



Statutory Document No. 439/04

THE EDUCATION ACT 2001

THE PERFORMANCES BY CHILDREN REGULATIONS 2004

Approved by Tynwald

14th July 2004

Coming into operation

1st September 2004

In exercise of the powers conferred on the Department of Education by section 54 of the Education Act 2001¹, and of all other enabling powers, the following Regulations are hereby made:—

General

1. Citation, commencement and interpretation

(1) These Regulations may be cited as the Performances by Children Regulations 2004 and, subject to section 58(1) of the Act, shall come into operation on the 1st September 2004.

(2) In these Regulations —

"abroad" means outside the British Islands and the Republic of Ireland;

"the Act" means the Education Act 2001;

"child" means a child below the upper limit of compulsory school age;

"day" means a period of 24 hours beginning and ending at midnight;

"the Department" means the Department of Education;

"film performance" means a performance to be recorded (by whatever means) with a view to its use in a film intended for public exhibition;

"matron" has the meaning given by regulation 14;

"performance of a dangerous nature" includes all acrobatic performances and all performances as a contortionist;

"producer", in relation to a performance, means the person responsible for the management or production of the performance or, if there is more than one such person, any of those persons;

"rehearsal" means any rehearsal for, or preparation for the recording of, a performance to which a licence relates, being a rehearsal which takes place on

¹ 2001 c.33

Price £2.20

the day of performance or during the period beginning with the first and ending with the last performance to which the licence relates;

"television performance" means a performance to be transmitted, or to be recorded (by whatever means) with a view to its transmission, in visual form by a broadcast or cable programme, and "recorded television performance" means a performance to be so recorded;

"week" means a period of 7 consecutive days beginning with the day on which the first performance for which the licence is granted takes place;

"welfare", in relation to a child, includes his health, treatment and supervision, and the application of any earnings from the performance in question.

Dangerous performances

2. Prohibition on participation in certain performances

No child shall take part in any performance in which his life or limb is endangered.

3. Restrictions on training for performances of a dangerous nature

(1) No child who has not attained the age of 12 years shall be trained to take part in performances of a dangerous nature.

(2) No child who has attained the age of 12 years shall be trained to take part in performances of a dangerous nature except under the authority of and in accordance with the terms of a licence granted by the Department.

(3) A licence under paragraph (2) shall specify the place or places at which the child is to be trained and shall include such conditions as appear to the Department to be necessary for his protection.

(4) The Department shall not refuse to grant a licence under paragraph (2) if it is satisfied that —

- (a) the child is fit and willing to be trained, and
- (b) proper provision has been made to secure his welfare.

Performances abroad

4. Performances abroad

(1) No child shall be removed out of the Island for the purpose of taking part in performances outside the British Islands and the Republic of Ireland except under the authority of and in accordance with the terms of a licence granted by the Department.

(2) The Department shall not grant a licence under paragraph (1) unless it is satisfied that —

- (a) the application for the licence is made by or with the consent of the child's parent;
- (b) he is going abroad to fulfil a particular engagement;

- (c) he is fit to do so;
 - (d) proper provision has been made to secure his welfare whilst abroad and his return from abroad at the expiration or revocation of the licence; and
 - (e) he has been provided with a copy of the contract or other document showing the terms and conditions on which he is engaged, drawn up in a language understood by him.
- (3) A licence under paragraph (1) shall not be granted for a period exceeding 3 months.
- (4) A licence under paragraph (1) may be renewed from time to time for periods not exceeding 3 months where the Department is satisfied —
- (a) by a report submitted by a British consular officer or other trustworthy person, that the conditions of the licence are being complied with; and
 - (b) that the application for renewal is made by or with the consent of the child's parent.
- (5) The Department —
- (a) may vary a licence under paragraph (1); and
 - (b) may revoke the licence for any reason which the Department considers sufficient.

Requirement for licence for performance

5. Requirement for licence for performance

- (1) Subject to paragraphs (2) and (3), no child shall take part in any performance except under the authority of and in accordance with the terms of a licence granted by the Department.
- (2) A licence is not required under paragraph (1) in respect of a performance in which a child takes part and which is given under arrangements made by —
- (a) the Department,
 - (b) the governing body, proprietor or head teacher of a school, or
 - (c) a body of persons approved by the Department for the purpose of this paragraph,

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.

- (3) A licence is not required under paragraph (1) in respect of a performance by a child who has not taken part in other performances on more than 3 days in the 6 months preceding the performance.

6. Application for a licence for performance

- (1) Subject to regulations 7 and 8, an application to the Department for a licence under regulation 5 shall be —

- (a) made in writing in the form in Schedule 1,
 - (b) signed by the applicant and a parent of the child, and
 - (c) accompanied by the documents specified in that form.
- (2) An application for a licence under regulation 5 shall be made by —
- (a) the producer, in the case of any performance, or
 - (b) a recruitment agency acting on behalf of the producer, in the case of a performance for the purpose of making a film, sound recording, broadcast or cable programme.
- (3) The Department may refuse to grant a licence if the application is not received at least 21 days before the day on which the first performance for which the licence is required takes place.
- (4) Before determining the application the Department may make such enquiries as it considers necessary, and in particular —
- (a) request a report from the head teacher of the school attended by the child;
 - (b) require that the child be examined by a registered medical practitioner in order to satisfy itself that the child is fit to take part, and that his health will not suffer by reason of taking part, in the performance; and
 - (c) interview the applicant, the child and his parents and the proposed matron and private teacher (if any).

