

Report of the Departmental Committee on the Employment of Children as Film Actors, in Theatrical Work and in Ballet / presented to Parliament by the Secretary of State for the Home Department by Command of His Majesty, August 1950.

Contributors

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*Presented to Parliament by the Secretary of State for the Home Department
by Command of His Majesty
August 1950*

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WARRANTS OF APPOINTMENT

I HEREBY APPOINT

*SIR MAURICE HOLMES, G.B.E., K.C.B.

MR. ANTHONY HAVELOCK-ALLAN

SIR LEWIS CASSON, M.C.

MR. J. B. FRIZELL

MR. A. J. LILLIMAN

DR. ROGER MANVELL

DR. BERTHA E. A. SHARPE

ALDERMAN MRS. E. ETHEL WAINWRIGHT, O.B.E., J.P.

to be a Committee to consider under what safeguards as to health, welfare and education the employment of children as film actors could properly be allowed, and to review the existing provisions governing the employment of children in theatrical work and in ballet.

AND I FURTHER APPOINT Sir Maurice Holmes* to be Chairman, and Miss M. I. F. Green of the Home Office to be Secretary of the Committee.

J. CHUTER EDE

HOME OFFICE

28th May, 1948

* Resigned 20th July, 1948

WHEREAS by Warrant under my hand dated 28th May, 1948, I appointed

SIR MAURICE HOLMES, G.B.E., K.C.B.

MR. ANTHONY HAVELOCK-ALLAN

SIR LEWIS CASSON, M.C.

MR. J. B. FRIZELL

MR. A. J. LILLIMAN

DR. ROGER MANVELL

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ALDERMAN MRS. E. ETHEL WAINWRIGHT, O.B.E., J.P.

to be a Committee to consider under what safeguards as to health, welfare and education the employment of children as film actors could properly be allowed, and to review the existing provisions governing the employment of children in theatrical work and in ballet.

AND WHEREAS I further appointed Sir Maurice Holmes to be Chairman and Miss M. I. F. Green of the Home Office to be Secretary of the Committee.

NOW I HEREBY APPOINT Mr. D. L. Bateson, C.B.E., M.C., to be a member and Chairman of the Committee in place of Sir Maurice Holmes who has resigned.

J. CHUTER EDE

HOME OFFICE

27th August, 1948

NOTE: The estimated cost of the preparation of this Report is £773 0s. 3d. of which £255 represents the estimated cost of printing and publication.

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REPORT OF THE COMMITTEE ON THE EMPLOYMENT OF CHILDREN AS FILM ACTORS, IN THEATRICAL WORK AND IN BALLET

To the Right Honourable J. CHUTER EDE, M.P., Secretary of State for the Home Department

INTRODUCTORY

1. We were appointed on 28th May, 1948, "to consider under what safeguards as to health, welfare and education the employment of children as film actors could properly be allowed, and to review the existing provisions for the employment of children in theatrical work and in ballet."

2. We have held 37 meetings, all in private. Our first five meetings took place under the chairmanship of Sir Maurice Holmes, who then unfortunately found it necessary to resign from the Committee owing to other public services which entailed travel abroad. At 22 of our meetings we heard oral evidence. We have also received a considerable amount of written evidence. We have in small groups visited theatres in various parts of the country, as well as in Scotland, to see the type of performances in which children take part; to examine the arrangements back-stage for the children's welfare; and to talk to the children and to the matrons in charge of them. We have also seen lodgings in which children appearing in the theatre were staying. We have visited schools which children licensed to appear away from their home towns were attending, and have heard evidence from private tutors engaged to teach licensed children. We have also visited film studios of varying sizes. We have watched children rehearsing for and taking part in both sound and television broadcasts. We have visited a school training children for the ballet, and were permitted to be present during the hearing at Bow Street Magistrates Court of an application for a licence for persons under eighteen to go abroad to appear in entertainments. Throughout the course of our enquiry we have had the assistance of assessors from the Home Office, the Ministry of Education and the Scottish Education Department.

Appendix IV sets out a list of sources of evidence.

Scope of the Enquiry

3. The second part of our terms of reference refers to the employment of children "in theatrical work and in ballet." The provisions which regulate performances by children in entertainments do not mention by name these particular types of entertainment and we asked for further instructions on the intended scope of our enquiry. We were informed that we might consider our terms of reference to extend to all types of performances in entertainments.

4. It is characteristic of the more highly developed states to safeguard their children by prohibiting or severely restricting their employment as wage-earners, in order to secure for them a normal healthy development as children and an uninterrupted school life, and further to prevent the exploitation of children as cheap labour by their use in place of adults. There is, however, one field, that of entertainment, acting, singing, dancing, etc. where the work of children *as children* sometimes has an intrinsic artistic value which that of an adult or adolescent cannot replace. Most countries,

therefore, permit this employment under conditions which prevent exploitation, safeguard the happiness, welfare and education of the children, and confine to what is strictly necessary the number of children to be exempted from the general law as to employment of children. At present the law in this country distinguishes between performances by children in films and in the theatre. For many years some provision has been made for safeguarding children appearing in the theatre but, due apparently to the comparatively recent growth of the film industry, no special provision has been made for permitting children to appear in films nor, consequently, for the welfare of child film actors. Very early in our enquiry we formed the view that there was much to be said for similar provisions for the employment of children in all branches of entertainment, and that dissimilarities could be effectively covered by suitable flexibility in the Regulations, and our recommendations reflect this opinion. It also became apparent that as some children take work in more than one branch of entertainment the amount of work in any year must relate to work in all types of entertainment including films if the safeguards with which we are concerned are to achieve their purpose. We have considered this point in the paragraphs dealing with the limitation of the amount of work a child may be permitted to undertake in a year (paragraphs 247 to 252).

The advantages of a simple administrative system which would be applicable to employment in all types of entertainment, as the problems are akin, have throughout struck us very forcibly. Our recommendations on this aspect involve a division of work between local licensing authorities dealing with children in the normal age range for employment and a central licensing authority dealing with the exceptional cases where children under 13 are permitted to be employed, and are set out in the paragraphs dealing with administration (paragraphs 253 to 262).

Meaning of "child" for Employment Purposes

5. Section 58 of the Education Act, 1944, provides that a person not over compulsory school age is a "child" for any purpose relating to the prohibition or regulation of employment. The upper limit of compulsory school age is fixed at present at 15. Although both parts of our terms of reference mention the word "children" we have not, as will be apparent from later parts of our Report, thought ourselves to be precluded from considering whether the safeguards which we recommend are desirable for persons over 15. There is provision in the Education Act, 1944, to raise the school leaving age to 16 by Order in Council. When an Order is made, the upper limit for control of the employment of children will automatically become 16. Further, if we had looked only at the position of persons under 15, we should have been unable to consider provisions restricting theatrical performances in particular circumstances, for example, the licensing of persons between 14 and 18 years of age to perform abroad.

Position of Scotland as regards the Enquiry

6. Although film companies do some work on location in Scotland there is no film industry there of any proportions. We understand that it was for this reason that, while it was arranged that Scotland should be associated with our work and provide one of our members, the Secretary of State for Scotland did not join in our appointment. The position, however, is different with the employment of children in other forms of entertainments for which Scotland has legislation similar to, though on one or two points sharply different from, the legislation in England and Wales. The restrictions on the sending abroad of persons between 14 and 18 years of age to

take part in entertainments, contained in sections 25 and 26 of the Children and Young Persons Act, 1933, apply also in Scotland. Despite the limitation of our terms of reference, we thought it desirable that we should enquire into the position in Scotland because we wished, first, to see for purposes of comparison how the system of licensing children for entertainments worked in Scotland; and, secondly, since theatrical companies and performers pass from one country to another, to consider whether there were disadvantages arising from the existence of two different Acts and two different sets of Rules in these two parts of the United Kingdom. With the concurrence of the Scottish Education Department we therefore obtained from that Department and from education authorities information about the operation of the present provisions in Scotland, and we also received evidence from a number of bodies in Scotland interested in various aspects of our enquiry. By reason of the circumstances of our appointment, our recommendations must be regarded as applying only to England and Wales, but they are nevertheless relevant to the position in Scotland.

Form of the Report

7. The paragraphs which follow give, for the purposes of background, some picture of the regulation of the employment of children generally in relation to school attendance. The subsequent paragraphs review the position of children appearing for payment in the theatre, in unlicensed performances commonly called "charitable" performances, and in those other performances in entertainments which are at present outside the scope of the Children and Young Persons Act, 1933. Our recommendations on these matters follow. Later paragraphs are concerned with the safeguards which we recommend should apply to children appearing in films. We have chosen to reverse the order of the terms of reference because in dealing with the question of the employment of children in films we are breaking fresh ground. We next consider performances in ballet and sound and television broadcasting. That part of the Report is followed by an examination of the total amount of work which a child may undertake in any year in the entertainment sphere as a whole, and by our recommendations about administration. We then deal with a number of miscellaneous points and conclude with a summary of our principal recommendations.

PART I: THE PRESENT LAW

(i) ENGLAND AND WALES

Employment of Children Generally

8. The main statutory provisions for the protection of children in non-industrial work are to be found in Part II of the Children and Young Persons Act, 1933,* as amended by the Education Act, 1944. By section 58 of the Education Act, 1944, the expression "child" when used in any enactment relating to employment means a person who is not over compulsory school age. By section 18 (1) of the 1933 Act, a child was not to be employed until he reached the age of twelve (with minor exceptions which are not of relevance here). The amendment made by the Education Act, 1944, as since amended, substituted for the age of twelve an age "two years below that which is for the time being the upper limit of the compulsory school age." The effect of this provision is that a child may not be employed until he reaches the age of thirteen; when eventually the school leaving age is raised to sixteen, he will not be eligible for employment before the age of fourteen. The following general restrictions on the employment of children are contained in section 18 of the Act:

- (a) a child may not be employed on school days for more than two hours or before the close of school hours, but local authorities are empowered to permit by byelaw employment for not more than one hour before school opens;
- (b) a child may not be employed before 6 a.m. or after 8 p.m. on any day, or for more than two hours on a Sunday.

9. There is no statutory limit on the number of hours which a child may work on days on which he is not required to attend school, provided the employment does not begin before 6 a.m. or continue after 8 p.m., but we understand that many local authorities fix by byelaw a maximum of five hours a day.

10. A byelaw now commonly adopted makes it a condition of employment that the child shall be medically examined by the school medical officer, and a certificate obtained that the employment will not be prejudicial to the health and physical development of the child, and will not render him unfit to obtain proper benefit from his education. Section 59 of the Education Act, 1944, gives a local authority power, where they consider a child is being employed in such a manner as to be prejudicial to his health or education, to prohibit the employer from using the child, or to impose such restrictions as appear expedient in the child's interest.

11. Section 30 of the Act, which applies to all employment of children, provides that "a person who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he receives no reward for his labour." A child may therefore be employed even when he himself is not paid; for instance, when he is helping his parent who is employed or who is carrying on a business.

12. The central Department concerned with the general employment of children is the Home Office; local education authorities are guided by the Home Office in the local administration of the general employment law but, by the Eighth Schedule to the Education Act, 1944, any expenses

* References throughout the Report to "the Act", and to sections of an Act are to the Children and Young Persons Act, 1933, and to sections of that Act, unless otherwise stated.

incurred by local education authorities in work connected with the employment of children "shall be defrayed as expenses under the enactments relating to education."

Performances by Children in Entertainments

13. The provisions relating to the employment of children in entertainments under licence are contained in section 22 of the Act (as amended by the Education Act, 1944), and in the Rules made thereunder. The Ministry of Education makes the Rules under the Act, is responsible for the licensing system, and is the appeal authority, while the Home Office is responsible for any other matters, including "charitable" performances which are dealt with in subsection (2) of section 22.

14. Section 22 provides that a child between the ages of twelve and fifteen may appear in an entertainment for which a charge is made to the audience only if a licence has been issued by the local education authority. A child under twelve may not take part at all in such a performance. The licence may be to take part in one specified entertainment or in a series of entertainments whether in the area of one authority or more. The Rules* made by the Ministry of Education prescribe the form of licence and the conditions which may be attached. The Act provides that no licence may be granted for a child to take part in an entertainment held on a Sunday, and no licence may be granted unless the local authority are satisfied that the child is fit and that proper provision is made to secure his health and kind treatment.

15. Other provisions of section 22 with regard to licensing are :

- (a) a licence is required (since 1945) to specify the times, if any, during which the child is authorised to be absent from school† ;
- (b) the holder of a licence is required to furnish certain particulars of the licence to the local education authority of the area in which the entertainment is to take place ;
- (c) any local education authority in whose area an entertainment is to take place are empowered to revoke the licence if the terms are not kept ; they may also vary or extend it, but only on the application of the holder ;
- (d) there is a right of appeal from the decision of a local education authority to the Minister of Education, who may then exercise any of the powers conferred on a local education authority.

The officers of the Ministry of Education have no right of inspection. It has not been the practice of the Ministry of Education to require a return of particulars of the licensing work of local authorities, and the Ministry's knowledge of their work is restricted to those cases in which there is an appeal. The Ministry has, however, sought by advisory memoranda to secure some uniformity of policy on matters within the discretion of local education authorities.

