

7. Licensing children to perform or take part in activities abroad

7.1 When is a licence required?

7.1.1 Under section 25 of the 1933 Act, a licence must be obtained before a child of 14 but below compulsory school leaving age can go abroad for the purpose of:

- singing, playing (a musical instrument), performing or being exhibited 'for profit'¹⁸, including any broadcast performance; or
- taking part in a sport or working as a model where payment is made to the child or to another in respect of the child's taking part in that activity, other than expenses.

¹⁸ For example, a performance for which people are asked to pay an admission fee.

7.2 Restrictions on licensing children aged under 14

7.2.1 Under section 42 of the 1963 Act, a licence may be obtained for a child under the age of 14 only in respect of specific performances or activities:

- where the engagement is for acting and the application is accompanied by a declaration that the part cannot be taken apart from by a child of around that age;
- where the engagement is for dancing in a ballet (as part of a ballet or opera) and the application is accompanied by a declaration that the part cannot be danced other than by a child or around that age; and
- where the engagement is for taking part in a performance the nature of which is wholly or mainly musical or which consists only of opera and ballet and the nature of his/her part in the performance is wholly or mainly musical.

Abroad is defined in section 30 of the 1933 Act as meaning outside Great Britain and Ireland. If a child is going to perform in Ireland for profit, there is no requirement to obtain a licence from a magistrate (the producer will need to comply with any requirements in the area that the performance is to take place).

7.3 When is a licence not required?

7.3.1 This requirement does not apply where the child in question was only temporarily resident within the UK.

7.4 Who issues the licence?

7.4.1 Under section 25(2) of the 1933 Act, a magistrate grants any licence for a child to perform or take part in activities abroad.

7.5 Who should apply for the licence?

7.5.1 Unlike licences for children to perform in Great Britain, there is no stipulation in legislation as to who the applicant for the licence needs to be. However, under section 25(2), the licence cannot be issued unless the magistrate is satisfied that the application is made by or with the consent of the parent/guardian of the child.

7.6 What information should be included in a licence application?

7.6.1 A licence cannot be issued unless the magistrate is satisfied that:

- the child is going abroad to fulfil a particular engagement;
- the child is fit to perform, proper provision has been made to secure his/her health and wellbeing, and for his/her supervision, and for his/her return from abroad at the expiration or revocation of the licence; and
- a copy of the employment contract (or other document showing the terms and conditions of employment for the performance) has been drawn up in a language that the child understands and provided to him/her.

7.6.2 The person applying for the licence must send notice of the intended application together with a copy of the contract of employment or other document showing the terms and conditions of employment to the chief of police for the district in which the child resides at least 7 days before making the application, who may then make a report to the court as to why the licence should or should not be granted.

7.7 Licensing decisions

7.7.1 Licences may only be granted for up to a period of 3 months, although they may be renewed on application (where such an application is supported by the child's parent or guardian and a report is provided from a 'trustworthy person' confirming that the conditions of the licence are being complied with).

7.7.2 A licence may also be varied or revoked by a magistrate.

7.7.3 When granting a licence, the magistrate must (unless satisfied that in the circumstances it is unnecessary) require the applicant to give security in order to ensure that the restrictions and conditions of the licence will be complied with.

7.7.4 Where a decision is made to grant a licence, the information set out in regulation 31 of the regulations must be sent by the magistrate to the Secretary of State for transmission to the appropriate consular officer.

7.8 What information does the licence contain once granted?

7.8.1 A licence granted under section 25 of the 1933 Act must include the information specified in regulation 30 of the Regulations.

7.8.2 Conditions can also be attached to the licence.