7. Application for licence for chorus etc.

(1) This regulation applies where 2 or more children habitually resident in the Island are to take part in not more than 6 stage performances in the Island, produced or managed by —

- (a) an association of persons established in the Island otherwise than for profit, the principal object of which is the performance of dramatic, musical or operatic works; or
- (b) a person resident or having a principal place of business in the Island and engaged in the teaching of acting, music or dancing to children;

and no child is required to be absent from a school at which he is a registered pupil in order to take part in any of the performances or in any rehearsal for the performances.

(2) An application for a licence under regulation 5 for such performances may be made in writing by the producer as a single application for all the children taking part in the performances, and shall specify —

- (a) the full name, address, age and sex of each child, and the name and address of the school at which he is a registered pupil;
- (b) the nature, place, number, dates, times and duration of the performances; and
- (c) the place, number, dates, times and duration of any rehearsals for the performances.

8. Application for licence where GB licence is in force

- (1) This regulation applies where —
- (a) a child who is not habitually resident in the Island is to take part in a series of film performances or recorded television performances both in the Island and in Great Britain, and
 - (b) his taking part in the performances in Great Britain is authorised by a licence under section 37 of the Children and Young Persons Act 1963 (an Act of Parliament)².
- (2) An application for a licence under regulation 5 for the performances in the Island may be made in writing by the producer and shall specify —
- (a) the full name, address, age and sex of the child;
 - (b) the nature, place, number, dates, times and duration of the performances; and
 - (c) the place, number, dates, times and duration of any rehearsals for the performances;

and shall be accompanied by the licence referred to in paragraph (1)(b).

9. Form of licence for performance

- (1) A licence under regulation 5 shall be granted to the producer of the performance in question, and shall be in the form in Schedule 2.
- (2) Subject to paragraph (3), a licence under regulation 5 shall specify —
- (a) the full name, address, age and sex of each child, and the name and address of the school at which he is a registered pupil;
 - (b) the nature, place, number, dates, times and duration of the performance to which it relates.
- (3) If the applicant so requests in his application, a licence for film performances or recorded television performances may, instead of specifying the dates of the performances or rehearsals for performances, specify the number of days on which, and the period (which shall not exceed 6 months) in which, the performances or rehearsals may take place.
- (4) One print of the photograph of the child accompanying the application form shall be attached to the licence.
- (5) The Department shall send a copy of the licence to the parent who signed the application.
- (6) Paragraphs (1), (4) and (5) do not apply to a licence granted on an application under regulation 7(2) or 8(2).

² 1963 c.37

10. Medical examination

- (1) Subject to paragraph (2), the Department shall not grant a licence for —
- (a) a film performance or a television performance, or
 - (b) a performance for the purpose of making a broadcast (other than a television performance), where the applicant requests under regulation 9(2) that the licence may specify more than 6 days in a period not exceeding 6 months, or
 - (c) any other performance, where the child would perform on the maximum number of days in a week permitted under regulation 27 and for a period exceeding one week,

unless a registered medical practitioner has examined the child and has certified that he is fit to take part in the performance for which the licence is requested and that his health will not suffer by reason of taking part in such performances.

(2) The Department may waive the requirement of paragraph (1) where the child has been examined under that paragraph within the period of 6 months before the date of the performance or first performance to which the application for a licence relates.

11. Arrangements for education

(1) In the case of a child of compulsory school age, the Department shall not grant a licence unless —

- (a) it is satisfied that the child's education will not suffer by reason of taking part in the performance in question, and
- (b) has approved the arrangements (if any) for the education of the child during the currency of the licence.

(2) The Department 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 teacher;
- (c) the teacher is a suitable person to teach the child in question;
- (d) the teacher will not teach more than 5 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, 11 children at the same time;
- (e) the child will, during the currency of the licence, receive education for periods which, when aggregated, total not less than 3 hours on each day on which the child would be required to attend school if he were a registered pupil at a school provided or maintained by the Department; and
- (f) the schoolroom or other place where the child is to receive education is suitable for the purpose.

- (3) Paragraph (2)(e) does not apply to film performances or recorded television performances where —
- (a) the period of recording exceeds one week, and
 - (b) the Department is satisfied that the child will receive an education —
 - (i) for not less than 6 hours a week;
 - (ii) during each complete period of 4 weeks, or, if there is a period of less than 4 weeks, during that period, for periods not less than the periods referred to in paragraph (2)(e);
 - (iii) on days on which the child would be required to attend school if he were a registered pupil at a school provided or maintained by the Department; and
 - (iv) for not more than 5 hours on any such day.
- (4) In calculating the period of education for the purposes of paragraph (3) there shall be disregarded —
- (a) any period —
 - (i) 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, outside the hours when he is permitted to be present at a place of performance or rehearsal under regulations 29 to 31;
 - (ii) in any other case, before 9 am or after 4 pm; and
 - (b) any period less than 30 minutes.