16. The prescribed form of licence provides that :

- (a) the child shall leave the theatre by the time fixed ;
- (b) the premises at which the entertainment is to take place shall be approved by the local education authority in whose area they are situated ;

* The Employment of Children in Entertainments Amending Rules, 1946, S.R. and O. 1946, No. 1353.

† By sub-section (3A) of section 22 of the Act, added by the Eighth Schedule to the Education Act, 1944.

- (c) if not living with his parents, the child shall be in the care of a matron or other fit person who has been approved by the local education authority ;
- (d) the living accommodation shall be approved ;
- (e) if the child is not in attendance at a school, records shall be kept of the scheme of education on which the child is engaged, of the time devoted to it, and of the ground covered ; and
- (f) the child shall be medically examined at three monthly intervals, and at any other time if required.

17. As regards enforcement and inspection, any authorised officer of a local authority or any constable may at any time during the currency of a licence enter any place where the entertainment is to be held, and may make enquiries with respect to any licensed child. A local authority or any constable may obtain from a justice of the peace an order to enter any place in which a person is employed if it appears to the justice of the peace that there is reasonable cause to believe that the provisions of the Act are being contravened.

18. There is one specific class of public performances by children for which an exemption from the licensing arrangements is made in the Act. For convenience they are referred to colloquially as "charitable"* performances. No licence is required if the following conditions are satisfied :

- (a) the child has not taken part in public performances to which the Act applies on more than six occasions in the preceding six months ; and
- (b) the net proceeds of the entertainment are used for purposes other than the promoter's private profit.

Two features of these conditions are worth comment. First, there is no age below which children may not give a charitable performance. Some doubt was expressed at one time whether, as the exemption was an exemption from obtaining a licence, it could apply only to children of 12 years and over, but the Home Office, which administers this particular provision as part of its general responsibility for children, has throughout acted on the view that there is no lower age limit. Secondly, performances, whether charitable or not, in excess of the specified number must be licensed. No machinery is provided whereby local authorities can obtain information about children appearing in charitable performances.

19. Where an entertainment satisfies the conditions for charitable performances but is to be given in premises licensed for the sale of intoxicating liquor a child taking part must obtain a licence unless :

- (a) the premises are licensed for the public performance of stage plays or for public music, singing or dancing ; or
- (b) special authority for the child to take part in the entertainment has been granted in writing by two justices of the peace.

20. A child taking part in a performance for which there is no charge of any kind to the audience does not require a licence. The present law, in our view wisely, takes no account of private entertainments either at home, or, for instance, at a wedding or birthday party in a hired hall. One effect of this, however, is to free from restriction those entertainments which take place in clubs and which are promoted without direct charge

* The early history of the exemption is set out in Appendix I (B).

to the audience which consists of club members, their families and friends but not of the general public. The Home Office has been advised that the annual subscription to such clubs cannot "in any ordinary circumstances" be regarded as a charge, "whether for admission or not", though another view might be taken of the theatre club, common in London and some of the larger provincial towns, where the staging of entertainments is such a regular feature of the club's activities as to suggest that this is one of the attractions which weigh with the public in deciding to seek membership.

Employment of Children in Films

21. The law makes no special provision either in the 1933 Act or elsewhere for children employed as film actors. The absence of such provision is a matter of history rather than of positive policy. As will appear from Appendix I,* the first provision to safeguard the child in the theatre was made over sixty years ago, but apparently as late as 1932, when the employment provisions in the 1933 Act took their present form, the need for a special provision for film work by children was not appreciated. The problem, however, had come to notice by 1935 and was the subject of conversations between the Home Office and the parties concerned. By 1937 both trades union and employing interests recognised that it was desirable to secure an amendment of the 1933 law to permit child employment in films, and were anxious for early legislation. The only material change made since that time, namely the raising of the school leaving age to 15, has aggravated the need for special provisions if children are to be shown on the screen.

22. The Employment of Women, Young Persons and Children Act, 1920, prohibits the employment of a child (that is a person under 15) in an "industrial undertaking". The Home Office has taken the view that a child acting in a film is not employed in an "industrial undertaking" within the meaning of the 1920 Act. Nor is film acting employment in a factory, for although in the Factories Act, 1937, the expression "factory" is defined to include a film studio, another section of that Act provides that the employment of theatrical performers at a film studio shall not be deemed to be employment in a "factory". The existing law restricts the performance of children in entertainments only where a charge "whether for admission or not" is made to any member of the audience. This condition is not considered to be capable of application to the circumstances in which performances take place in a film studio.

23. As there is no specific provision, the employment of children in films is governed by the general restrictions on the employment of children (set out in paragraphs 8 to 12). These are designed to deal primarily with employment in such occupations as the delivery of milk and newspapers, and with work in shops and on farms.

24. The penalty for a breach of the general employment provisions or for a breach of the entertainments provisions is a fine not exceeding £5 for the first offence, and not exceeding £20 for a second or subsequent offence. No evidence has been given to us of any prosecution under the Children and Young Persons Act, 1933, in respect of the illegal employment of children in films, yet it must be clear to any cinema-goer that many British films are made in which children take part. The great difficulty of securing effective enforcement of any provisions applying to work in film studios arises over access to premises for inspection. A justice's warrant is neces-

* Appendix I sets out the early history of the law relating to performances in entertainments.

sary to authorise an officer of a local education authority to enter premises where he thinks an offence is being committed. The number of local education authorities concerned is small as film studios are situated mainly in London and the Home Counties. Having regard to the difficulties both in obtaining information about employment and in dealing with children who are being privately educated (see paragraph 25) some authorities have adopted the expedient of turning to account the willingness of the film studios to co-operate. By mutual consent an extra-statutory settlement has been made for securing the right to require and to supervise arrangements for the welfare and continued education of child film actors.

School Attendance

25. Every child between the ages of 5 and 15 must receive "efficient full-time education" either at school or otherwise.* Since the general employment provisions and the byelaws are based on the assumption that there are days "on which the child is required to attend school" and others when the child is on holiday, some of the restrictions are only doubtfully applicable to a child between the ages of 13 and 15 who is being privately educated.

(ii) SCOTLAND

26. The statutory provisions relating to the employment of children in Scotland are contained in Part II of the Children and Young Persons (Scotland) Act, 1937, as amended by the Education (Scotland) Act, 1945. The principal provision on the general employment of children is section 28 of the 1937 Act which, with the two exceptions indicated in the following paragraph, is identical in terms with section 18 of the Children and Young Persons Act, 1933.

27. The first exception relates to the latest hour of employment. In England the latest hour is 8 p.m. on any day in the year. In Scotland under section 28 (1) (c) of the 1937 Act a child may not be employed after 7 p.m. on any day between 1st October and 31st March, and not after 8 p.m. on any day during the remainder of the year. The second exception is of greater importance from our point of view. It relates to the application of the restrictions on general employment to children employed under licence in entertainments. The effect of section 18 (3) of the 1933 Act is that in England a licence may be granted to enable a child to be employed after 8 p.m. and for more than two hours a day. There is no corresponding provision in the Scottish Act. Section 38 (7) of the Scottish Act gives a partial exception, however, to enable a child who is over 14 to be licensed for employment in entertainments after the latest hour prescribed for general employment.

28. Section 32 of the Children and Young Persons (Scotland) Act, 1937, deals with the employment of children in entertainments and corresponds to section 22 of the 1933 Act, to which it is generally similar. There is, however, one important difference. Section 32 (3) of the Scottish Act provides: "Subject to such restrictions and conditions as may be prescribed by rules made by the Scottish Education Department, *and without prejudice to the provisions of this part of the Act with respect to employment*, an education authority may grant a licence for a child who has attained the age of twelve years . . .". The inclusion of the words in italics, which do not appear in section 22 (3) of the English Act, has the effect of applying to

* The law of school attendance is summarised in Appendix II.

employment in entertainment under licence the restrictions on ordinary employment, including the limit of two hours work per day. One important result of this further difference has been that, with the raising from 12 to 13 of the minimum age of child employment generally the minimum age for licensing is now 13 in Scotland.

29. Thus, in Scotland, with the minor exception that children over 14 may be employed under licence in entertainment beyond the latest hour up to which ordinary employment is allowed, the restrictions on ordinary employment extend to children licensed for entertainment. The effect is that while children over 13 may be licensed, if under 14 they cannot be employed after 7 p.m. from October to March (both inclusive) or after 8 p.m. during the remainder of the year. The result, we are told, is that they are virtually precluded from taking part in evening entertainments. We do not think that anyone at the present time would seek to justify this taking away with one hand what is given with the other, whatever may have been the case when the provisions were framed. We understand that the difference between England and Scotland in the relation of employment in entertainment to ordinary employment owed its origin to a legislative oversight in 1904, but that it was deliberately continued as being in consonance with Scottish opinion at the time the present statutory provisions were taking shape in 1932.

30. As in England, Rules* have been made under the powers conferred on the Department and, allowing for the different statutory provisions, the two sets of Rules are similar in form. One point of difference is that in the Scottish Rules "entertainment" and "performance" are both defined to include "rehearsal". Although we understand that no exception has so far been taken to the provision of the Scottish Rules in this respect, we confess to some doubt as to the competence of extending in this way the meaning of the terms "entertainment" and "performance". At the same time, we have found from our investigations that the difficulty about rehearsals is a very real one. It is clear that it should be dealt with in some way when new provision is being made, and we consider it later (paragraphs 76 to 80 and 138).

31. It is of some importance to note that a licence granted in England by a local education authority has no validity in Scotland where an application must be made *de novo*. This fact is not, we gather, appreciated by some licensing authorities or by some employers, and leads to difficulties; for instance, where a child of 12 has been licensed in England and his company goes to Scotland, he is not eligible for a licence there. Further, a child of 13, even if granted a licence in Scotland, is precluded from playing in evening performances.

32. The provisions for exemption from licensing for charitable performances (including those taking place in licensed premises), made in section 32 (2) of the Scottish Act are identical with those in the 1933 Act.

33. There is no special provision in the Scottish Act for film work by children and the ordinary employment provisions and any restrictions in byelaws apply to film work.

34. The requirement of the Education (Scotland) Act, 1945, that every child of school age shall be provided with "efficient education" which may be by attendance at school or by other means, is only slightly different from the corresponding provision in the Education Act, 1944.†

* The Employment of Children in Entertainments (Scotland) Rules, 1947, S.R. and O. 1947, No. 1660/S. 67.

† See Appendix II.

PART II: THEATRICAL ENTERTAINMENTS

(i) REVIEW OF EXISTING PROVISIONS

Number of Children Licensed

35. We were anxious to obtain some idea of the number of children appearing under licence and therefore asked local education authorities to assist us by completing a return which set out the information required. All licensing authorities sent in these returns. The information is tabulated on pages 11 and 12.

36. In view of the change in the structure of the educational system resulting from the Education Act, 1944, we restricted our enquiry to three years. Local education authorities in England and Wales licensed in this period 1,437 children (1945-6), 1,987 children (1946-7) and 2,329 children (1947-8), a total of 5,753 children. (These figures are not quite complete as a few of the smaller authorities were unable to supply information for the first two years.) The number of children refused licences by local authorities in the three years was 229. There were 137 appeals to the Ministry of Education against these refusals, and the Ministry licensed 131 children on appeal: 57 in 1945-6; 35 in 1946-7; and 39 in 1947-8. Other information furnished by the Ministry is given in the table on page 12. For the three-year period the total number of children licensed centrally and locally was 5,884. The proportion of the school population affected is therefore quite small.

37. Of the 5,753 children licensed by local authorities, 365 were boys. Only 7 to 8 per cent. of the licensed children had "individual" parts in plays, etc.; the remaining children were licensed to appear in troupes, and one-third of these were in touring troupes.

38. The special circumstances of the war years would make war-time figures unreliable for comparison with the figures we have obtained, and no overall pre-war figures exist. The Theatrical Children Licences Committee, 1919, were unable to undertake a national survey of the numbers of licensed children, but they gave figures for London for the year 1918.* These figures showed the same child more than once, if licensed more than once; the figures which we obtained relate to the number of children licensed each year. In 1918, 714 licences for children were granted in London; in 1945-6, 91 children were licensed in London; in 1946-7, 92; and in 1947-8, 164. The minimum age for licensing was 10 in 1918, and therefore the licensing system covered a four-year age range; in the two seasons 1945-6 and 1946-7, the range for licensing was two years, and in 1947-8 it was three years. In view of the short period for which figures have been obtained and the upheaval caused by the war we do not wish to draw any conclusion about the gradual rise in the figures in the last three seasons.

39. In Scotland experience of licensing work is extremely limited; only 14 licences were granted in the three years 1945-1948, and only six of the 35 local authorities licensed children. The small number of licences granted in Scotland is no doubt due in part to the practical difficulties arising from the restrictions referred to earlier.

* Cmd. 484, 1919, paragraph 20.

