

CHILDREN IN ENTERTAINMENT GUIDE TO LEGISLATION



The legislation below relates to;

- Children in Entertainment – Performing on Stage or in Television, Film, Commercial etc.
- Children working in paid/professional sport.
- Children working as models.

Legislation

The legislation that deals with 'Children In Entertainment' is:

- The Children and Young Persons Act 1933
- The Children and Young Persons Act 1963
- The Children (Performances) Regulations 1968
- The Children (Protection At Work) Regulations 1998
- The Children (Performances) (Amendment) Regulations 2000

The legislation requires that all children, from babies until they cease to be of compulsory school age, be licensed by the Local Education Authority in which they live, to take part in a performance on stage or in a broadcast.

A child whose 16th birthday falls between 1st September and 31st August remains of compulsory school age until the last Friday in June following their 16th birthday. A child, for the benefit of the legislation and these guidance notes, is anyone who is of compulsory school age as outlined above.

Performances which require a licence

Any performance:

- in connection with which a charge is made;
- at a licensed premises or a registered club;
- any broadcast or any performance recorded by whatever means with a view to its use in a broadcast, or film intended for public exhibition.

Any child used as a stand-in (understudy) should be licensed in the same way as the other children in the performance.

What sort of performances does not require a licence?

- If a child does not perform on more than four school days in any period of six months (providing that there is no absence from school).
- School performances.
- Performances put on by a body of persons approved by the Secretary of State (Home Office) or in the Local Education Authority in connection with which no payments has been made to the child or any other person. (This could include amateur productions drama societies, churches, scouts and other youth organisations.)

- Any activity which the Local Education Authority does not consider to be a performance. This could be children interviewed or filmed while taking part in some normal activity not specially arranged for the purpose such as doing ordinary schools lessons, playing in the park or at a youth club.

If the activity is directed in any way it may be reviewed and converted into a performance.

Applying for a Licence

A licence will not be granted unless the Local Education Authority is satisfied that the child is fit to take part in a performance, that his/her education will not suffer and that proper supervision has been made to secure the child's health, comfort and kind treatment.

The person responsible for the production of the performance should apply for the licence. Applications should be made to the Local Education Authority where the child lives. (This may be different to the LEA of the child's school and where the production is to take place). The person who signs the licence is the licence holder and as such is responsible for the compliance with the conditions of the licence. Application must be made **at least 21 days** before the date of the first performance otherwise the LEA may refuse to grant a licence, and it would therefore be illegal for the child to take part.

Criteria to be met:

Health

Once obtained, medical clearance lasts for a period of 6 months. No child should be allowed to perform when unwell. If a child does fall ill or injured whilst in the charge of the Matron or Teacher then a doctor should be called and the licence holder must inform the parent and the local LEA as soon as possible. A medical certificate should be supplied (unless one has been seen in the last 6 months).

Education

The person who is applying for the licence should state their proposals for the child's education at the time of application and the LEA will decide whether the arrangements are satisfactory. The LEA must be satisfied that:

The private tutor is suitable and competent.

The course of study is suitable.

One teacher will not teach more than 6 children at any one time unless they have all reached a similar standard, in which case the teacher may teach 12.

The classroom must be approved by the LEA.

The child should be taught for at least 15 hours per week when he/she would normally be required to attend school.

Absence from School

In accordance with regulations absence may only be authorised to allow pupils to be employed in accordance with a licence. The law does not allow children to be authorised absent for an unlicensed performance.

Provision to secure the child's Health, Comfort & Kind Treatment

The child must be supervised for the duration of his/her performance by a Matron or Chaperone. They may be the child's parent, teacher or person approved by the LEA; that is the applicant should be able to demonstrate that the person they wish to appoint as matron or chaperone has CRB clearance.

Information to be included

Each application must include a copy of the child's birth certificate and 2 recent passport size photographs.