Conditions of licences

12. Conditions of licences

Every licence granted in respect of a performance shall be subject to —

- (a) such of the conditions specified in regulations 13 to 33 as are applicable to the performance in question, and
- (b) such further conditions (if any) as —
 - (i) appear to the Department to be necessary to secure the welfare of the child in question while taking part in the performance,
 - (ii) are specified in the licence, and
 - (iii) are not inconsistent with the conditions referred to in paragraph (a).

Conditions applicable to all licensed performances

13. Education

Any arrangements for the education of the child approved under regulation 11 shall be carried out.

14. Matrons

(1) A person, who may be a man or a woman, approved by the Department (in these Regulations referred to as a "matron") shall be in charge of the child at all times during the period beginning with the first and ending with the last performance or, as the case may be, occasion to which the licence relates, except while the child is in the charge of a parent or teacher.

(2) The Department shall not approve a matron unless it is satisfied that —

(a) she is suitable and competent to exercise proper care and control of a child of the age and sex of the child in question, and

(b) she will not be prevented from carrying out her duties towards the child by other activities or duties to other children.

(3) A matron shall not be in charge of more than 11 children at any time.

(4) A matron who is also the private teacher of the child shall not be in charge of the child and more than 2 other children at any one time.

(5) A matron while in charge of a child under this regulation shall have the care and control of the child with a view to securing his health, comfort, kind treatment and moral welfare.

15. Notification of injury or illness

Where the child suffers any injury or illness while in the charge of the producer, or of a matron or teacher, the producer shall ensure that a parent of the child and the Department are notified immediately of such injury or illness.

16. Lodgings

Where by reason of taking part in a performance a child has to live elsewhere than at the place where he would otherwise live, that child shall live only in premises which have been approved by the Department as suitable for the purpose.

17. Place of performance or rehearsal

A child shall not take part in a performance or rehearsal unless the place where he is to perform or rehearse has been approved by the Department (either generally or for the purpose of the performance or rehearsal in question).

18. Arrangements for getting home

The producer shall ensure that suitable arrangements (having regard to the child's age) are made for the child to get to his home or other destination after the last performance or rehearsal on any day.

19. Break in performances

(1) A child who takes part in performances or rehearsals on the maximum number of days in a week permitted under regulation 24 or 27, as the case may be, for a period of 8 consecutive weeks, shall not take part in any performance or rehearsal or be employed in any other form of employment during the 14 days next ensuing.

(2) This regulation does not apply —

- (a) if the number of days specified in the relevant licence under which the child may perform is less than 60; or
- (b) to a performance in a circus.

20. Further medical examinations

(1) The condition in this regulation applies where a licence under regulation 5 permits a child to take part in performances in 4 or more consecutive weeks.

(2) The producer shall ensure that the child is examined by a registered medical practitioner within 48 hours after the end of each period of 4 consecutive weeks during which the child takes part in a performance.

(3) The producer shall obtain from the person conducting the medical examination a report as to whether —

- (a) he is fit to take part in further performances, and
- (b) his health will suffer by reason of taking part in further performances.

(4) If the report states that the child is not fit to take part, or that his health will suffer by reason of taking part, in further performances, he shall not take part in any further performance until a medical practitioner certifies that he is fit to take part, and that his health will not suffer by reason of taking part, in further performances.

(5) Where a child has been medically examined under regulation 10(1), he shall be medically examined during the 7 days following the day of the last performance to which the licence relates unless the Department is satisfied, having regard to the date of the last medical examination of the child under these Regulations and the number and nature of performances in which the child has taken part, that no such medical examination is necessary.

(6) Where a medical examination is carried out under this regulation, a copy of the report on the examination shall be sent to the Department.

21. Restriction on employment

(1) On the day on which, or on the day immediately following the day on which, a child takes part in a performance, he shall not be employed in any other form of employment.

(2) On the day on which a child takes part in a performance, he shall not take part in any other performance (including a performance for which a licence is not required).

22. Production of licence

The producer shall, on request, produce the licence at all reasonable hours at the place of performance to an authorised person or a constable.

23. Records to be kept by producer

The producer shall keep the records specified in Schedule 3, and shall retain them for 6 months after the performance or last performance to which the licence relates.

Conditions applicable to licensed performances other than film or television performances

24. Maximum number of days on which a child may take part in performances etc.

(1) The condition in this regulation applies to any performance, and a rehearsal for any performance, other than a film performance or a television performance.

(2) A child shall not take part in performances, or rehearsals for performances, on more than 6 days in any period of 7 days.

25. Maximum number and length of performances and rehearsals

(1) The condition in this regulation applies to any performance, and a rehearsal for any performance, other than a film performance or a television performance.

(2) A child shall not take part in a performance or rehearsal the duration of which exceeds 3½ hours.

(3) A child shall not take part in a performance or rehearsal if the duration of his appearances in the performance or rehearsal exceeds 2½ hours.

(4) A child shall not take part in more than one performance or rehearsal on any day unless he performs the same part in the performances or rehearsals, except where —

(a) he takes the place of another performer in the same performance, and

(b) the performances or rehearsals are of the same nature.