LOCAL EDUCATION AUTHORITIES

I. Number of children licensed during the three years* 1945 to 1948

Sex and age	1945-46	1946-47	1947-48	Total
Boys aged 12	19	36	67	122
Boys aged 13	33	47	85	165
Boys aged 14 and over	6	12	60	78
Girls aged 12	671	952	974	2,597
Girls aged 13	668	866	1,093	2,627
Girls aged 14 and over	40	74	50	164
Total	1,437	1,987	2,329	5,753

II. Number of children refused licences

Sex and age	1945-46	1946-47	1947-48	Total
Boys aged 12	—	1	4	5
Boys aged 13	—	2	5	7
Boys aged 14 and over	—	—	6	6
Girls aged 12	39	28	28	95
Girls aged 13	13	35	30	78
Girls aged 14 and over	1	1	14	16
Total	53	67	87	207

A further 22 children were refused licences by two authorities; the ages of the children and the years of refusal were not indicated

22

229

III. Number of licensed children in attendance at independent schools

Sex and age	1945-46	1946-47	1947-48	Total
Boys aged 12	7	12	9	28
Boys aged 13	9	6	14	29
Boys aged 14 and over	1	3	4	8
Girls aged 12	70	74	77	221
Girls aged 13	57	78	111	246
Girls aged 14 and over	3	2	44	49
Total	147	175	259	581

IV. Number of licences granted during the period covered by these figures in respect of

(a) children performing as members of a troupe

At a specific theatre	3,473
On tour	1,790
Total	5,263

(b) children taking individual parts in plays, etc.

At a specific theatre	358
On tour	86
Total	444

Grand total 5,707†

* Financial or school year as convenient for each authority.

† NOTE: The grand total (5,707) does not quite tally with that in I (5,753). Some authorities were not in a position to give full information for IV. (These figures relate to England and Wales.)

APPEALS TO THE MINISTRY OF EDUCATION

I. Appeals against refusals of licences

(a) Licences refused by local education authorities and granted by the Ministry

Year	Number of children
1945-6	57
1946-7	35
1947-8	39
Total	131

(b) Licences refusal by local education authorities and refusal upheld by the Ministry

Year	Number of children
1945-6	2
1946-7	—
1947-8	4
Total	6

TOTAL OF APPEALS AGAINST REFUSALS 137

II. Appeals for variations of licences

(a) Licences granted by local education authorities and varied on appeal to the Ministry

Year	Number of children
1945-6	7
1946-7	24
1947-8	178
Total	209

(b) Licences granted by local education authorities and variation refused by the Ministry

Year	Number of children
1945-6	6
1946-7	5
1947-8	32
Total	43

TOTAL OF APPEALS FOR VARIATIONS 252

The Age Range for Licensing

40. The minimum age for licensing for theatrical entertainments was fixed at 12 in 1918 and has remained unchanged. The Education Act, 1944, which raised to 13 the minimum age for general employment is thought by the Ministry of Education not to have affected the position, and though on a strict legal interpretation of the relevant provisions this view is not altogether free from doubt, in practice licences are issued to children who have reached the age of 12. A licence is required for a child who is "taking part" in an entertainment. Where a licence is granted its effect is to supersede the restrictions in any byelaws and also the statutory provisions in section 18 of the Act which preclude a child from being employed after 8 p.m. or for more than two hours on any school day. The provisions do not, however, in terms exempt a child who is taking part in an entertainment and who is employed from the provision as to the *minimum age* for employment. While the minimum age for employment was still 12, the point was immaterial, but when in April, 1947, the school leaving age was raised to 15 and the minimum age for general employment became 13, there was this discrepancy. That the intention in 1944 was to distinguish between the two classes of employment is seen from the following statement on the Report Stage of the Education Bill by the President of the Board of Education. In dealing with the question why the two minimum ages were to differ in future the President said: "It is due to the difference in the circumstances under which these children are employed. Under the licences granted, the whole circumstances are examined. In the view of the public, these children perform a valuable part in these performances. The fact that these children, when they are released by these licences for this work, get a form of supervision and compulsory education means that they are not entirely outside our purview".*

41. The Ministry of Education has suggested that many of those who support the raising of the lower age for licensing do so as a first step towards the abolition of all employment of children of school age in entertainments. One organisation proposed that "as an interim measure" the lower age should be raised from 12 to 13 and made it clear in their oral evidence that the final stage should be the abolition of all employment of children in theatrical work. In our recommendations about the future age range for licensing (paragraphs 106 to 115) we set out more fully the evidence we have received on this point. It is interesting here to examine the ages of some children who were actually licensed in the last few years, in order to assess whether there is any ground for the apprehension of some theatrical interests that the effect of raising the minimum age would in practice be to deprive the public of the opportunity of seeing children in pantomimes. On this view we should have expected to find in the three-year age range for licensing a markedly greater use of children of 12 years than of those of 13 years. The table on page 11 shows that this is by no means so. The figures show that 12 and 13 year old girls were used in fairly equal proportions: in the season 1945-6 the figures showed a difference of three only; in the next year there were 86 more licensed girls of 12 than of 13 years; but in 1947-8 the 13 year old girls out-numbered those of 12 years by 119. If there were any substance in the argument that to restrict the theatre to children not under 13 would prevent any children appearing we should have expected that the demand for 12 year olds would have been greater than that for 13 year olds. We can only conclude that if the minimum

* Official Report: 11th May, 1944; column 2137.

age were fixed at 13 the theatre would be able to find child entertainers suitable for its purpose.

42. Children appearing in troupes form the majority of licensed children, and they normally act as another row in the chorus. The main aim of the employer of these children must naturally be to obtain a row of children of reasonably uniform build. One advertisement which appeared regularly in "The Stage" was for "Very small clever children, ages 12-15 years by December, 1949, to train to dance for important West End and resident pantomimes." It might be argued that not enough suitable 13 year olds can be found, but we are unable to accept this, since there is no denying the keenness of many children (and their parents on their behalf) to get stage employment. In fact, we understand that children form queues in response to advertisements for pantomime troupes.

43. The deduction from the returns we obtained is supported by the enquiries we made about the age of licensed children whom we saw on our visits. Two typical troupes were: first, at a theatre in the London suburbs, a troupe of 17 girls of whom eight were 12, four were 13, and five were 14 years of age; secondly, at a provincial theatre a troupe of 10 girls of whom three were 12, five were 13, and two were 14 years of age. These figures do not seem to us to support the view that a statutory bar at 13 years would be a great hindrance as far as troupe work is concerned, since, of a total of 27 children in these two troupes, fewer than half were between 12 and 13.

44. In our view a distinction should be drawn between those children performing in troupes to whom the conclusions in the preceding paragraphs relate, and the children who play individual child parts in the theatre. We have had little direct evidence from witnesses about the latter children, and our conclusions on this aspect arise on the whole from our reflections on the needs of a theatre of high cultural and artistic standards, and from our observations of the straits into which the theatre has been pushed by the present law. There has not been any differentiation in the past between the law governing the child appearing as one of a troupe and that governing the appearance of a single child in a play which requires a child member of the cast. The consequence is that at present the rôle of, say, an eight year old child cannot be artistically presented on the British stage. In view of the public nature of the entertainment, any evasion of the law in a theatre would be difficult, and we have not received any evidence that, in an effort to present a part as it was written, a manager has in any way evaded the present provisions. But this does not mean to say that, in our view, the provisions have not sometimes operated to the detriment of the theatre. One of our witnesses, a West End actress, gave evidence that in the play in which she was appearing at the time, a child of not more than four or five was required to run on to the stage, and that a small 13 year old was taking the part. She said this was obviously unsatisfactory from the artistic point of view, though she would not think it desirable for a child as young as four or five to appear nightly in performances. One theatrical association stated: "Repertory managers avoid those plays in which children appear." Therefore our evidence must in this respect be mainly negative: to the effect that the production of plays with parts for small children is restricted by the present regulations.

45. There are several classical plays which require a small child; for example, "The Winter's Tale" for the part of Mamillius (which was taken by Ellen Terry when she was seven). To emphasise the pathos of the

situation both "Medea" and "Six Men of Dorset"—to instance two plays far apart in time—need very young children, yet in the recent production of "Medea" adolescent boys took the child parts.

46. Another point to be borne in mind is that the desire to find a child looking young enough for the particular part leads to a demand for a child who is under-sized. This may result in damage to the physical, and indeed the psychological make-up of the child employed. We learned that in one West End production which has recently concluded a run of several years, a part was taken by a very under-sized child, who had been sent to an open-air school when he was younger in an attempt to improve his physique. We do not wish to draw any particular conclusions from this case, but we see a danger that the present law may encourage the employment of children who, by reason of their arrested physical development, ought to be the last children to enter the entertainment world.

Upper age for licensing

47. The upper age for licensing is linked with the school leaving age. One effect of the present arrangement is that girls of 15, who may be still at school and are outside the licensing range, are free to take part in entertainments of any type, without the protection that the licensing system affords. Girls of this age usually appear, not in the chorus of children, but in the adult chorus, and they share the dressing-rooms of the adult members of the chorus.

Periods of Work and Arrangements for Education

48. In 1919 it was found that the time-table of a licensed child who was not appearing in matinee performances was as follows:

"Rise at 7.45 a.m.

Breakfast at 8.15 a.m.

School 9 a.m.—12 noon with the usual break.

After an interval for dinner, school again from 2—4.30 p.m.

Tea and rest between 4.30 and the time fixed for starting for the theatre, which in some cases is as early as 5.30.

Arrive home from the theatre at 10 or 11 p.m.

Bed at 11 p.m. or midnight."*

The time-table at the present time is approximately the same. A child's school hours generally amount to about 27½ in one week, and a licensed child may spend an equal number of hours at the theatre or in travelling. Thus a 12 year old girl may be occupied, at school and in entertainments, for between 50 and 60 hours a week. There is no restriction on the number of hours in a week a child may be employed in entertainments, except such as the licence granted by the local education authority may impose in a particular case. It is not unknown for licences to permit children who are attending school for nine sessions in the week to perform twice nightly at the theatre, with a matinee on one school afternoon and another on Saturday. The effect is that a child may be appearing (with matinees) in as many as 14 performances a week. This we regard as too exacting. We cannot agree that a twice nightly performance does not impose a greater strain than a single performance. It has been suggested that taking part in an entertainment is not "real work" by reason of its connection with amusement and that "the children love it", but many people,

* Cmd. 484, 1919, paragraph 18.

including the adult performers who appear alongside the children, have work of an exacting nature which does not cease to be strenuous merely because they enjoy it.

Matinees and holiday performances

49. Apart from the special provision under which the Minister of Education, in order to help to meet post-war difficulties, has approved temporary employment, for example, in potato-picking, employment in entertainments is the only form of employment for which exemption from school attendance can be given. The object of the provision made in the Education Act, 1944, for absence from school for appearance in entertainments, was to clarify the legal position which was thought to have become obscured by other amendments made by that Act. In introducing it, the President of the Board of Education said: "It turned out that under section 37, relating to the regular attendance at school by registered pupils, a child may be prevented from taking part in a matinee, for example, for which the child had been given a licence and that there was a conflict between the two provisions."* The Ministry of Education suggested to local authorities that licences should not permit more than two matinees a week, of which, if the child was attending school, one should be on a Saturday. Theatrical interests consider this unduly restrictive, particularly in the first week of term, but the advice has generally though not universally been followed. On the other hand, licences have freely authorised a matinee performance every day in the holidays and consequently the child has had little or no break. Matinees are given daily in the opening week or ten days of pantomime, which coincide with the Christmas school holidays. Thereafter the number of matinees falls steadily, but normally never falls below two a week.

Attendance at school

50. We have visited some schools at which children appearing in entertainments were in attendance. The children we saw did not compare unfavourably in intelligence, alertness and in their general standard of education with other children in school. The teachers in the schools have reported, however, that, with a few exceptions, children taking part in entertainments drop back in their education. Fortunately, employment is usually for so short a period—four to six weeks is the extent of many children's employment in any year—that most children soon make up what they have missed, though this is not always true of the duller child. After the 1947-48 and 1948-49 pantomime seasons one local authority conducted a survey of the effects of licensing on the children concerned. This provided the following information:

In 1947, 62 children were licensed, mainly for two and a half to six weeks. Educational progress was affected in 24 instances.

In 1948, 55 children were licensed, mainly for three to four weeks, though a few were for varying periods between five to twelve weeks. Adverse reports on health and/or education were made on 28 children. Of those in attendance at grammar schools adverse reports were made on all except one.

In 1947, the reports on three cases were "favourable". In 1948, there were two cases where the licensed child was said to have gained educationally.

The authority's general comment was: "The less able children have suffered more on educational grounds than those of higher intelligence and it has been noted also that most so employed are in B or C streams."

* Official Report: 11th May, 1944; column 2136.

Private teachers

51. While most of the children attend maintained schools during employment a few are educated by private teachers.* We agree in general with the view of the Ministry of Education that if the child can attend his own school he should do so, but the amount of work and the hours at which it has to be done have in some cases been such that it would have been preferable for the children to have had the advantage of being under the care of a private teacher. A child on tour, for example, who is not educated by a private teacher has little chance of maintaining his formal education and the Ministry has advised that where touring is permitted a governess should always be required. This advice, however, has not always been followed but we recognise that it may not be easy to obtain a qualified person willing to undertake the work with the discomforts which touring inevitably involves. It is the Ministry's opinion that the most suitable governesses are those who are not solely specialists in a particular subject but have a sound general knowledge, wide sympathy with the children and a lively interest in learning; this seems to us the right emphasis.

