authority, the licensing authority shall send to that local authority a copy of the application form and the licence and such other information, if any, relating to the child as they think appropriate.

Records to be kept by the holder of a licence under section 41(5) *of the Act*

5. 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 II

RESTRICTIONS ON THE GRANT OF LICENCES

Number of performing days

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

(*a*) in respect of a child who has attained the age of 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 seventy-nine days;

(*b*) in respect of a child who has not attained the age of 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 thirty-nine days.

(2) The relevant number of days of other performances specified in paragraph (1) may be increased by four if the licensing authority so determine:

Provided that the licensing authority shall not so determine if the child has taken part in a performance on any of the six days preceding any of the said four additional days of performance.

(3) Where 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 such a performance as aforesaid 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 if the licensing authority so determine.

(4) In deciding whether or not to grant a licence and, if a licence should be granted, 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.

(5) In this Regulation the expression "other performances" includes an entertainment for which a licence under section 23(1) or (6) of the Children and Young Persons Act (Northern Ireland) 1950(**c**) has been granted, an entertainment for which by section 23(2) of that Act (charitable performance) a licence is not necessary and a performance for which by section 27(1) of that Act (broadcast performance) a licence is not necessary.

Troupe work

7.—(1) Subject to paragraph (2), a licensing authority shall not grant a licence in respect of a child who has attained the age which is two years below that at which children cease to be of compulsory school age if the child—

(*a*) by reason of taking part in any performance for which the licence is requested will have to live elsewhere than at the place where he would otherwise live, and

(*b*) has during the three months preceding the performance for which the licence is requested or, if the licence is requested for more than one performance, the first performance, lived elsewhere than at the place where he would otherwise have lived by reason of taking part in a performance.

(2) Paragraph (1) shall not apply where—

(*a*) the licence is for acting and 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 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 and ballet.

Medical examinations

8.—(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 3(2) 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 IV or V, as the case may be, and for a period exceeding one week,

(**c**) 1950. c. 5.