(5) Subject to paragraph (8), a child shall not take part —

(a) on any day on which he is required to attend school after the morning session, in more than one performance or rehearsal;

(b) on any other day, in more than 2 performances or rehearsals or more than one performance and one rehearsal.

(6) Subject to paragraphs (7) and (8), a child shall not take part in more than one performance or rehearsal on any day unless there is an interval of not less than 1½ hours between the end of his part in the first performance or rehearsal and the beginning of his part in the next performance or rehearsal.

- (7) Paragraph (6) does not prevent a child taking part in more than one performance or rehearsal in a day on not more than 2 days in any week where —
- (a) there is an interval of not less than 45 minutes between the end of his part in the first performance or rehearsal and the beginning of his part in the second performance or rehearsal; and
 - (b) he is not present at the place of performance or rehearsal for more than 6 hours.
- (8) In the case of performances, or rehearsals for performances, in a circus, paragraphs (5) and (6) do not prevent a child taking part —
- (a) on a day on which he is required to attend school after the morning session, in not more than 2 performances or rehearsals or not more than one performance and one rehearsal;
 - (b) on any other day, in not more than 3 performances or rehearsals;
- provided that —
- (i) there is an interval of not less than 1½ hours between the end of his part in one performance or rehearsal and the beginning of his part in the next performance or rehearsal, and
 - (ii) the duration of his appearance in a performance or rehearsal does not exceed 30 minutes.

26. Earliest and latest hours at place of performance or rehearsal

- (1) The condition in this regulation applies to any performance, and a rehearsal for any performance, other than a film performance or a television performance, but does not apply where the place of performance or rehearsal is also where the child lives or receives education.
- (2) A child shall not be present at a place of performance or rehearsal after whichever is the earliest of the following times —
- (a) 10 pm if he has not attained 13 years of age, or
 - (b) 10.30 pm if he has, or
 - (c) 30 minutes after the end of his part in the performance or rehearsal or the last performance or rehearsal.
- (3) Paragraph (2) does not prevent a child's presence at the place of performance not later than 11 pm on not more than 3 evenings in a week where, in order to enable him to take part in a performance, his presence is required after the time specified in that paragraph, provided that he is not present on more than 8 evenings in a period of 4 consecutive weeks.
- (4) A child shall not be present at a place of performance or rehearsal before 10.00 am.
- (5) A child shall not take part in a performance or rehearsal on the day immediately following a day on which he has taken part in a performance or rehearsal unless at least 14 hours have elapsed since the end of his part in the performance or rehearsal on that day.

Conditions applicable to licensed film and television performances

27. Maximum number of days on which a child may take part in performances etc.

(1) The condition in this regulation applies to any film performance or television performance, and a rehearsal for any such performance.

(2) A child shall not take part in performances, or rehearsals for performances, on more than 5 days in any period of 7 days.

28. Limit on daily performances etc.

(1) The condition in this regulation applies to any film performance or television performance, and a rehearsal for any such performance.

(2) Where on any day a child takes part in a performance or rehearsal, he may not on the same day take part in another performance or rehearsal —

(a) which is of a different nature, and

(b) in which he performs a different part (except to take the place of another performer in the same performance).

29. Maximum number and length of performances and rehearsals: children aged 9 or over

(1) The condition in this regulation applies to any film performance or television performance, and a rehearsal for any such performance.

(2) A child who has attained the age of 9 years and has not attained the age of 13 years shall not be present at a place of performance or rehearsal —

(a) for more than 9½ hours in any day, or

(b) before 7 am or after 7 pm.

(3) A child who has attained the age of 13 years —

(a) may be present in any week at a place of performance or rehearsal either between the hours of 7 am and 7 pm or between the hours of 10 am and 10 pm —

(i) for not more than 12 hours in any one day, or

(ii) for not more than 10 hours a day on any 2 days, or

(iii) for not more than 9½ hours a day on any 3 days,

provided that he is not present at a place of performance or rehearsal on any other day in that week and has not been present at a place of performance or rehearsal after 7 pm on more than 20 days during the preceding 12 months; or

(b) may be present on one day in any week at a place of performance or rehearsal for not more than 12 hours either between the hours of 7 am and 7 pm or between the hours of 10 am and 10 pm provided that —

- (i) he is not present at the place of performance or rehearsal for more than 4 hours on any other day in that week;
 - (ii) he does not take part in a performance or rehearsal for more than 2 hours on any other day in that week;
 - (iii) he does not take part in a performance or rehearsal on the day immediately following the day on which he has been present at the place of performance or rehearsal after 7 pm; and
 - (iv) he has not been present at a place of performance or rehearsal after 7 pm on any day during the 6 preceding days.
- (4) A child who has attained the age of 9 years shall not take part in a performance or rehearsal on any day —
- (a) for a continuous period of more than one hour without an interval for rest;
 - (b) for a total period of more than 4 hours.
- (5) A child who has attained 9 years of age shall not be present at a place of performance or rehearsal —
- (a) for a continuous period of more than 4 hours without there being 2 or more intervals of which —
 - (i) one shall be for the purpose of a meal and shall be of not less than one hour, and
 - (ii) the other or others shall be for the purpose of rest and shall not be less than 15 minutes;
 - (b) for a continuous period of more than 8 hours without there being 3 or more intervals of which —
 - (i) 2 shall be for the purposes of meals and shall be of not less than one hour, and
 - (ii) the other or each of the others shall be for the purpose of rest and shall not be less than 15 minutes.
- (6) For the purpose of this regulation the time during which a child is present at a place of performance or rehearsal, in the case of a child for whom arrangements for his education by a private teacher have been approved by the Department, includes any periods of education taken into account for the purpose of complying with the requirements of regulation 11(2)(e) or (4)(b), whether or not they take place at the place of performance or rehearsal.