52. In a Note prepared for the guidance of governesses, the Ministry of Education has advised that the governess should find out what ground has been covered at school and, if possible, get the school to prescribe a course of education. She should base her teaching primarily on the books in use at the school and should find suitable accommodation and equipment for the lessons. The governess should encourage private study in those children who have no experience of working on their own, and should not attempt any rigid time-table. To meet the difficulty of the varying ability of children it was suggested that in the larger towns it might be possible for troupes to combine for education to enable children of similar educational standards to be grouped together.

53. Children educated by private teachers lack opportunities for practical work such as domestic science. The difficulties of a private teacher are inevitably increased when he has to work with children in the theatre bar or lounge, without proper equipment. Local authorities should be reluctant to accept such arrangements as satisfactory. We were favourably impressed by the resource shown in one case where the children were being educated by a governess in a hired room in a technical institute, where suitable desks and other schoolroom equipment was available.

54. Some local authorities have accepted an arrangement whereby education is provided by a combination of periods under a private teacher with periods in school. In one town, children were attending school in the morning, performing daily in a matinee and receiving education from a tutor from 5.30 to 6.40 in the evening between the matinee and evening performance. The headmaster of a school which some of these children attended was so concerned over the strain imposed on the children that he was prepared to recommend that they should be given a rest period in the mornings if they were to carry on with their appearances in entertainments. He reported that "if he was approached he would have to advise the tutor that the children already had so much to do in the theatre and were so obviously overworked that no tuition at all should be given."

Health

55. An application for a licence must be accompanied by a certificate from the school medical officer "that the child may be employed in the

* The expression "private teacher" is used throughout the Report to include "governess" or "tutor" according to the context.

manner proposed without prejudice to his or her health or physical development and that the employment will not render the child unfit to obtain proper benefit from his or her education." The Rules provide for further medical examinations at intervals of not more than three months (if the length of time for which the licence is granted exceeds that period) or at any time as the authority think fit. Some authorities, but by no means all, arrange for an examination at the termination of employment.

56. Numerous witnesses said that in their view employment in the theatre was detrimental to the children's health and we ourselves would not have been surprised, having regard to the amount of work being done, to have found this to be so. We are glad to be able to report that medical evidence did not corroborate statements of serious damage to the children's health and we were told that there had been actual benefit in some cases. In others, the examination required for the licence had indirectly been of benefit to the child in bringing to light matters needing attention, which might otherwise have remained unnoticed until the next routine school medical inspection. Nits were found in the hair of two-thirds of the girls in one group for whom applications for licences were made. The licences were not granted until all lice had been removed. No lice were found when the children's heads were examined at the end of the season. One School Medical Officer reported that, out of 61 children examined in one year for licensing, 20 were found to require some kind of treatment, and added that "when any defect or condition requiring treatment is discovered the licence is provisional and may be withdrawn if treatment is not obtained." The defects in these 20 children were not in any way serious; many were connected with the teeth.

A Senior School Medical Officer wrote: "Because I am aware of a certain prejudice or at least bias against this form of employment, I have made a habit of myself examining these children and it has been very rarely necessary to refuse a licence. By the time they appear for medical examination, they have been through a course of dancing lessons and I find that almost invariably these girls have developed a habit and practice of personal hygiene so that their hair is free from infestation, teeth have been attended to and bodies obviously well cared for.

"It was suggested to me that this form of activity was prejudicial to general health; to investigate this point, I weighed several doubtful individuals before their dancing activities and at the end of their period of employment, finding that general health was unaltered and there had been satisfactory gain in weight. Lately, one of the candidates for a licence presented with slight contracture of the chest and a very slight degree of scoliosis. In her case, I felt that dancing under the care of a competent instructress would now be likely to improve her condition."

Another Senior Medical Officer said: "Though I dislike the regular employment of children in what may be long pantomime seasons, I cannot honestly say that I have seen any evidence of harmful consequences to the children."

The girls in one group all showed an increase in height (over some five or six months) "slightly superior to that of the 12-13 year old age group of the general female population during a similar number of months." As for weight, of two groups of girls licensed by the same authority and employed by the same management, those in the group who lived away from home gained slightly more and those who lived at home slightly less than the average for the age group. The Senior School Medical Officer's comment was: "This indicates that stage performances, etc., in the two groups being

equal, the group living in a residential hostel in a different city had better food and rest than the home group." He added: "All the girls seemed improved in muscle tone and mental alertness." One authority which arrange an examination at the end of employment compiled a detailed report from the information obtained from 162 cases. From this they concluded: "Careful consideration . . . has shown that in the great majority of cases the employment appears to be non-injurious to health and physical progress. The children rarely show signs of fatigue or deterioration of health. In about 8 per cent. of the children their condition called for close scrutiny at the re-inspection, but in several there were intercurrent causes for the conditions found, not directly connected with the employment. In five cases (3 per cent.) no other reason than the employment was found to account for a deterioration which, however, was in no case serious."

57. We have not had evidence of any child requiring treatment because stage work had affected him psychologically. We have heard that some children, when they returned to their own schools, found it difficult to settle down at once, and had a disturbing effect on the other children. An interesting point put forward by a medical witness was that it might have been suggested that exhibitionist tendencies in children would be developed by stage appearances and might lead to marked maladjustment. He went on to assure us that, in his city, where approximately 200 children a year are referred to the child guidance clinic—by teachers, school attendance officers, school medical officers, general practitioners, and sometimes by juvenile courts—he could not recollect that a licensed child had been referred at any time to the clinic.

58. There is evidence, given sometimes direct to us by the children themselves, of fatigue caused by the late hours added to a completely full day. This condition retards their education rather than damages their health, and we referred to it in our review of the effect of licensing on education.

Welfare

Matrons

59. We think that the provision of an efficient matron is essential to ensure the welfare of any child licensed to appear in entertainments. We agree with the statement in the Ministry of Education Handbook of suggestions for those in charge of the children: "A matron is required and expected to act as responsible guardian in place of the parents while the children are under her care for the time being. It is a post of responsibility and trust, and the welfare of the children, especially while they are on tour and away from their own homes and parents, depends very largely on the matron who is in a position to guard the children against exposure to possible hardship or inconvenience." The 1919 Committee laid special emphasis on the need for well qualified matrons to be in charge of children on tour and were in favour of the Board maintaining a central list of approved matrons. The Board of Education set up a Matron Committee for this purpose in 1922; 12 applications only were received for consideration; six applicants were interviewed and five accepted. In 1924 the Committee were brought to an end at their own suggestion. Their reasons were: first, that local authorities had concurrent powers to approve matrons and so there was no incentive for an applicant to come up from the provinces at her own expense to be interviewed and approved centrally; secondly, that the system of local education authority approval seemed to be working well and the existence of the Board's list might contribute to weakening the sense of responsibility among authorities; thirdly, that it was a necessary part of the Matron Committee's

duties to watch the behaviour of their "licensed" matrons and if warranted to strike them off the list at short notice. The Committee thought this would be a serious step to take on hearsay evidence and one they could not take promptly.

60. There is no requirement in the Rules made by the Ministry of Education that a matron must always be in charge of licensed children. In view of the emphasis placed on the importance of the duties of a matron in the Report of the 1919 Committee and of the overwhelming evidence that a good matron can do much to smooth out difficulties that may arise it seems curious that a matron should only be required when the child is not resident at home. The practice seems to go further than the Rules, for in every case where we have visited licensed children, either a matron has been employed or the child's parent has been present in the theatre.

61. At present the employer of the child or the applicant for the licence provides and pays the matron. There is no doubt that sometimes persons are proposed as matrons whom the local authority hesitate to accept. When an application gives only the minimum period of fourteen days' notice and especially when it is in the pantomime season, an authority, which may be unable to suggest a more suitable person, have little alternative but to accept the matron proposed unless she is so obviously unsuitable that the refusal of the licence could be justified on those grounds. The casual nature of a matron's employment inevitably makes it unattractive to many women who might otherwise be interested in this specialised welfare work. The more regular demand for matrons which may be expected to result if our recommendations about child film actors are adopted should alter this position, and may consequently improve the supply for the theatrical world. Further, the publicity incidental to legislation may bring the opportunities in this rather unusual field of employment to the notice of women who would otherwise be unaware of them. Some of the West End stage training schools for children have more or less regular employment for a few women and appear to have been successful in attracting matrons of the right calibre. We do not think the difficulty arises from unwillingness to pay an adequate salary. The maximum amount received by matrons appears to be around £7 a week; matrons in charge of pantomime troupes generally earn £5 or £6 a week where the work is full-time. This should at present be adequate to secure an efficient matron.

62. We have found on our visits a wide variation in the quality of matrons appointed. The variation occurs not only between different licensing authorities but also between matrons approved by the same authority. We think the authority would have been wiser in some instances to have taken a more firm attitude and refused the application until a better matron could be found but we believe the main difficulty is the shortage of capable matrons. In some areas it is not the practice to visit in her own home the person proposed as matron. Such a visit may not always be necessary, but should certainly be considered. One local authority require any woman wishing to act as matron to submit the names of two persons as referees as to her suitability. If the references and the report on her home are satisfactory the applicant is interviewed and her duties fully discussed with her. There is a valuable arrangement in the London and Home Counties area whereby a number of authorities issue to those persons resident in their area whom they accept as matrons a form of approval, valid for a fixed period but renewable, which provides evidence of her suitability when she is considered for work in the area of another authority. To this document is appended the Ministry of Education's advice on the

duties of a matron. We thought this an excellent idea, as it helps to ensure that matrons are familiar with their duties.

63. The Ministry of Education Handbook advises that a matron should not be in charge of more than twelve children. On the whole we have found this adhered to; in several instances we have found a second matron, sometimes part-time, giving assistance. The 1919 Committee found some difficulty in making an unqualified recommendation that a matron should not undertake any other duties except those of matron. The Ministry of Education has pointed out that the matron must undertake "no other duties which will in any way interfere with the proper supervision of the child while in her care." We agree with this as a broad working rule. At one time it was apparently not unusual for the matron to have a part in the entertainment in which the children were also appearing but we found at the theatres which we visited no matrons who were also performers. We should regard such an arrangement as inconsistent with the principle to which we have referred.

64. The matron should accompany the children to the wings to await their entrance, and take them back to their dressing-room, to ensure that as far as is possible the children do not mix with the adult members of the cast. Some matrons were not careful about this. A report on a visit to one theatre stated that there was one matron in charge of thirteen girls who constituted the child chorus, and of four others (all from independent schools and studying for school certificate) who were in the ordinary chorus and shared the adult chorus dressing-room. The arrangement for these four, besides being contrary to the Rules which require separate dressing-room accommodation for licensed children, meant that the matron did not have adequate contact with the older girls.

65. The 1919 Committee expressed some concern about possible approaches by "admirers" in the audience, as they had evidence that members of the audience occasionally attempted to communicate with the children. We found this danger still exists and it may even be increased if our recommendation in paragraph 112 about the upper age limit for licensing is put into effect. We give three instances of the type of incident which has occurred. One matron was prepared to let a child take a telephone call, without any preliminary enquiry; a second to allow, without enquiry, a child to be seen by a man who described himself to the stage-door keeper as the child's uncle. In the third case a letter (which the matron withheld) was received from a man asking for the address of one of the girls, so that he could open a correspondence. These incidents may not have been serious in themselves but they illustrate the paramount importance of the matron being aware of the need for vigilance.

66. The Ministry of Education Handbook further suggests that no child should be out of the charge of the matron, except when performing or in the care of his teacher, until handed over to the care of a parent or other authorised adult to be taken home. In general we found this observed. Where children are living with their parents but appearing in a theatre at some distance from their homes it will not be practicable for the matron to take each child all the way home and some arrangement must be made for the parent to call for the child. We understand this is the practice and we were agreeably surprised at the readiness of parents to leave their firesides night after night in the middle of winter (paying their own often not inconsiderable fares) to collect their daughters who had little dancing parts in pantomimes. We heard suggestions from local authority officers

in the provinces that children were being left to find their own way home, but this happened many years ago.

67. The Ministry of Education has emphasised the additional responsibilities which fall on a matron when the children are living away from home: she should be constantly in charge of the children; should accompany them when they are away from their lodgings; should sleep in the same house, and near their rooms. She should see that the lodgings obtained are comfortable and clean; if they are unsatisfactory she should take measures at once to get others. Where the children are not all in the same lodgings, and there cannot be a matron in each house "then unless the landlady is suitable and willing to be responsible for the children, some other adult person selected by the matron in consultation with the manager should be in each house to look after the children." We have found that the advice from the Ministry as to matrons accompanying children is not always observed.

