*Amendment 57A*

*Moved by* ***Lord Nash***

**57A:** Before Clause 80, insert the following new Clause—

“Extension of licensing of child performances to children under 14

Section 38 of the Children and Young Persons Act 1963 (licences for performances by children under 14 not to be granted except for certain dramatic or musical performances) is repealed.”

**Lord Nash:** My Lords, I shall speak to Amendments 57A, 64A and 65C, which deal with child performance licensing. I thank my noble friend Lady Benjamin for raising this issue in Grand Committee and for pressing it with such conviction. Her passion and commitment to support children to participate in the creative arts is inspirational. Before Christmas I had the great pleasure of a meeting with my noble friend Lady Benjamin and representatives of the Producers Alliance for Cinema and Television. We discussed how to remove barriers that restrict children’s opportunities, without diminishing the important safeguards currently in place for child performers. Many children grow up to have careers in our cultural industries, which are of real economic significance, and are recognised and admired throughout the world. Some children simply enjoy performing and they want to have fun. Taking part in a performance can increase their confidence and help them develop transferable skills, such as teamwork and communication.

We all agree that children must be able to access performance opportunities and should not be prevented from doing so by outdated rules or excessive red tape. It is essential that those who put on performances with children take steps to keep them safe and ensure their well-being. We all know that paperwork does not

**28 Jan 2014 : Column 1199**

protect children. We must refocus the performance licensing system on its true purpose, which is to safeguard children in performances, not stifle their opportunities.

I am pleased to say that we have found a way forward and we plan several actions to improve the system. First, Amendment 57A will insert a new clause in the Bill to repeal Section 38 of the Children and Young Persons Act 1963. That repeal would remove restrictions on the circumstances in which a local authority can issue a performance licence to a child under the age of 14. Currently, a local authority can issue a licence to a child under the age of 14 only where the licence is for acting or dancing in a ballet and the part can be taken only by a child, or where the nature of the child’s part is wholly or mainly musical and either the nature of the overall performance is also wholly or mainly musical or the performance consists only of opera and ballet. Amendments 64A and 65C are consequential amendments relating to the commencement, and the extent, of the repeal.

Outside the Bill, we are taking forward changes to the regulations. We will remove the requirement for medical certificates; remove unnecessary restrictions on the types of activities that children can do each day; and streamline and align the hours that children can take part in different types of performance so that there is consistency between them. In addition to the changes we plan to make to legislation, work is in hand to improve consistency of approach in local administration of child performance licensing. The Department for Education is working with a range of partners, including the local authority sector, professional and amateur theatre groups, the broadcasting sector and casting agencies, to support the development of best practice guidance. We are also working with the Local Government Association to ensure that this work will have resonance and applicability across the local authority licensing sector.

We believe that the combination of actions we are taking will make a huge difference, while ensuring that we get the balance right between increasing opportunities for children and protecting them from undue risks. Our actions should lead to increased opportunities for children to take part in performances, without reducing important protections to keep them safe when they do. I hope that noble Lords will be pleased with our plans and proposed amendments, and the positive impact that they will have for young people. I beg to move.

**Baroness Benjamin (LD):** My Lords, I thank my noble friend the Minister from the bottom of my heart for inserting these new clauses in the Bill, as they are a positive move forward. They will not only improve child protection but also provide equal opportunities for children across the country through primary legislation, and enable them to take part in all aspects of the new media environment they now live in. They will also address any postcode lottery issues, which will be welcomed by children who in the past were subjected to rejection and disappointment through no fault of their own, but at the whim of local authorities and outdated regulations.

The amendment also deals with the complex restrictions in the hours that children can perform, which is also most welcome, as it will create a level playing field.

**28 Jan 2014 : Column 1200**

Yes, this is truly great news. It is very positive that the Government will revisit a number of other conditions through secondary legislation, and to learn that my amendments not adopted in the Bill will be dealt with under best practice through guidance for local authorities currently being developed by the GLA. However, I would like to emphasise to the Minister that PACT and the industry coalition I have been working with are open to working further with the Government on improving the approach to risk assessment by local authorities, to make the approach more consistent across the UK, and I hope this offer will be taken up.

All in all, broadcasters, producers, theatres and those across the creative industries will be delighted with these amendments. On their behalf, and on behalf of all those working with and employing children, I would once again like to thank the Minister and his team for all their hard work, commitment and consideration. I am also grateful to all the noble Lords who have supported me on these amendments. It shows how this House, no matter how late the hour, can work together to achieve progress, and how we can make a positive difference to the lives of others, so thank you.

**Lord Stevenson of Balmacara (Lab):** My Lords, in Committee we were pleased to support the noble Baroness, Lady Benjamin, and the noble Viscount, Lord Colville, in seeking to update the legislation applying to child performance. As has just been made clear in the exchanges that preceded my speech, this is something that has been long overdue since 1963. Clearly the world of television and film performances has been transformed since then, and it is good that the Government are bringing forward their own amendment on this point, so that the legislation can properly reflect the full range of opportunities available to young people today, while at the same time building in the necessary safeguards that will protect them from exploitation, or physical or mental harm.

It is good to hear that Section 38 of the Children and Young Persons Act 1963 has been repealed, and that, in parallel, the paperwork that has normally been required, and which was often variable across the country, is going to be streamlined. This is, all in all, a very satisfactory solution. We all heard the pleasure that was expressed by the noble Baroness, Lady Benjamin. I would like to think I could join her in that; however, I would not be able to do it such a professional and powerful way. Nevertheless, I thank the Minister.

**Lord Nash:** I am extremely grateful to my noble friend Lady Benjamin and to the noble Lord, Lord Stevenson, for their comments, but my noble friend made her case so powerfully and clearly that, frankly, it was not a very difficult decision. The changes are entirely a tribute to her passion and determination on this subject. I strongly encourage noble Lords to support these changes.

*Amendment 57A agreed.*