30. Maximum number and length of performances and rehearsals: children aged 5 to 8

- (1) The condition in this regulation applies to any film performance or television performance, and a rehearsal for any such performance.
- (2) A child who has attained the age of 5 years but has not attained the age of 9 years shall not be present at a place of performance or rehearsal —
 - (a) for more than 7½ hours in any day, or

- (b) before 9 am or after 4.30 pm.
- (3) A child who has attained the age of 5 years but has not attained the age of 9 years shall not take part in a performance or rehearsal on any day —
 - (a) for a continuous period of more than 45 minutes without an interval for rest;
 - (b) for a total period of more than 3 hours.
- (4) A child who has attained 5 years of age but has not attained the age of 9 years shall not be present at a place of performance or rehearsal —
 - (a) for a continuous period of more than 3½ hours without there being 2 or more intervals of which —
 - (i) one shall be for the purpose of a meal and shall be of not less than one hour, and
 - (ii) the other or others shall be for the purpose of rest and shall not be less than 15 minutes;
 - (b) for a continuous period of more than 8 hours without there being 3 or more intervals of which —
 - (i) 2 shall be for the purposes of meals and shall be of not less than one hour, and
 - (ii) the other or each of the others shall be for the purpose of rest and shall not be less than 15 minutes.
- (5) For the purpose of this regulation the time during which a child is present at a place of performance or rehearsal, in the case of a child for whom arrangements for his education by a private teacher have been approved by the Department, includes any periods of education taken into account for the purpose of complying with the requirements of regulation 11(2)(e) or (4)(b), whether or not they take place at the place of performance or rehearsal.

31. Maximum number and length of performances and rehearsals: children under 5

- (1) The condition in this regulation applies to any film performance or television performance, and a rehearsal for any such performance.
- (2) A child who has not attained the age of 5 years shall not be present at a place of performance or rehearsal —
 - (a) for more than 5 hours in any day, or
 - (b) before 9.30 am or after 4.30 pm.
- (3) A child who has not attained the age of 5 years shall not take part in a performance or rehearsal on any day —
 - (a) for a continuous period of more than 30 minutes without an interval for rest;
 - (b) for a total period of more than 2 hours.

(4) Any time during which such a child is present at a place of performance or rehearsal, but is not taking part in a performance or rehearsal, shall be used for the purposes of meals, rest and recreation.

32. Exceptions for night work

(1) Regulations 29 to 31 do not prevent a child taking part in a performance consisting of the recording of a scene after the last permitted hour where the Department is satisfied that —

- (a) that the scene must be recorded out of doors and after the last permitted hour, and
- (b) in the case of a performance after midnight and before the earliest permitted hour, that it is impracticable for the recording of the performance to be completed before midnight,

and the conditions in paragraph (2) are fulfilled.

(2) The conditions referred to in paragraph (1) are that —

- (a) the number of hours during which the child takes part in a performance after the latest permitted hour shall be included in computing the maximum number of hours during which he may take part in a performance or rehearsal on any one day under regulations 29 to 31;
- (b) the child shall not take part in any other performance or rehearsal until not less than 16 hours have elapsed since the end of his part in the performance; and
- (c) where the child takes part in a performance after the latest permitted hour on 2 successive days, he shall not take part in any further performance after the latest permitted hour during the next 7 days.

(3) In this regulation "latest permitted hour" and "earliest permitted hour" mean the latest hour and the earliest hour respectively at which the child may be present at the place of performance or rehearsal under regulations 29 to 31.

33. Further exceptions

(1) Regulations 29 to 31 do not prevent a child taking part in a performance for a period not exceeding 30 minutes immediately following the latest permitted hour on any day, provided that —

- (a) the matron in charge of the child consents to the child taking part;
- (b) the total period during which the child takes part in performances or rehearsals on that day, including that period of 30 minutes, does not exceed the maximum period permitted under regulations 29 to 31;
- (c) it appears to the matron that the welfare of the child will not be prejudiced;
- (d) it appears to the matron that the circumstances necessitating the child taking part in a performance after the latest permitted hour were outside the control of the producer; and

- (e) the matron notifies the Department not later than the next day after the day on which the child takes part in the performance.
- (2) In paragraph (1) "latest permitted hour" means the latest hour at which that child may be present at the place or performance or rehearsal under regulations 29 to 31.
- (3) Regulations 29 to 31 do not prevent not more than one of the intervals required to be set aside for the purposes of meals to be reduced where the child is taking part in a performance or rehearsal out of doors, provided that —
 - (a) the matron in charge of the child consents to the reduction,
 - (b) the duration of that interval is not less than 30 minutes, and
 - (c) the total period during which the child takes part in performances or rehearsals on that day, including that period of 30 minutes, does not exceed the maximum period permitted under regulations 29 to 31.