Lodgings

68. We received little evidence about the lodgings in which licensed children live. As this matter seemed important we visited a number of lodgings and found that they varied considerably in their standards. They were commonly the theatrical lodgings at which adult performers stay. Theatrical lodgings are difficult to find, expected to be cheap, and have the reputation of being untidy and gloomy. Even for principals of shows on tour, satisfactory lodgings may take a good deal of finding. In the best type of lodging we saw, with a kindly landlady and a capable matron, a really good atmosphere prevailed; one place was described as "superficially like a number of others we have seen on our visits—old-fashioned in its equipment and furnishing, but it differed from most in being spotlessly clean and very tidy. The matron said that the children, when they first arrive, have a great deal to learn. She insists on good table manners, the use of tooth-brushes, and a morning routine which includes turning back their bedclothes and folding their pyjamas. . . . The discipline appeared to be rather like that of a small, lady-like boarding school. In this lodging, the children slept not more than two in a bed, in rooms taking from two to six children. . . . The bedding and towels were fresh and clean looking, and each bed had an eiderdown. The house had a bathroom, indoor W.C., a pleasant, clean kitchen where we saw tea being got ready, a dining-cum-play room next to the kitchen, and a front parlour where the children's 'Mums' visited them on alternate Sundays. The arrangements for the lodging of the children seemed to us to be excellent. There was no attempt to provide lavish amenities in a social level higher than is likely to be found in their own homes, but the surroundings were comfortable and homely, and they were evidently expected to be clean and tidy about the house and not to abuse their position as temporary occupants of someone else's house." The children here were appearing in a resident season. Another troupe of girls appearing in a resident season (of 13 weeks at a seaside town) were not in ordinary lodgings, but in a hotel, and their employer paid £2 10s. 0d. a week for each child's accommodation.

69. The conditions described in the previous paragraph may be contrasted with those in one set of lodgings in a northern town of which it was reported: "This was rather a gloomy, shabby house. Ten children lodged there, in some rooms three in a bed. Bedding was eked out with old army overcoats. The general impression was depressing and messy, but not actually dirty." It is understandable that the children themselves do

not complain of the conditions found in their lodgings. To complain would seem to be a breach of loyalty to the matron or to their employer and they might be apprehensive, perhaps unreasonably, that the complainers would be sent home. They are not slow, nevertheless, to recognise and appreciate good lodgings. One of the troupes seen had played, a few weeks before, in a University town. Owing to a last minute cancellation of lodgings they had been accepted into University lodgings. The children had been delighted by the comfort of this house; had revelled in the luxury of single beds, table-napkins and gracious, attractive surroundings and told us with enthusiasm about "the lovely house" in which they had stayed.

70. The nature of the work these children are doing demands good washing facilities. At one house the landlady, who was also acting as joint matron, insisted on all the children having a bath every night adding that she had "too much respect for her sheets" to let the children go to bed unwashed. But on the same visit lodgings were seen where there was no bath and no hot water except what could be brought upstairs in jugs.

71. The worst conditions are likely when a troupe are at some distance from their "base" and staying for only a week at a time in one town. When children live away from home, the receiving authority have a duty to satisfy themselves before the children arrive that the lodgings are suitable. In the month of January, we saw a troupe from a northern town, of whom six were children of licensable age; they were lodged in one house with four other girls over licensable age. The local authority insisted that only two children, in lieu of three as originally proposed, should share a bed. As more beds had to be provided, the bedding had to be eked out, and one blanket and one thin quilt only were available for each bed.

72. Some landladies are reluctant to provide full board and the matron frequently receives a lump sum out of which she caters for the children. An organisation which gave evidence before us quoted the following extract from a letter written by a landlady who had lodged but not boarded a troupe of children: "Some days their dinner was one tin of steak and pots [*sic*] so you can imagine how far that would go between 12 children and Matron, and for supper sometimes two tins of soup; to my idea they never had a proper meal. The people round about asked me if they were fed, as they were never away from a little Baker's shop across the street. All their pocket money must have been spent there."

73. We were told of a case where the matron ran the food side of her responsibilities as a profit-making business. Some children were found in tears after the lunch hour; the matron, for a punishment, had deprived them of their lunch. The witness thought that local authority officers would never get to know of such abuses as the children would not tell tales on the matron. This suggests that local authority officers should always arrange to see the children at some time apart from the matron.

Touring*

74. The proportion of licences relating to touring—one third of the total—is larger than perhaps might be expected, having regard to the objections to touring expressed on behalf of the licensing authorities. It has not apparently been sufficiently appreciated that an application for a licence to tour can be rejected solely on the grounds that touring is prejudicial to the

* The expression "touring" is used to cover a series of engagements at various towns with a short run in each, and not an engagement away from home but confined to one town only which we call a resident season away from home.

welfare of the particular child, though the Ministry of Education has advised local authorities in this sense. One local authority appear to have thought that since a licence might be granted for six months it ought not to be limited to a shorter period and had granted a licence for a girl to appear in 16 different towns in six months. We saw on our visits one girl of 14 who had been appearing for five months and had been in eight different towns. In the same troupe were two girls of 15, above the age for licensing, who said that they had as children been licensed by their local authorities (two different ones) for touring for the whole of the three year licensing period—under a system whereby they rested for two weeks after every three months' work. In another case, which came to the notice of the Ministry of Education, a girl had appeared in 35 different towns in 15 months. We take the view that the over-riding duty under section 22 (3) of the Act is to have regard to the welfare of the child and that a licence may be refused even where the application is for a permitted period and the arrangements as regards a matron and education comply with the letter of the law.

75. The difficulties in providing adequate safeguards are particularly great when children are touring. The attendance of children at different schools each week is obviously seriously prejudicial to their education. Theatrical children are not the only children who do not remain permanently in one place: for instance, there are children of canal-boat dwellers or circus people, but here the itinerant life which the child lives derives from the nature of the parents' occupation. Moreover it is possible to provide more continuous means of education for some of these children, such as by the setting up of boarding schools. The Ministry of Education has advised local authorities that the Minister would not be prepared to uphold any appeal against refusal of a licence for touring where a governess is not to be employed, but not all local authorities have followed this lead. We have consulted teachers in schools which children whom we have seen on visits to theatres have been attending. One headmaster who had in his school a troupe of children whom we had seen said that they were no trouble from the disciplinary point of view but that "the staff would find it very difficult to deal with them if, in fact, any attempt to teach them were really made." For the most part, he continued, "very little work was done by the children and they learnt almost nothing since it was impossible either to fit them into the work of the school or to teach them apart from the ordinary class. They brought no text books with them and no use could be made of their school record books." Another headmaster was full of praise for the group of children at his school in a particular week but he was not under any illusion that the children learned very much. He described them as "well behaved, friendly little girls, who entered into the work of the school as much as they could." The group he had in the next week, and about whom he sent a written report, were a distinct contrast. The first trouble arose from their long day on the Sunday, when they had travelled. They had been up at 5.30 a.m. and did not reach their lodgings until 11.30 p.m. It is not surprising that he found some of them had "difficulty in keeping awake on Monday afternoon." Even on Tuesday "they were listless and obviously tired from their journey. A number of them were content to sit quietly in the classroom during the break periods" and when they were sent into the playground "they stood about in small groups." By mid-week the children were showing signs of recovery but the headmaster thought they still had an unusual apathy towards their work. He emphasised that even where the children had been provided with a scheme of study from their own schools it was impossible to fit them into the normal course

in his school: "although the record books brought by the children often contain schemes of work, it is impossible to follow out the suggestions. For example, four books last week presented me with four different history schemes." The problem of practical work and of school supplies is also exceedingly difficult. The children "can do no satisfactory work in needle-work and crafts. Even if we had the materials to spare the children would get no satisfaction from work just begun. Of the children who visited this school, none has brought notebook, pen, ruler or pencil. It would be wasteful for me to issue them with exercise books if I could spare them. All their written work has been done on loose sheets of paper."

Rehearsals

76. There is some doubt whether the power to make Rules prescribing conditions for the licensing of children for performances in entertainments is sufficiently wide to extend to rehearsals. Some recognition of rehearsals is taken by the Rules made by both the Ministry of Education and the Scottish Education Department. In the form of licence prescribed by the Ministry there is the foot-note: "the period [of permitted absence from school] must include any absence from the named school necessitated by rehearsals." The implication is that there is power to deal in the licence with rehearsals requiring absence from school but no power to deal with rehearsals which take place at other times. The Scottish Rules go further and define "entertainment" to include "a rehearsal for an entertainment", and "performance" to include "a rehearsal for a performance." A definition of "rehearsal" is nowhere attempted.

77. Where a child is taking an individual part, rehearsals during the day when the rest of the cast are available are inevitable. These rehearsals may be in school hours and the inference to be drawn from the note to the prescribed form of licence is that an exemption from school attendance should be included in the licence. When children are living away from home any preliminary rehearsals normally take place in the theatre where conditions are much the same as for the performance. Some local authorities have met this situation by administrative arrangements which require the usual provisions for welfare during this period.

78. We understand that normally children training for pantomimes rehearse in the evenings after school, on Saturday mornings or afternoons, and sometimes on Sundays. These rehearsals may be carried out on the premises of the dancing school. In other cases rehearsals may be held in special rehearsal rooms, a practice common when children are engaged in response to advertisements. During the few days before the show, when school holidays may have begun, intensive rehearsals are usually carried out in the day time in the theatre in which the entertainment is to take place. At other periods of the year the procedure is substantially the same. The show may include dances which the children have practised as part of their lessons at the dancing school and it would be difficult to say where an ordinary practice session ends and a rehearsal begins.

79. It is frequently the case that a much larger number of children is rehearsed than is used eventually in the troupe which performs in the show. Those to be engaged are not selected until a date near the opening of the entertainment. It is not usual for the children to be paid for intensive rehearsals in the theatre, though there have been occasional examples of such payments.

80. The practice of one local authority has been to require a statement of the times and dates of the rehearsals during school hours and, while

granting a licence which relates only to the public performances, to require arrangements to be made for education during the period both of rehearsal and performance. This seems to have been a sensible and effective method of meeting the practical and legal difficulties.

Rates of pay and other charges

81. The Ministry of Education has stressed in the Handbook of suggestions "that out-of-pocket expenses should be entirely separated from the children's pay, so that whatever the children's pay is they should be entitled to satisfactory board and lodging and other attention." The question of the rates of pay for licensed children was not within the Minister's purview but the Ministry "understood that the theatrical interests hope to arrange appropriate scales." We have not had evidence that such scales have been fixed; on the contrary, the evidence is that there is a wide variation in the rates of payment to children doing comparable work.

82. Information was obtained from 36 authorities who had records of wages paid. It is not uncommon for children in troupes away from home, for whom board and lodging is provided, to be paid only 5s. a week. Many children buy their own theatrical make-up and have the weekly expense of posting home their personal laundry. The child living at home and being paid within the ordinary range seems to cost the employer less than the child away from home. Daily fares run into considerable sums, especially in the London area; the parent provides board and lodging for the child in the usual way and more often than not packs food to last the child a matter of up to eight hours at the theatre; in addition there are the travelling expenses of the parent to collect the child after the show. The salary arrangements for the majority of the children who appear in troupes are casual in the extreme; there is no contract and "engagements" are accepted without anyone going closely into the matter of payments. In one case, for example, no agreement had been made about the cost of travel, which was a considerable item, but the troupe proprietor had met the cost voluntarily. In another, four of the children were so anxious to take part that they appeared without payment. This supports the view of those witnesses who said that money does not seem to be the first concern. One Midland authority commented: "In pantomime work, neither the parents nor the children attach much importance to wages. They appear to be satisfied with pocket money of from 5s. to 10s. a week." Another authority, mentioning cases of payments of 5s., said: "Some parents would even subsidise the child under the impression that the employment forms part of the stage training." We are fully satisfied that money is not a factor which influences the matter and that the children and their parents are quite prepared to be out-of-pocket. As might be expected, even under similar conditions, salaries are by no means uniform. In general, however, weekly payments to troupe children are on these lines: when the child is away from home and board and lodging is provided, not less than 5s. nor more than 15s.; when the child is living at home, not less than 10s. nor more than 35s.; for West End appearances the child may receive any sum up to £4.

83. The attitude of some parents creates a problem. One organisation said: "Whereas few parents could now be found who would *wish* their children to work in mines or factories the same cannot be said of the entertainment industry. The glamour of the stage and films and the prospect of very high earnings (which they have read about in the papers) will cause parents, with the best will in the world to sacrifice their children's own best interests." We came across one illustration of this in the provinces: the

mother was a pleasant business-like looking woman who was evidently determined to make some kind of "star" out of her daughter and had bargained well for the child's salary. But we think this is exceptional. No evidence has been put before us of the exploitation of these children in the sense of the parent forcing the reluctant child to undertake entertainments work, and then appropriating his earnings. The children we saw were eager to carry on with theatrical work, although too much importance may be attached to young children's own desire to make a stage career. In most cases the idea passes off fairly quickly when they come to understand what exactly is involved in "going on the stage" and they decide on some other occupation when they reach the age of 15. The semi-professional children who attend stage-training schools and who are marked out for a theatrical career are exceptional.

