
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART XII

EMPLOYMENT OF CHILDREN

Performances

Restrictions on taking part in public performances, etc.

137.—(1) A child shall not take part in a performance to which this Article applies unless—

- (a) a licence has been granted under Article 138, or
- (b) by virtue of paragraph (3), no licence is required.

(2) This Article applies to—

- (a) any performance in connection with which a charge is made (whether for admission or otherwise);
- (b) any performance in licensed premises within the meaning of the Licensing (Northern Ireland) Order 1990(1), or in any premises in respect of which a club is registered under the Registration of Clubs (Northern Ireland) Order 1987(2);
- (c) any broadcast performance;
- (d) any performance not falling within sub-paragraph (c) but included in a programme service;
- (e) any performance recorded (by whatever means) with a view to its use in a broadcast or a programme service or in a film intended for public exhibition;

and a child shall be treated for the purposes of this Article as taking part in a performance if he takes the place of a performer in any rehearsal or in any preparation for the recording of the performance.

(3) A licence under Article 138 shall not be required for any child to take part in a performance to which this Article applies if—

- (a) in the six months preceding the performance he has not taken part in other performances to which this Article applies on more than three days; or
- (b) the performance is given under arrangements made by a school or made by a body of persons approved for the purposes of this Article by the Department of Education or by the education and library board in whose area the performance takes place, and no payment in respect of the child's taking part in the performance is made, whether to him or to any other person, except for defraying expenses;

but the Department of Education may, with the approval of the Department, by regulations prescribe conditions to be observed with respect to the hours of work, rest or meals of children taking part in performances as mentioned in sub-paragraph (a).

(1) 1990 NI 6
(2) 1987 NI 14

Granting of licences

138.—(1) The appropriate education and library board may grant a licence for a child to take part in a performance to which Article 137 applies.

(2) The appropriate education and library board referred to in paragraph (1) is—

- (a) the education and library board in whose area the child resides; or
- (b) if the child does not reside in Northern Ireland, the education and library board in whose area the applicant or one of the applicants resides or has his place of business; or
- (c) if the child does not reside in Northern Ireland and the applicant or every applicant neither resides nor has his place of business in Northern Ireland, any education and library board.

(3) Subject to paragraph (4), the education and library board shall not refuse to grant a licence for a child to take part in a performance or series of performances if the board is satisfied—

- (a) that the child is fit to do so; and
- (b) that proper provision has been made to secure the child's health and kind treatment; and
- (c) that, having regard to such provision, if any, as has been or will be made for the child's education, his education will not suffer.

(4) The education and library board shall not grant a licence in respect of a child who is under the age of 14 unless—

- (a) the licence is for acting and the application for the licence is accompanied by a declaration that the part he 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 forms part and the application for the licence is accompanied by a declaration that the part he is to dance cannot be taken except by a child of about his age; or
- (c) the nature of his 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.

(5) The power of the education and library board to grant licences under this Article shall be exercisable subject to such restrictions and conditions as the Department of Education may with the approval of the Department prescribe by regulations, and such conditions may include—

- (a) conditions requiring the approval of an education and library board (and may provide for that approval to be given subject to conditions imposed by the board);
- (b) a condition requiring sums earned by the child in respect of whom the licence is granted in taking part in a performance to which the licence relates—
 - (i) to be paid into the county court and, subject to county court rules, applied or otherwise dealt with for the benefit of that child in such manner as the county court may direct, or
 - (ii) to be applied or otherwise dealt with in a manner approved by the education and library board.

(6) A licence under this Article shall specify the times, if any, during which the child in respect of whom it is granted may be absent from school for the purposes authorised by the licence; and for the purposes of determining whether, under Article 45 of, and Schedule 13 to, the Education and Libraries (Northern Ireland) Order 1986(3), a registered pupil of a school has failed to attend regularly at the school, his absence at such times shall be disregarded.

(7) An education and library board which grants a licence under this Article authorising a child to take part in a performance in the area of another education and library board shall send that other board such particulars as the Department of Education may with the approval of the Department prescribe by regulations.

Variation and revocation of licences

139.—(1) A licence under Article 138 may be varied on the application of the person holding it by the appropriate education and library board.

(2) The appropriate education and library board may vary or revoke a licence under Article 138 if—

- (a) any condition subject to which the licence was granted is not observed; or
- (b) the board is not satisfied as to the matters mentioned in paragraph (3) of that Article,

but before varying or revoking the licence, the board shall give to the holder of the licence such notice, if any, of the board's intentions as may be practicable in the circumstances.

(3) The appropriate education and library board referred to in paragraphs (1) and (2) is—

- (a) the education and library board which granted the licence; or
- (b) any education and library board in whose area the performance or one of the performances to which it relates takes place.

(4) An education and library board which proposes to vary or revoke a licence which was granted by, or relates to a performance in the area of, another education and library board shall, if practicable, consult that other board.

(5) An education and library board which varies or revokes such a licence shall inform that other board.

Requirement to keep and produce records

140.—(1) The holder of a licence shall keep such records as the Department of Education may, with the approval of the Department, prescribe by regulations.

(2) At any time not later than six months after the performance or last performance to which the licence relates, the holder of the licence shall on request produce the records to an officer of the education and library board which granted, or any education and library board which varied, the licence.