Restrictions on performances for which licence is not required

34. Maximum number and length of performances for which licence is not required

- (1) This regulation applies to a performance for which a licence under regulation 5 is not in force and, by virtue of regulation 5(2) or (3), is not required.
- (2) A child shall not take part in a performance the duration of which exceeds 3½ hours.
- (3) A child shall not take part in a performance if the duration of his appearances in the performance exceeds 2½ hours.
- (4) A child shall not take part in more than one performance on any day unless he performs the same part in the performances, except where —
 - (a) he takes the place of another performer in the same performance, and
 - (b) the performances or rehearsals are of the same nature.
- (5) A child shall not take part —
 - (a) on any day on which he is required to attend school after the morning session, in more than one performance;
 - (b) on any other day, in more than 2 performances.
- (6) A child shall not take part in more than one performance on any day unless there is an interval of not less than 1½ hours between the end of his part in the first performance and the beginning of his part in the next performance.
- (7) Paragraph (6) does not prevent a child taking part in more than one performance in a day on not more than 2 days in any week where —
 - (a) there is an interval of not less than 45 minutes between the end of his part in the first performance and the beginning of his part in the next performance, and
 - (b) he is not present at the place of performance for more than 6 hours.

(8) In the case of performances, or rehearsals for performances, in a circus, paragraphs (5) and (6) do not prevent a child taking part —

- (a) on any day on which he is required to attend school after the morning session, in not more than 2 performances;
- (b) on any other day, in not more than 3 performances;

provided that —

- (i) there is an interval of not less than 1½ hours between the end of his part in one performance and the beginning of his part in the next performance, and
- (ii) the duration of his appearance in a performance does not exceed 30 minutes.

35. Earliest and latest hours at place of performance

(1) This regulation applies to a performance for which a licence under regulation 5 is not in force and, by virtue of regulation 5(2) or (3), is not required, but does not apply where the place of performance is also where the child lives or receives education.

(2) Subject to paragraph (3), a child shall not be present at a place of performance after whichever is the earliest of the following times —

- (a) 10 pm if he has not attained 13 years of age, or
- (b) 10.30 pm if he has, or
- (c) 30 minutes after the end of his part in the performance or last performance.

(3) Paragraph (2) does not prevent a child's presence at the place of performance not later than 11 pm on not more than 3 evenings in a week where, in order to enable him to take part in a performance, his presence is required after the time specified in that paragraph.

(4) A child shall not be present at a place of performance or rehearsal before 10.00 am.

(5) A child shall not take part in a performance or rehearsal on the day immediately following a day on which he has taken part in a performance or rehearsal unless at least 14 hours have elapsed since the end of his part in the performance or rehearsal on that day.

Appeals

36. Appeals

(1) This regulation applies to an application for a licence under regulation 3, 4 or 5.

(2) The Department shall give notice of its decision on the application to —

- (a) the prospective employer, and

- (b) except in the case of an application under regulation 7(2) or 8(2), the parent of the child,

specifying (in the case of the refusal of a licence or the grant of a licence subject to conditions) the grounds of the decision.

(3) Where a licence has been refused or granted subject to conditions, the prospective employer or the parent of the child may, within 21 days of receipt of notice of the Department's decision, appeal against it by sending to the Department a notice of appeal in writing, specifying the grounds of appeal.

(4) On receipt of a notice of appeal under paragraph (3) the Department shall arrange for the appeal to be heard and determined by a panel consisting of 3 persons appointed by the Department, none of whom shall be a member, officer or employee of the Department or a teacher employed at a school or college maintained by the Department.

(5) When hearing an appeal under paragraph (3), the panel shall give the following an opportunity of being heard —

- (a) the Department,
- (b) the prospective employer,
- (c) any parent of the child, and
- (d) the child, if it appears to the panel that he is of sufficient age and understanding,

but shall otherwise determine its own procedure.

- (6) The panel may —
 - (a) quash or vary the Department's decision, or
 - (b) dismiss the appeal;

and the Department shall give effect to the panel's determination, which shall be final.

Miscellaneous

37. Powers of entry

An authorised person, and any constable, may enter and inspect any premises where he has reason to believe that a child is —

- (a) taking part in any performance, or
- (b) being trained to take part in performances of a dangerous nature,

and make enquiries there with respect to the performance or training.

38. Offences

- (1) If any person —
 - (a) causes or procures any child, or being his parent allows him, to take part in any performance in contravention of regulation 2 or 5(1),

- (b) causes or procures any child, or being his parent allows him, to be trained to take part in performances of a dangerous nature in contravention of regulation 3(1) or (2), or
- (c) removes a child out of the Island, or being his parent allows him to be removed, out of the Island in contravention of regulation 4(1),

he is guilty of an offence.

(2) Without prejudice to paragraph (1), if a child takes part in any performance in contravention of regulation 5(1), the producer of the performance is guilty of an offence.