84. It has been the view of the Ministry of Education that the provision of really good amenities for the child should properly be the first charge on the child's earnings, or rather on the sum which represents his box-office value; that a small salary with first class welfare arrangements is a combination preferable to that of a higher salary with economies in these arrangements. We agree that this is the right emphasis, but too often we found that a small salary is linked with poor welfare facilities. It does not, however, follow that because the children's salaries are small they are being used as cheap labour, as examples which we obtained of the budgets for a few typical troupes show:

(a) (Two troupes, each of 10 children training by the same dancing school appearing away from home in a resident season at two different theatres in the same town.)

The producing management paid a weekly sum of £30 for each of the two troupes.

For this the troupe owner supplied a matron for each troupe at a weekly cost of £6. Each child was given 2s. 6d. per week pocket money and had 6s. per week banked to her credit. The troupe owner also provided board and lodging, laundry, make-up, buses, taxis or other transport for baggage, shoe-cleaning and hairdressing. Copies of accounts submitted showed that the troupe owner's outgoings were on an average over £26 per week so that the balance transmitted from the matron to the dancing school was rather less than £4 per week.

(b) (A troupe of 17 children, of whom one was an understudy, with an engagement for several weeks.)

The management paid a lump sum of £60 per week and in addition £8 for a governess.

Out of the £60 per week the troupe owner paid each week: matron £5; assistant matron £3 10s. 0d.; 17 children at slightly less than £2 each—a total of £32 10s. 0d.; children's fares from their homes to the theatre about £2. Total expenses therefore averaged £43 per week. Out of the balance the troupe owner had provided 16 acrobatic dancing suits at £2 2s. 0d. each and 17 pairs of ballet shoes at 12s. 6d. each. She paid for the hire of a hall for rehearsals once a week for two months, and for the pianist who played at the rehearsals. Also to be met were the fares of the troupe proprietor (from Sussex to London) for this period.

(c) (A troupe of 12 children employed for seven weeks.)

The management paid a lump sum of £36 per week but in addition paid weekly £6 for a matron, and £8 for a governess (after the

Christmas holiday) together with one half of these sums (except the salary of the governess) for the period of one week's rehearsal.

The troupe owner undertook to pay out of the amount she received sums to each child varying according to ability; these ranged from £4 to 30s., together with fares. The fares covered were from central London to a northern suburb. During the run the troupe proprietor visited the various theatres where children whom she had supplied were performing and so incurred additional expense.

(d) (The weekly payments in respect of a troupe of 13 children employed direct by the management.)

	£	s.	d.
To bank, 13 @ 10s.	6	10	0
Pocket money, 13 @ 3s.	1	19	0
Weekly board	13	0	0
Weekly rent of living-rooms	10	0	0
Matron	4	10	0
Certificated schoolmistress	8	12	6
Weekly rent of schoolroom and playroom	2	0	0
Cod liver oil, malt, laundry, etc.	3	0	0
Daily bus to take children home after evening performance	6	0	0
	<hr/>		
	£55	11	6
	<hr/>		

In addition the children were provided with many articles of clothing, including a kind of "uniform" to wear throughout the long run.

While the net sums received by the children are small, regard must be had to the overall expenses which have to be met if the matter is to be seen in its true perspective.

85. Where there is a combination of low salary and poor welfare facilities there may be exploitation by the manager of the show or by the person who has contracted to supply a troupe of children. One organisation, commenting on the arrangement under which the proprietor receives a lump sum each week from the manager of the pantomime or show, said: "There is here a standing temptation to proprietors to reduce the costs of looking after the children to increase their own profit". . . Some proprietors succumb to this temptation. Moreover the matron who looks after the troupe may be given a fixed sum per week to pay for the children's food and lodging. Again she may be under temptation to add to her own earnings by economising on the children's care. When reproached about the conditions which exist, proprietors of troupes frequently blame the matrons." We hope the measures we recommend in connection with matrons' salaries and the expenses they have to meet, coupled with the restriction on licensing when the children go away from home, will deal effectively with this danger.

86. As would be expected, the payment of children in individual parts varies considerably with the standard of the company and the importance of the child part, and there is no reason to believe that managements do other than pay the box office value of the child. These children are often supplied by an employment agency attached to a stage training school, and the agent no doubt negotiates a suitable salary. The special problem of the supply of children through employment agencies, and of the contract system which is often used to tie the child is dealt with in paragraphs 89 to 92 and 143 to 145.

87. A few local authorities insist on the banking of a part of the child's earnings. One authority fix the proportion at one-third; where the children

are paid about 12s. a week plus board, another authority insist on 5s. being banked per week. This second authority require the bank books to be examined at the end of the engagement. In neither case is there any real control unless there is a further application for a licence, which may then be refused if the condition of the earlier one has not been carried out. Any condition of this kind must not be too rigidly applied as in certain circumstances it would be in the child's interest for earnings to be withdrawn, for example, for further dancing lessons.

Dancing and training schools, employment agencies

88. It has been suggested to us that there should be some control of dancing schools and of training schools for theatrical children, some of which also act as employment agencies. There has been no estimate given to us of the number of dancing schools but they must in the country as a whole number some thousands. Tuition in some of these dancing schools was said to be given by unqualified teachers, and often to be inadequate and unsuitable. It has been argued that in the case of acrobatic and contortionist dancing, and in some forms of ballet dancing, the child may in consequence suffer some permanent injury, but no specific evidence was advanced to support this general contention. The charge that the tuition in dancing schools is not of a high standard does not appear to be one with which we are competent to deal. We suggest it is the interest of the parent to see that his child, if taking dancing lessons, is attending a school of a reasonable standard. Parents often watch dancing school lessons; further, many of these schools give dancing displays once or twice a year at which it is open to the parent to see the work of the school. A development which has been encouraged by the Ministry of Education and appears to be on sounder lines, has been the voluntary formation of a register of dancing schools, with a view to enabling authorities to issue licences with confidence, to children, on the application of dancing schools on this register.

Training schools acting as employment agencies

89. We have found greater difficulty in considering the position of those training schools which act as employment agencies. About 20 local authorities have Acts of local application which provide a measure of control. Most of the stage training schools are in the London County Council area and, under the London County Council (General Powers) Act, 1921, which is typical, a theatrical school which "directly or indirectly holds out a prospect" of theatrical employment to its students is required to be licensed as an employment agency. A licence may be refused, or revoked if already granted, for, *inter alia*, the following reasons: the applicant for the licence is deemed to be unsuitable; the premises to be used are thought to be unsatisfactory; the agency is improperly conducted. Licences are valid for one year. Appeal may be made to a magistrates court against a decision by the control authority not to grant or not to renew a licence. Byelaws may be made requiring the agent to keep a record of the business which he conducts and for the regulation of the premises. Other provisions are for inspection of the premises, and for penalties. One byelaw made by the London County Council is concerned exclusively with the employment agency catering for the child entertainer: "a theatrical, variety, concert or cinema agent shall keep a complete list of children under the age of 16 years who are booked by him for engagements either in London or elsewhere and shall in such lists indicate the place or places of entertainment at which each child is booked to perform and the length of engagement of each child at

each such place of entertainment." We understand that the form of contract used by the agency is one of the matters to which the authority pay attention. We have no reason to think that schools with agencies are at present unreasonably conducted, or that their operation has given cause for complaint.

90. We have been asked to agree that early performances on the stage by children are a necessary step in their training and that the school alone is competent to arrange such performances. We are unable to accept the first part of this argument, and the second is true only to a limited extent. While training for certain kinds of public performances must clearly begin when the child is young we think there is a distinction between training and public performances. We see no reason to believe that those actors who went on to the professional stage at any early age, eminent though some may be, would have lacked anything if they had followed the more normal course of entering the theatre a few years later. In our view, adequate opportunity should be available within the normal school curriculum for acquiring that experience which public performances can give.

91. The scope of the employment agency dealing with children will be extended if, as we recommend, the age range for children taking individual parts in the theatre is widened. The main pre-occupation of these agencies is with the individual child, though some agencies also supply troupes of children direct to managements, and sometimes put on their own Christmas shows where the cast consists almost entirely of children. Occasionally child theatrical parts are filled by means of advertisement or directly by the employer, but the more common practice is for theatrical managements to approach the established agencies when they want a child actor. A manager can cast adult actors on what he knows of their actual work. In the case of child actors, he seldom has an opportunity for judging this, and it is therefore convenient to be able to apply to the training school which has the necessary knowledge. There is also the complication that a child develops so rapidly that a part which is suitable for him one year is not suitable the next.

Forms of contract

92. We have examined the suggestion that the contract used by agencies may tie the child for a long period to the agent as "sole agent" and may contain other clauses which are not in the interests of the child. We are informed that 10 per cent. commission is normally charged by the agent; we gather that this is similar to the commission charged by agents for adult actors. Two well known stage training schools with agencies charge no commission. At three schools a kind of scholarship system is in force: in return for the fees being reduced, or waived, the child is tied by some special form of contract which provides that payments to the equivalent of the tuition fee shall be a charge upon the child's earnings. Of these three schools, School A draws up contracts for a 10 per cent. agency commission and 33½ per cent. payment from the child's earnings until the full cost of tuition has been reimbursed. School B charges no agency commission, but takes 33½ per cent. of the child's earnings until the cost of the tuition has been met. At School C there is a sliding scale for payment of agency commission:

If no payment was made for tuition	...	25 per cent.
If less than £5 a term was paid for tuition	...	20 per cent.
If more than £4 a term was paid for tuition		15 per cent.

(Normal fee for tuition, £21 a term.)

The contract further provides for the agency to have the option to renew it periodically until the pupil attains the age of 21 and for the rate of commission to be reduced to 10 per cent. when the student reaches the age of 18. It was pointed out that "whilst under the contract it would be possible for a pupil to continue to pay commission at the rate of, say, 25 per cent. after all sums outstanding in respect of his tuition have been repaid to the school by means of commission already accrued . . . in practice such a case is improbable and certainly would be very rare." The school is said to consent to the termination of an agreement if the parents or guardians concerned so wish. We understand that this school is now bringing into use a revised form of contract which will extend only until the pupil is 18. It has been suggested to us that the schools have adopted these arrangements because they assist them to maintain their reputation for turning out good actors by enabling them to choose a proportion of their pupils from talented children whose parents are unable to pay the usual fees.

Charitable Performances

93. We have been told by the Home Office that for a number of years local authorities have represented that the provisions concerned with charitable performances are unworkable because there are no means of ensuring that the restrictions are observed. There is no duty to notify anyone that a child is to take part in a charitable performance and no balance sheet or other statement of the disposal of the profits need be produced. The following suggestions have been made to the Home Office:

- (a) no child under five should take part in any charitable entertainment ;
- (b) no child should perform after 10 p.m. ;
- (c) persons intending to promote a charitable entertainment should be required to give notice to the local authority and to submit full particulars of the entertainment and of each child who is to take part ;
- (d) the parents of a child who is to take part in a charitable entertainment should be required to notify the local authority ;
- (e) the promoters of the entertainment should be required to submit a certificate of exemption from entertainment tax, or to satisfy the local authority that not less than half the gross takings will be handed over to charities ;
- (f) the promoters of the entertainment should be required to submit to the local authority, a balance sheet, with vouchers in support, within a specified period after the entertainment.

These suggestions illustrate the main lines of criticism of the present provisions. Some local authorities have made an effort to get promoters of charitable performances voluntarily to notify them in advance, so that they could check the performances at which children are used, but they have not always been successful. Even where information of a disturbing nature has been obtained the measures open to the authority have been very limited.

94. It is not possible to give an exhaustive list of the types of performance which legitimately fall within the exempting procedure but we understand that such entertainments are, in the main, promoted by schools, churches and chapels, youth organisations, amateur dramatic societies, dancing schools which put on charity displays by their pupils, and charitable bodies themselves. The general view of our witnesses, which we share, is that the welfare of the child and not the object of the performance must be the criterion in this matter of appearances in entertainments, and that it should be safeguarded

to a greater degree than at present. It is true that, apart from the conditions in which the entertainment takes place, there may be a marked distinction between the circumstances when children are used in charitable performances and in commercial performances. For instance, a child rarely takes part in a charitable performance away from his own home area and there is less likelihood of exploitation. Moreover, while there is widespread agreement that the present practice is unsatisfactory, we have received little factual evidence of any abuse affecting the children's welfare. Witnesses have, however, alleged that small children are brought on at late hours; and that the same children are used again and again; for instance, children are said to be taken from village to village in country districts to appear in dancing displays at fêtes.

Performances in Clubs

95. We have been told that children are taking part under unsuitable conditions in entertainments at clubs. We have been urged to recommend some means of safeguarding these children, who are not within the existing provisions which require a licence only if there is a charge for the entertainment. There is some difficulty in obtaining direct evidence of the extent to which children are appearing and of the conditions which exist, as there is no duty to notify the local authority, and the authority's officers have no right of entry to a club save as members or as guests of members. One authority arranged that an officer should become a member of one club which was known to put on entertainments, but this is an unsatisfactory and limited arrangement.

