

Ministear airson Òigridh agus Clann
Minister for Children and Young People
Aileen Chaimbeul BPA
Aileen Campbell MSP



F/T: 0845 774 1741
E: scottish.ministers@scotland.gsi.gov.uk

Stewart Maxwell MSP
Convenor
Education & Culture Committee
The Scottish Parliament
Edinburgh
EH99 1SP



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CHILDREN & YOUNG PEOPLE (SCOTLAND) BILL: AMENDMENT TO REPEAL CHILD PERFORMANCE LICENSING RESTRICTIONS

I am writing to make you aware that I have lodged an amendment to the Children & Young People (Scotland) Bill which would repeal existing restrictions linked to the participation of children under 14 in performances.

As you will know, local authorities currently have responsibility for licensing those children under school leaving age who wish to take part in performances. The licensing arrangements are provided for under section 38 of the Children & Young Persons Act 1963.

In addition to the overarching safeguards delivered through the licensing regime, the 1963 Act also introduced additional restrictions focussing on performances by children aged under 14. Specifically, it prevents a licence being granted to a child under the age of 14 except where the child is acting or dancing (in a ballet) and the part can only be taken by a child of that age, or where the part is wholly or mainly musical or consists only of opera and ballet. These restrictions are commonly referred to as the 'under 14 rule'.

The UK Government approached us in December notifying their intention to repeal the 'under 14 rule' in England and Wales and lodged an amendment to their Children & Families Bill on 17 December to deliver that change.

The 'under 14 rule' does seem rather arbitrary in nature and does not take account of the circumstances of individual children, their maturity or resilience. Furthermore, it does not properly take account of the wide range of performance opportunities that are now available to younger children, the majority of which result in extremely positive experiences which benefit their wellbeing. We are therefore minded to make a corresponding change to the law in Scotland.

Cidhe Bhictòria, Dùn Èideann, EH6 6QQ
Victoria Quay, Edinburgh EH6 6QQ
www.scotland.gov.uk

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It is also important to recognise that a lack of action on our part would result in Scotland being placed at a competitive disadvantage to other parts of the UK, both in terms of opportunities for children and for the creative industries.

We are confident that the change would not result in children's wellbeing being negatively impacted. Whilst we are generally satisfied that the overarching licensing framework is sound, we have been working with stakeholders over a period of months to explore how we can improve the existing arrangements and hope to shortly be in a position to consult more broadly on our proposals.

Unfortunately, the timing of the UK Government's decision has limited our ability to consult widely on the proposed removal of the 'under 14 rule' in Scotland. However, we have sought views from a number of key stakeholders including BBC, OFCOM, Scottish Youth Theatre, Barnardo's and Glasgow City Council regarding the proposed change and the response has been favourable. We have also taken account of the fact that a previous UK Government consultation on this subject indicated strong support for such a change and many of the organisations (particularly those from the creative industries) who participated in that consultation operate on a UK-wide basis.

I recognise that it would have been preferable for the Committee to have had an opportunity to consider this proposed change before now. However, I trust that this letter is helpful in setting out the compelling reasons for pursuing an amendment even at this late stage. Of course, if you or any other member of the Committee would like to discuss the matter in more detail please do not hesitate to contact me.

AILEEN CAMPBELL