(3) If a condition of a licence under these Regulations (including a condition imposed by any of regulations 13 to 33) is contravened or is not complied with, the producer of the performance in question is guilty of an offence.

(4) If, in the case of a performance for which a licence under regulation 5 is not in force and, by virtue of regulation 5(2), is not required, any requirement of regulations 34 and 35 is not complied with, the producer of the performance is guilty of an offence.

(5) If any person obstructs an authorised person or constable exercising a power conferred by regulation 37, he is guilty of an offence.

(6) Any person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding £5,000.

(7) Where a person is convicted of an offence under paragraph (2), the court by whom he is convicted may by order suspend or cancel the licence.

(8) In any proceedings for an offence under this regulation, it shall be a defence for the accused to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

39. Repeals, revocation and transitional provision

(1) The enactments specified in Schedule 4 are repealed or revoked, as the case may be, to the extent specified in column 3 of that Schedule.

(2) Nothing in these Regulations applies to —

- (a) the removal of a child from the Island under the authority of a licence granted under section 21 of the Children and Young Persons Act 1966³ before the coming into operation of these Regulations, or
- (b) the taking part by a child in a performance under the authority of a licence granted under section 30 of the Children and Young Persons Act 1969⁴ before the coming into operation of these Regulations.

³ XX p.89

⁴ XXI p.44

Regulation 6(1)(a).

SCHEDULE 1

FORM OF APPLICATION FOR LICENCE FOR PERFORMANCE

Isle of Man Government Department of Education Performances by Children Regulations 2004 APPLICATION FOR LICENCE FOR PERFORMANCE BY CHILD	
<i>This form must be returned not less than 21 days before the first performance for which the licence is requested to the Department of Education, St George's Court, Upper Church Street, Douglas IM1 2SG.</i>	
PART 1 (to be completed by applicant)	
I/We	Full name, address and occupation of applicant
Telephone no.	Fax no.
apply for a licence under the Performances by Children Regulations 2004 authorising	
Full name and address of child	
to take part in the following performance(s):	
Description of performance(s)	
Number of performance(s)	Date(s) of performance(s) [or period during which performances take place ⁵]
Place(s) of performance(s)	Time and duration of performance(s)
Description of part(s) to be taken by child	Approximate duration of child's appearance(s)
Amount of night work (if any), stating number of days and duration	Sums to be earned by child
Dates and duration of rehearsals in period beginning 14 days before first performance and ending on last performance	Days or half-days on which leave of absence from school is requested for performance or rehearsal

⁵ If required (film performances and recorded television performances only)

Performances by Children Regulations 2004

Proposed arrangements (if any) for education of child during period of licence, stating (i) name and address of school to be attended or (ii) name, address and qualification of private teacher, place where child will be taught, course of study and number and sex of other children to be taught (Give details on separate sheet if necessary)	
Has the private teacher been previously approved by an education authority for the purpose of a licence under the Regulations or equivalent legislation in UK? If "yes", give name of authority	
Name, address and qualifications or description of proposed matron	
Number, age and sex of other children to be in the charge of the matron at a time when she would be in charge of the child	Has the matron been previously approved by an education authority for the purpose of a licence under the Regulations or equivalent legislation in UK? If "yes", give name of authority
Address where child is to live (if different from child's home), with name of householder and number of other children who will live at same address	Arrangements for travelling to and from place of performance or rehearsal, and approximate travelling time
Has an application been made to another education authority for a licence under equivalent legislation in UK for another child to take part in the same performance(s)? If "yes", give name of authority	
If applicant is not the producer, state full name, address and occupation of producer	
Telephone no.	Fax no.
<p>I certify that to the best of my knowledge the particulars contained this Part are correct.</p> <p>I attach the following:—</p> <ul style="list-style-type: none"> (a) a copy of the child's birth certificate or other evidence of the child's age; (b) a letter from the child's general medical practitioner stating that the child is fit and healthy; (c) a letter from the head teacher of the school at which the child is a registered pupil authorising any absences from school (if appropriate); (d) two identical passport-sized prints (unmounted) of a photograph of the child taken during the 6 months preceding the date of the application; (e) a copy of the contract, draft contract or other documents containing particulars of the agreement regulating the child's appearance in the performances for which the licence is requested. <p>I understand that any licence granted will be granted subject to the conditions specified in the Performances by Children Regulations 2004 and to such other conditions as the Department may impose under the Regulations.</p>	
Signed	If signed on behalf of applicant, give full name and capacity of signatory
Date:	