96. We understand that in many instances the child is present with his parent who is a member of the club. This should normally be unobjectionable, but we have been told of one case in which a girl appeared with her father in a sketch with cross-talk and patter altogether unsuitable for a child. The entertainments usually take place on Saturday or Sunday night, and there have been instances of children being taken by coach to clubs long distances from their homes and returning at a late hour. In one case a child was said to have been brought on at 1 a.m. as a "surprise item". We have also been told of an "agent" who recruited a group of children; taught them to do a little show; and then hawked them round a number of clubs.

97. The conditions which clubs afford cannot always be suitable for young children. Dressing-rooms and other conveniences which are routine in all theatres are makeshift and likely to be inadequate if not totally unsuitable. One witness referred to the undesirability of the "beery, smoky atmosphere", though it may be true, as another organisation pointed out, that some find the same atmosphere in their own homes. On the other hand, it appears to have been considered that where somewhat similar conditions existed there should be safeguards, as a child may not take part in a charitable performance in licensed premises (unless they are licensed for public music, singing or dancing) except with the consent of two justices of the peace.

Administration

Local licensing and supervision

98. One local authority association said in evidence that if all powers "which authorities possess are fully and carefully exercised, notably those relating to the approval of lodgings and places of entertainment, there would be much less cause for complaint." We have come to the same conclusion and are satisfied that if all local authorities had done licensing work of the

quality of the most efficient, a much greater measure of protection could have been provided for child performers under the existing law.

99. The practice is for the field enquiries and supervision of licensed children to be carried out by school attendance or welfare officers, usually men. The decision to grant or refuse a licence may be taken by a senior officer, who, in the larger authorities, may be an administrative officer, or by the Education Committee or by one of its sub-committees. The practice naturally varies from one authority to another, partly on account of different degrees of interest taken in theatrical licensing by the senior officers and partly on account of the varying amount of work. The Ministry of Education has no opportunity of assessing the quality of local authority administration save when cases come up on appeal, and apart from such advice or guidance as the Ministry may volunteer, administration after the grant of a licence is in the hands of local education authorities.

100. It is inevitable and desirable that the conditions in licences should not be identical, as the circumstances must vary considerably. It must also be expected that not all local education authorities will take exactly the same view of comparable applications, and in general we think this penalty is worth paying for the flexibility and speed of local administration. But the diversity of practice of which complaints have been made to us goes beyond reasonable limits of judgment to matters where we should expect a broad consensus of view. The maximum number of performances to be given in any week is, for instance, a matter which should not be difficult to determine; we deal more fully with this matter later. The Ministry of Education stated in evidence that most of the appeals for variations of licences were to bring into line the conditions of licences granted by various local authorities for children who are to appear together. Local authority organisations have complained about the embarrassment caused to an authority when children arrive from an outside area with licences the enforcing authority would not themselves have granted. There is no power to revoke a licence granted by another authority *provided its terms are observed*, however objectionable those terms are to the enforcing authority. There is also no power to vary or extend a licence *except on the application of the holder*. The practice of one local authority, if the terms of a licence were such as they themselves would not give to an employer, has been to attempt to persuade the issuing authority to revise the licence. A measure of success for this policy was claimed but we do not think it is an effective solution. We think, moreover, that it has been unfortunate to allow the licensing work of an authority to be split up among divisional offices without co-ordination of policy.

101. We found the manner in which local authorities deal with applications varies considerably. One local authority said their practice was as follows: first, the child is medically examined and then, together with his parent, is interviewed by a senior officer in the education department. At the interview, this officer explains to both parent and child the conditions applying to the grant of licences, and finds out particularly who will be responsible each evening for taking the child to and from the theatre. "The opportunity is also taken to comment on the terms of the school report which accompanies the application. If the report is not too satisfactory the child is told that dancing or theatrical work must not be allowed to interfere with school work and it is pointed out that neglect of school work now may prove a serious handicap if, later on in life, the child decides not to take up dancing as a career." Where the application is for a licence to go outside the authority's area the mother is told that the matron has been accepted as a "perfectly reliable and reputable person in every way but at the same time she is always asked whether she is quite sure herself that she has no

misgivings about the child being away from home. Most of the children concerned are girls and it is considered important that the mother should be made to face up to the fact that her child will be in the care of another woman. The children too are given a few words of friendly advice as to behaviour away from home." If the authority are satisfied, and all the prescribed conditions are fulfilled, a licence is issued; the authority's area officer is advised that a licence has been granted and informed what leave of absence from school, if any, has been authorised. Supervision is then undertaken by local officers. Other authorities require the employer, or his agent, and the child together with his parent or guardian to be present when consideration is being given to the issue of a licence. In contrast, one authority deal by post with all matters relating to the issue of a licence.

102. We give the facts of one particular case as an illustration of what can occur at present. At one theatre, of six licensed children in a troupe, four came from the area of one authority. The troupe were living away from home and performing nightly and also in matinees on Wednesday and Saturday. Of the four licences, two gave permission for Wednesday matinees only; the third contained no reference to matinees; the last allowed Wednesday and Saturday matinees. The fifth licensed girl held a licence which made no mention of matinee work; the sixth had a licence which did not refer to matinees. The enforcing authority had taken no steps either to revoke the licences of the girls who were performing in matinees not permitted in the licence, or to communicate with the issuing authorities.

103. The work of supervising theatrical children is done by school attendance officers. We understand that the conception of the school attendance officer's functions has broadened, and that he is now regarded more as a welfare officer interested in all matters connected with the well-being of school children than as an officer whose only duty is to get children into school, though he is still concerned with the enforcement of the school attendance law. In many areas officers formerly known as school attendance officers are now known by some other name, for example, education welfare officers. It is a matter of history that most of the supervising officers are men and we understand that it is likely that women will be brought into the service in increasing numbers as new appointments are made.

Departmental responsibility

104. We referred earlier to what we consider an anomaly: the division of work between two central departments. The Home Office deals in general with child employment provisions, while matters connected with the licensing of child performers including the power to make Regulations and to determine appeals rest with the Ministry of Education. The work of the two Departments sometimes overlaps, more especially in the entertainments field where the Home Office has continued to deal with any questions arising in connection with charitable performances. This is not only illogical, but nice distinctions of this kind are confusing both to the public and to the local authorities.

Appeals to the Ministry of Education

105. There is some feeling among local authorities about the appeal procedure. One of the objects of the guidance given by the Ministry of Education in circulars and memoranda was to reduce the need for appeals to the Ministry, but in this it has been only partially successful. Although the number of appeals against *refusals* to grant licences shows a decline

concurrent with the gradual increase in the total number of licences issued, the number of requests for *variations* of licences has risen considerably. Some of these appeals result from the circumstances to which we referred in paragraph 100, that is, children licensed by different authorities and appearing in the same troupe. We are informed, however, that a few local authorities have not exercised their licensing powers judicially because, for one reason or another, they are opposed in principle to children taking part in public performances. The "appeal" to the Ministry from the decisions of these authorities is, in effect, an application *de novo*, and the Ministry is put in the embarrassing position of having to decide the application without the considered views of the local authority. The Ministry has pointed out that appeals are often made in person, and at the eleventh hour. It is then difficult for the Ministry, whose information about the case may be quite inadequate, to obtain a complete picture. On the other hand, the local education authorities are disposed to take the view that the Ministry should never allow an appeal which reverses the decision of the local authority—which have knowledge both of the child and of the suitability of the arrangements proposed—and they would in effect like to see the Ministry relinquish this power.

(ii) CONCLUSIONS AND RECOMMENDATIONS

Age of Licensed Children

Function of the child on the stage

106. Most of our witnesses started from the position as presented to them in the 1933 Act which permits the issue of licences to children not under 12 years of age. The employing interests have suggested either that the minimum age should be lowered by two years, or that it should remain where it is. Local government, educational and trades union organisations have in the main suggested that the lower age should be raised by either one year, to the minimum age for general employment, or by two years; some have suggested that the employment of children of school age on the stage should be totally prohibited. As far as we have been able to ascertain, in the past when legislation has been contemplated, the function of the child on the stage has not been carefully considered. Instead, there has gradually been a narrowing down "from precedent to precedent". Nineteenth century social legislation brought some protection to the child appearing in entertainments. Later measures of protection, gradually pushing up the minimum licensing age, have gone hand-in-hand with an improved social conscience about the treatment of children, and the conception of a right to full-time education to the age of, first 14, then 15, and, as already accepted in principle, eventually 16 years. It was therefore not surprising to find, in the evidence presented to us, so little reference to the function of the child on the stage.

107. Nevertheless, early in our enquiry we decided that we must examine the merits of the case for the concession which is extended to the theatrical world. It is not part of our function to investigate generally the subject of the employment of children of school age; nevertheless, we find it impossible to isolate performances by children in entertainments from the whole field of child employment. One organisation stated in evidence: "Any extension in the permitted employment of children would be contrary to progressive trends both in education and in the protection of young people. It has recently been decided that, in the national and social interest, the period of general education which children should receive should be increased by raising the school leaving age to 15, and the Education Act

also provides that the school leaving age should be raised to 16 as soon as possible. Having done so much, it would be inconsistent to permit the value of this additional period of education to be reduced by permitting an extension of children's employment, which should rather be eliminated." This organisation went on to admit, however, that a case exists for the limited employment of children in both films and the theatre.

108. An organisation of theatrical managers which pressed for the lowering of the minimum age contended that public performances at an early age were a necessary part of stage training. They said: "In our opinion the raising of the licensing age from 10 to 12 has proved a serious handicap in this delicate training and . . . we would submit that consideration should be given to the restoration of the previous age of 10 years." It has also been suggested to us that 12 is the right age for a child to commence public performances; that children under 12 are too young to take the strain of late hours, while children over 12 are too self-conscious to start stage performances. We have referred (in paragraph 90) to stage performances as a part of training and need only add that many children at an early age get the opportunity of appearing in charity or school performances, where stage conditions may not be very different from those of ordinary commercial entertainments. Further, many of the children whom we saw were making their first appearance on the stage in commercial entertainments at the age of 13 and their reaction to the audience seemed no different from that of children of 12.

109. In other occupations the use of child labour is as a substitute for adult labour. The reason for their employment is not that the work can be more efficiently performed by children, but that no adult labour is available, very often on account of the casual nature of the employment. The delivery of milk and of newspapers are two jobs which are traditionally the province of the employed child, but this work can be done equally well by adults. The "emergency" arrangements for the employment of children in agricultural work arise from the present shortage of adult farm labour. The employment of children in "troupe work" is analogous to the ordinary employment of children since, to our mind, theatrical children are in such circumstances being used instead of adults. We mean by "troupe work" work which does not require a child to portray a child part. Where, therefore, a child is not taking a child part in an entertainment, we see no reason why the minimum age at which he may appear on the stage should be lower than 13, the minimum age at which he could undertake any other type of non-industrial employment. We make this recommendation notwithstanding the fact that a higher age for ordinary employment has been fixed by some local authorities by byelaw as we believe that uniformity in the minimum age is desirable throughout the country. We recognise that if the minimum age for the employment of children is raised either by amending section 18 of the 1933 Act or by the raising of the school leaving age to 16 under the provisions of the Education Act, 1944, theatrical managers would probably find no advantage in employing children instead of young persons over licensable age. We would not on this ground wish to modify our recommendation. If all employment of school children were to be prohibited, then, subject to the reservation we make later for the child taking an individual child part, we should see no ground for excepting children who are employed in the theatre. On the other hand, we see no reason for going to the other extreme and penalising the theatrical employer, as distinct from other non-industrial employers, by recommending that the use of children in troupe work should be totally prohibited at once.

110. Although in our view the minimum age for troupe work should be the same as for other employment, we recognise that there must be some differences in the provisions for employment if the child is to be available at the times at which, because of the intrinsic nature of entertainment work, he is required. It seems to us that the Scottish law, while consistent in its attitude to the minimum age, presses the consistency too far in relation to hours of employment. On the one hand it purports to make special arrangements for the appearance of children in entertainments, but on the other it imposes so much of the general employment law as to make the concession almost useless in a profession where employment takes place in what are normally the leisure hours of persons engaged in other work.

111. Our consideration of the function of the child taking part in entertainments has led us to the conclusion that, whereas there is no more justification for the use of a child who is merely performing as a member of a troupe or chorus than there is for the employment of a child in general non-industrial work, there is a strong case for the use of children to take parts written for child performers. There is a number of plays which contain a part, often only a small one, for a child; without the child the play cannot be presented at all; or omission of the child part or the substitution of an older person precludes a satisfactory presentation. We accept without qualification the view that the younger the child used on the stage, the more strict must be the safeguards for his protection; but subject to it being possible to make these effective we have been unable to find any sound reason why the minimum age at which children may take parts for which child actors are required should be fixed at 12. We have considered whether a new minimum age lower than the present one of 12 should be recommended. We have come to the conclusion that, as we have accepted the view that where a child is needed, a child should be permitted, in suitable circumstances, to take the part it would be purposeless to suggest any absolute bar. We do not expect that the removal of the minimum age limit for child actors will result in an outburst of new plays requiring small children, but we do suggest that it is against the interests of art that there should be no opportunity of a play with a child part being produced artistically because the law makes it impossible for a child to be employed. Only a few children are licensed to take individual parts at present and we do not expect that a power to license younger children would be used to any extent. We appreciate that it might be necessary for the script of the play to be seen, and we think this duty must be accepted by the licensing authority. We also think that the number of occasions for which it will be right to permit any individual child to appear will be very limited, and we emphasise that the overriding consideration must be the welfare of the child. We therefore recommend that the licensing authority (see paragraph 255) should be able to license a child of any age to take part in a play, if satisfied that the child is required for the artistic presentation of the part and that the safeguards will fully assure the child's welfare and can be made effective.

