



## ***Child Performance***

---

### **Introduction**

No child under 16 years old may take part in any public performance unless the local authority in whose area the child resides (**Children and Young Persons Act 1963**) grants a Child Performance Licence.

This applies to any performance:

- for which a charge is made;
- which is held in licensed premises;
- which is broadcast; or
- which is recorded with a view to its being used in a broadcast or a film for public exhibition.

The **Children (Performances and Activities) (Scotland) Regulations 2014** made minor changes to the legislation on the involvement of children in performances. The employer must now obtain a Child Performance Licence before the child may:

- take part in a sport; or
- work as a model in circumstances where payment is made either to the child or to someone else.

### **Child Performance Licence application form**

The employer will require a Child Performance Licence if the child takes the place of a performer in any rehearsal or other preparation for the recording of the performance even if the child does not take part in the final production.

The employer should submit a Child Performance Licence application form to Midlothian Council. (**See Appendix 1**)

The employer and the parent or guardian of the child must complete different sections of the Child Performance Licence application form.

### **Exemptions**

A Child Performance Licence is not required if:

- the child does not perform on more than four days in any period of six months. This exemption does not apply if the child or someone else receives payment for the performance(s).

- it is a school performance, or a performance being presented by a body approved by Midlothian Council, for which the child is not being paid (although expenses may be reimbursed). Midlothian Council can permit an amateur dramatic or operatic group to use the child in its performances without the need for individual Child Performance Licence application forms.

### Conditions of approval

Before granting a licence, Midlothian Council must be satisfied that:

- the child is fit to take part in the performance, modelling or sporting activity;
- adequate arrangements have been made for the welfare of the child during the time involved;
- the education of the child will not suffer as a result.

Midlothian Council may grant the Child Performance Licence subject to certain conditions. Similarly, the Child Performance Licence may specify the times that the child may be absent from the School for the purpose of the performance.

This is important, as the School can then regard the child absent with reasonable excuse and can make the appropriate entry in the attendance record.

Additional Regulations impose further conditions (**The Children (Performances) Regulations 1968**) and **The Children (Performances) (Miscellaneous Amendments) Regulations 1998**) including:

- Maximum hours allowed at places of performance or rehearsal.
- Intervals for rest and meals, if appropriate.
- Approval of lodgings by Midlothian Council.
- Arrangements for the education of the child.
- The appointment of a chaperone for the period covered by the licence if a parent or teacher does not accompany the child.
- A new form of licence authorising a child to perform or participate in modelling or sporting activities abroad. (**See Appendix 2**)

### Child under 14 years old

Midlothian Council will not grant a Child Performance Licence in respect of a child under 14 years old unless the following conditions apply:

- Acting – a declaration that the part the child is to play can only be played by a child of about this age must accompany the Child Performance Licence application form.
- Dancing in a ballet – a declaration that the part the child is to dance can only be taken by a child of about this age must accompany the Child Performance Licence application form.
- The nature of the part of the child 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.

## **Variation or revocation of Child Performance Licence**

The Child Performance Licence holder may apply for a variation to Midlothian Council, or the authority in whose area a performance is taking place.

Similarly, either Midlothian Council, or the authority in whose area a performance is taking place, may vary or revoke a Child Performance Licence if:

- the employer fails to comply with any condition of the Child Performance Licence;
- it is no longer satisfied that the child is fit for the performance; or
- the arrangements made for the general welfare or education of the child prove unsatisfactory.

The holder of the Child Performance Licence must receive notice of the intention to vary or revoke it where practicable.

Midlothian Council must give its reasons in writing if it refuses to grant a Child Performance Licence, or subsequently revokes it, or if it varies the Child Performance Licence other than on an application by the holder.

Any person that causes or, in the case of a parent or guardian, allows a child to take part in a performance without obtaining the necessary Child Performance Licence, or deliberately makes a false statement when applying for the Child Performance Licence, is committing an offence.

### **Further information**

Child Performance  
Midlothian Council  
Education, Communities and Economy  
Fairfield House  
8 Lothian Road  
DALKEITH  
EH22 3ZG

Tel No: (0131) 270 7500

### **Appendices**

- Appendix 1 Child Performance Licence Application Form
- Appendix 2 Licence to Enable a Child to Perform or Participate in Other Activities Abroad