Performances by Children Regulations 2004

<p>PART 2 (to be completed by parent of child)</p> <p><i>Note: "Parent" includes a guardian, any other person who has parental responsibility for the child and any person with whom the child is living and who has care of him.</i></p>	
<p>The school(s) attended by the child during the 12 months preceding this application (or name and address of private teacher, if appropriate)</p>	
<p>Dates and nature of performances in which the child has taken part during the 12 months preceding this application</p>	<p>Name and address of education authority by whom licence (if any) for performance was granted</p>
<p>Date(s) on which child has been absent from school in order to take part in performance or rehearsal during the 12 months preceding this application</p>	<p>Has any licence for a performance by the child been refused by the Department or any other education authority during the 12 months preceding this application? If so, for what reason?</p>
<p>Will the child have been in any other employment during the 28 days before the first performance? If "yes", state nature of employment and days on which and times during which child is employed</p>	<p>How much has the child earned by means of performances during the 12 months preceding this application?</p>
<p>I _____ Full name and address</p>	
<p>Relationship to child (ie. mother, father, guardian or other person having for the time being care of the child)</p>	
<p>consent to the above-named child taking part in the performance(s) specified in Part 1 of this form. I certify that to the best of my knowledge the particulars contained in Part 1 and this Part of this form are correct.</p>	
<p>Signed _____ Date _____</p>	<p>Contact telephone no(s): Daytime _____ Evening _____</p>

Regulation 9(1)

SCHEDULE 2
FORM OF LICENCE FOR PERFORMANCE
Isle of Man Government
Department of Education
Performances by Children Regulations 2004

LICENCE FOR PERFORMANCE BY CHILD

The Department of Education grants to

Full name, address and occupation of producer

a licence pursuant to regulation 5 of the Performances by Children Regulations 2004 authorising

Full name and address of child

to take part in the following performance(s):

Description of performance(s)	
Number of performance(s)	Date(s) of performance(s) [or period during which performances take place ⁶]
Place(s) of performance(s)	Time and duration of performance(s)
Description of part(s) to be taken by child	Approximate duration of child's appearance(s)

subject to the conditions specified in the Performances by Children Regulations 2004 and to the additional conditions specified in the Schedule to this licence

Date:

Signed

Authorised by the Minister for Education

SCHEDULE
Additional Conditions

Regulation 23.

⁶ If so requested in application (film performances and recorded television performances only)

SCHEDULE 3

RECORDS TO BE KEPT BY PRODUCER

1. The licence and, in the case of a licence granted on an application under regulation 8(2), the licence referred to in regulation 8(1)(b).
2. The following particulars in respect of each day (or night) on which the child is present at the place of performance —
 - (a) the date,
 - (b) the time of arrival at the place of performance,
 - (c) the time of departure from the place of performance,
 - (d) the times of each period during which the child took part in a performance or rehearsal,
 - (e) the time of each rest interval,
 - (f) the time of each meal interval,
 - (g) the times of any night work authorised under regulation 32.
3. Where arrangements are made for the education of the child by a private teacher, the date and duration of each lesson and the subject taught.
4. Details of injuries and illness (if any) suffered by the child at the place of performance, including the dates on which such injuries occurred and stating whether such injuries or illness prevented the child from being present at the place of performance.
5. The dates of medical examinations (if any) of the child carried out under regulation 20.
6. The dates of the breaks in performances required under regulation 19.
7. The amount of all sums earned by the child by reason of taking part in the performance and the names, addresses and description of the persons to whom such sums were paid.
8. Where the licence is subject to a condition that sums earned by the child shall be dealt with in a manner approved by the Department, the amount of the sums and the manner in which they have been dealt with.

Regulation 39.

SCHEDULE 4

ENACTMENTS REPEALED OR REVOKED

<i>Reference</i>	<i>Short title</i>	<i>Extent of repeal</i>
XX p.88	The Children and Young Persons Act 1966.	Sections 19 to 23.
XXI p.44	The Children and Young Persons Act 1969.	Sections 30 to 37.
1980 c.1	The Transfer of Governor's Functions Act 1980.	In Schedule 1, paragraphs 309 and 311.
1986 c.1	The Fines Act 1986.	In Schedule 1, the entries relating to section 33 of the Children and Young Persons Act 1969. In Schedule 2, paragraphs 82 and 83.
1986 c.16	The Casino Act 1986.	In Schedule 2, paragraph 1.
1992 c.10	The Transfer of Governor's Functions Act 1992.	In Schedule 1, paragraph 34(1).
1993 c.12	The Broadcasting Act 1993.	In Schedule 4, paragraphs 3 and 4.
1995 c.8	The Licensing Act 1995.	In Schedule 3, paragraph 4.
2001 c.33	The Education Act 2001.	In Schedule 10, paragraph 6.
GC 6/70	The Employment of Children in Entertainments Regulations 1969.	The whole Regulations.

MADE 8th June 2004

Anne Craine

Minister for Education

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make new provision for regulating performances by children of or below compulsory school age. Children must not take part in dangerous performances (regulation 2), and a licence is required for training children for such performances (regulation 3). A licence is required for sending children abroad to take part in performances (regulation 4).

A licence is required, with certain exceptions, for children taking part in performances in the Island (regulation 5). The procedure for applying for and granting licences for performances is laid down (regulations 6 to 11). Standard conditions are attached to all licences, with power for the Department to attach additional conditions (regulations 12 to 33). Restrictions are placed on performances which are exempt from licensing (regulations 34 and 35).

A right of appeal against a decision on an application for a licence is given (regulation 36). Powers of entry and inspection are conferred (regulation 37), and contravention of the Regulations is made an offence (regulation 38). The Regulations supersede certain provisions of the Children and Young Persons Acts 1966 and 1969 and regulations under them, which are repealed or revoked with savings (regulation 39).