Maximum Days Permitted To Perform***Broadcast or Recorded Performances***

A child may not take part in a performance or rehearsal on more than five days in any period of seven days.

Other Performances

A child may not take part in a performance or rehearsal on more than six days in any period of seven days.

If there is a mixture of the two the limit is five days as for broadcast and recording performances.

Breaks In Performances

Where a performance licence is granted for sixty days or more there MUST be a fourteen day break after eight consecutive weeks of performing.

During the break period a child must not take part in any

- performance
- rehearsal
- employment of any form.

Permitted Hours Of Performance

Hours differ to those permitted for stage performances compared to those in relation to broadcast or recorded performances.

Stage Performances

- Earliest and latest times:

1. 10.00am – 10.00pm if aged under thirteen years
2. 10.00am – 10.30pm if aged thirteen years and over.

The latest time may be extended by half an hour but not on more than eight evenings in four consecutive weeks and even then not on more than three evenings in any one week.

9

- A child must not take part in a performance that lasts more than three and a half hours.
- A child's part or total appearances must not exceed two and a half hours.
- A child must not appear in more than two performances or one performance and one rehearsal in one day.
- There must be an interval of at least one and a half hours between two performances or rehearsals in the same day. (This interval may be reduced to forty five minutes on two days in a week, providing the child is not at the same place of performance for more than six hours.)
- A child must only appear in one performance or rehearsal on any day that he attends school for the whole day.
- If a child has taken part in a performance or rehearsal on the previous day there must be a break of at least fourteen hours before he is again present at such a place. For example if a technical rehearsal continued until 10.30pm that night a thirteen year old must not attend for a dress rehearsal until at least 12.30pm the following day.

Broadcast or Recording Performances

The age of the child has a distinct effect on what that child may or may not do.

Recent legislation has brought about radical changes in relation to this area of entertainment.

A Daily Regime has been created to give you an 'at a glance' view of the regulations.

However a matron may give permission for a child to perform for an extra thirty minutes if she feels that the welfare of the child will not be prejudiced.

Additionally, in exceptional circumstances, which only apply to the British Broadcasting Company and the Independent Television Authority, a child aged twelve or over may be present at a place of performance or rehearsal between the hours of 10.00am and 10.00pm.

DAILY REGIME OF CHILDREN TAKING PART IN BROADCAST AND RECORDED PERFORMANCES

| Age of child | Maximum number of hours permitted at place of performance or rehearsal | Earliest and latest permitted times at that place | Maximum period of continuous performance or rehearsal | Maximum number of hours performance or rehearsal | Minimum intervals for meals and rest | Minimum number of hours education on school days if being privately taught |
|--------------------------|--|---|---|--|--|--|
| Under 5 years | 5 hours | 9.30am – 4.30pm | 30 minutes | 2 hours | Any time during which the child is not taking part in a performance or rehearsal must be used for meals, rest and recreation. | Not applicable |
| Over 5 but under 9 years | 7 ½ hours | 9.00am – 4.30pm | 45 minutes | 3 hours | If present at the place of performance or rehearsal for more than 3 ½ consecutive hours – 2, one of which must be at least 1 hour and the other fifteen minutes. If present at the place of performance or rehearsal for more than 9 ½ consecutive hours – 3, two of which must be at least 1 hour and the others at least fifteen minutes. | 3 hours (15 per week) or 6 hours per school week with remainder taught on non-school days, providing no more than 5 hours either day. |
| 9 years and over | 9 ½ hours | 7.00am – 7.00pm | 1 hour | 4 hours | If present at the place of performance or rehearsal for more than 4 consecutive hours – 2, one of which must be at least 1 hour and the other fifteen minutes. If present at the place of performance or rehearsal for more than 9 ½ consecutive hours – 3, two of which must be at least 1 hour and the others at least fifteen minutes. | 3 hours (15 per week) or 6 hours per school week with remainder taught on non-school days, providing no more than 5 hours either day. |