Raising of upper age for licensing

112. We have considered whether the maximum age for theatrical licensing is well fixed at 15, which is the present school leaving age, and if not, what age would be appropriate. The inference which might be drawn from the present limit is either that the objects of the existing controls are solely educational or that the period of adolescence for which protection is required ends when the child is free to leave school. We think neither is wholly sound. Moreover, the Education Act, 1944, accepts in principle that the

period of compulsory education shall continue until 16 and although the implementation of this provision has been deferred for practical reasons the same considerations do not apply to the raising of the upper age for licensing. Further, although there appears to be some doubt in the matter, we understand that in practice trades union membership and the protection it affords is limited to persons not under 16. We are satisfied that there should not be this gap of a year at a critical stage of the child's development. We think that most of the safeguards framed for the protection of children under 15 can be suitably applied to those between 15 and 16 except that in the case of a licensed child of 15 who has ceased to be a registered pupil at a school, regard need not be had to educational considerations. We therefore recommend that the upper age for licensing should be raised to 16.

113. We have received representations that to raise the maximum age for licensing would be unfair to girls between 15 and 16 years of age thus brought within the licensing range. It was said that managers, to save the expense and trouble of complying with the licensing provisions, would engage a girl outside the licensing range, but of similar physical appearance to the 15 year old, rather than employ a girl over school age but still of licensable age. We do not think this possibility is strong enough to destroy the consideration that the 15 year old adolescent who engages in entertainments work requires some protection on health and welfare grounds.

114. Where children have artistic talent and make a positive contribution to the performance we believe that managements will still wish to employ them. We understand, however, that the stage is somewhat barren of parts for the 15 to 17 year old who is commonly regarded as being at an "awkward age". Many adolescents who are making the theatre their career and have appeared under licence expect to devote this period to further training and to return to the stage in adult parts. The organisation of such training schools as the Royal Academy of Dramatic Art, which does not accept for training children of school age, appears to bear out this view.

115. We considered whether an age higher than 16 should be fixed. We have noted that the Home Office Departmental Committee on Sexual Offences against Young Persons* recommended as long ago as 1926 that, as a measure towards the prevention of such offences, the upper age for licensing should be raised to 17. No action has been taken on this recommendation of the Committee though the raising of the school leaving age had the automatic effect of raising to 15 the upper age for licensing, which in 1926 was 14. We are not satisfied that there is any call for an age higher than that which we recommend, or that the conditions in the theatre today are such as to justify the exceptional course of imposing these restrictions on young persons over 16.

Restrictions on Performances and Educational Safeguards

116. The Theatrical Children Licences Committee, 1919, said they had been guided by two paramount requirements: "first, that no condition must be imposed which would operate to prevent the appearance of children in entertainments; secondly, that their employment in this capacity should not be such as to interfere with their education, health or welfare."† We prefer a different emphasis in considering this basic problem. Safeguards adequate for the education, health and welfare of the children *must* be devised; whether the effect of these safeguards will be to curtail,

* Cmd. 2561, 1926, paragraph 124.

† Cmd. 484, 1919, paragraph 17.

or in certain contingencies to prevent altogether the use of children in entertainments, we have regarded as a secondary consideration only, though it has not been entirely discounted. It is clear that if the children's health, welfare and education are to be safeguarded there must be some limitation on the number of performances in which they may take part. We have found it less difficult to reach conclusions which we think should ensure that the health and welfare of the children are not prejudiced than to solve the educational problem. As the amount of time required for a child's education directly affects the amount of time available for entertainment work the two points were examined together. We approached the problem by regarding the child's day as divided into three sessions. A child who is not employed has two sessions in school and is free for the third session. He is therefore free, in a six-day week, for eight sessions out of a total of 18. In the past, the child performer has appeared each evening and in a matinee on Saturday and has consequently been free during one session only, the Saturday morning. We think this is not an adequate provision for leisure, and that it compares unfavourably with that enjoyed by most adults in their working week. Under the byelaws made by local authorities the amount of work which children may undertake during school-term is limited, taking the average, to $14\frac{1}{2}$ hours a week. We realise that such work may go on all the year round but, on the other hand, work in entertainments carries a more serious disturbance of a child's daily routine; for example, it continues much later than 8 p.m. which is the latest hour for other employment, thereby placing a greater strain on the child.

117. We think that no child attending school should be permitted leave of absence from school during part of the day to enable him to be employed in entertainments. The work which the child undertakes does not afford sufficient compensation in other respects to justify his missing any school sessions during a week and we therefore suggest that the special exemption from the school attendance law for a child to whom a licence has been granted should be abolished. We further recommend that no child who is attending school should be licensed to appear in more than four performances in any one week. These performances may be in the evenings of school days or on Saturdays. We recognise that a manager who is putting on a performance nightly will find it necessary if he wishes to use children at every performance to employ alternatives or understudies and that if this recommendation stood alone it might accordingly lead to an increase in the total number of children engaging in this work. The effect of other recommendations which we make elsewhere, however, should be to reduce the number of children licensed; and in any case, we think that the safeguards we recommend are sufficient fully to protect the child.

118. In general, we think that where a child is able to attend his own school, he should do so, but in some instances it will no doubt be an advantage for children to be educated by a private teacher rather than in school. Where a child is living away from home, or attendance at his own school is for other reasons impracticable, then the appointment of a private teacher should be a condition of the licence, unless the child is appearing in a resident season away from home and other arrangements for his education have been specially approved. We are satisfied that, other things being equal, an efficient private teacher can maintain the child's education, even though the daily period of tuition may be less than that in the normal two sessions at school, provided that the number of children whom he is teaching is small and that they are of much the same educational standard. We think that where there is a private teacher the maximum number

of weekly performance should be eight, which may include not more than two matinees, of which one should be on a Saturday. We realise the implication that a child educated in this way may miss practical work and other school activities but we think there are compensating factors. We recommend that not more than 12 children should be under one teacher, so that there shall be a reasonable assurance of individual tuition. To ensure adequate teaching in the more limited time available for formal education, it will not be desirable for the same teacher to be responsible for children of widely different educational standards. The difficulty of a wide variation in ages is not likely to be felt if, as we recommend, the lower age for the employment of children in troupes is fixed at 13.

119. It is possible that some employers may prefer to engage a private teacher in order that the children may be able to take part in a higher number of performances, although attendance at their normal school is not impracticable. We should regard this as undesirable, save in exceptional cases where the local education authority are satisfied that the child is likely to benefit from the individual tuition which the teacher can offer.

120. In the past licences have sometimes recognised that a child might be educated partly at school and partly by a private teacher. We think this should never be authorised. Under such an arrangement children work with a private teacher between performances, and sometimes even between appearances in one single performance, in conditions which are neither conducive to efficient teaching nor to the child's general welfare. Preparation done while waiting to go on the stage, and in the midst of grease paint, spare costumes, combs and brushes can have little educational value and may even prejudice ability to benefit by education at other times.

121. In some instances there appears to have been little co-operation between the private teacher and the child's ordinary school. Where a private teacher is employed, it is important that the liaison between the child's school and the teacher who is to be responsible for education during the period of the licence should be close and continuous. As licensed children usually come from maintained schools it should not be difficult to secure this co-operation. We think that it is important to ensure that the necessary materials are being provided, and that the local authority should enquire from time to time into the work being done.

122. The maximum number of performances which we think a child should undertake in school holiday periods is eight in a week. In reaching this figure we had in mind that the maximum amount of ordinary employment permitted by byelaws in holiday weeks is on an average 23 hours. Further, the child is given a holiday for the purpose of leisure, and the number of performances in any week should not be so great as to deprive the child of his holiday.

123. We recommend that the Regulations should require that a child should leave the theatre within 15 minutes of his last appearance on the stage, and normally not later than 10 p.m. At present permission may exceptionally be given to remain at the theatre until 11 p.m. The extent to which use is made of this power varies a good deal. We think that there are few circumstances in which it is justifiable to allow a child to be at the theatre after 10 p.m. and that the cases should be quite exceptional. Further, in fixing the latest hour, regard should be had to the time which the child must spend in travelling from the theatre to his home.

124. It was not suggested to us that the present provision, introduced in 1933, which prohibits the issue of a licence for a child to perform on

Sundays should be amended. We draw attention elsewhere to the consequences which the retention of this provision may have.

Medical Examinations

125. The arrangements should continue under which a child is examined by the school medical officer as to suitability for employment before the grant of a licence and at such other times as the local authority may think fit.

126. It is a loophole in the medical arrangements for a licensed child that unless the engagement is for more than three months the child may be examined once only. While it may be that if any obvious harm has been done the school teacher would report the case for further examination, this should not be relied on in a matter of such importance. Moreover, not all children are within the orbit of the school medical service. We therefore recommend that a child should be examined within one week of the final performance authorised by the licence. We have enquired whether the introduction of a compulsory examination on completion of employment is likely to put too heavy a burden on the school medical service. We have been reassured on this point: the number of children involved is not appreciable in comparison with the total number of children for whom the service provides. Apart from its value in any individual case, the information provided by these final medical examinations should provide a useful basis for any future consideration of the effect on children of employment in entertainments.

127. We think provision should be made for the medical record of the child to be sent outside the licensing area when necessary, so that it may be available to the doctor making a subsequent medical examination. In the absence at present of such a provision the second examination may take place without information about the child's previous medical history, which is valuable in assessing the effect of the employment.

128. A licence should not be granted to enable a child to appear on the stage in a part which would exploit a physical or mental defect, for example, an acute stammer.

Welfare

Appointment of matrons

129. We think that the Regulations should require every child to be in the care of a matron during the period of the licence. Where not more than three children are concerned, the governess might also act as matron. A child's parent, if otherwise suitable, should not necessarily be precluded from acting as matron, though an outside appointment may often be wiser. In our view, the conditions under which a child takes part in entertainments are such that a matron is necessary whether the child lives at home or not. This is especially true where the child is away from home for a large part of the day and has long journeys to make to the theatre as, for example, when playing in London suburban theatres.

130. The advantages of a central panel of matrons have been urged upon us. The opinion of the 1922 Matron Committee that local authorities might be discouraged by the existence of a central list of matrons is not widely shared, even by local authorities. We have come to the conclusion, nevertheless, that it would be impracticable to maintain a central panel of approved matrons. To be effective, enquiries would have to be carried out locally; and, as the Matron Committee pointed out, the work of maintaining the

list current and accurate would be laborious and slow. A preferable arrangement is for all licensing authorities to adopt a practice similar to that existing in the London and Home Counties area: there, as we have said, when a matron is accepted, she is issued with a form of notice or certificate as to her fitness to act as a matron. We recommend that this should be the normal practice and we think the form of notice or certificate might be prescribed. This certificate should be of 12 months' duration, renewable for a similar period on application. It should also be open to the issuing authority to withdraw it at any time if this is warranted. The certificate will be an indication of the matron's suitability and should be a guide to other licensing authorities. It will still be open to an authority to decline to accept the matron if they are in doubt as to her suitability in the particular case. It is important that licensing authorities should expect a high standard of efficiency in matrons and show more firmness in rejecting persons about whom they are not entirely satisfied. Ordinarily, before issuing a certificate, a licensing authority should arrange for the applicant to be visited in her own home. A licensing authority should keep a list of those matrons whom they have approved. This should assist an authority to suggest an alternative matron if they have to refuse an unsuitable person and may also be of use to other licensing authorities. It is important that a licensing authority which are dissatisfied with a matron should report the circumstances to the certifying authority. However, if our recommendations as to touring children are accepted, licensing authorities will mainly be approving matrons for work in their own home areas, and will be able to maintain supervision of them at their duties. There should be close and effective contact between matrons and enforcing officers, and it is desirable that the matron should get into touch with the local authority for the area in which the child is to appear as soon as practicable after arrival there.

131. It has been suggested to us that a list of qualifications for matrons should be drawn up and that only persons so qualified should be appointed. We think that no hard and fast rules could be laid down and that the necessary qualifications are personal rather than academic. Good character, common sense, an ability to handle children and sufficient firmness and tact to ensure their welfare are basic requirements.

Care in approving lodgings

132. It does not seem to be practicable to lay down precise standards for lodgings. Two lodgings may provide the same number of beds and rooms but the standards in practice may be quite different because of deviation on minor domestic matters, with which it is neither possible nor desirable to deal by Regulations. On the other hand, we cannot regard as tolerable the low standards which have been accepted in the past. We think it would be useless to attempt anything more than a general description of what we regard as adequate. We stress the point that licensing authorities should be encouraged to keep their standards consistently at a reasonable level, looking first for the qualities which go to make up a good home. The bedding should be sufficient in the very coldest weather. The washing facilities, which were unsatisfactory in many of the lodgings which we saw, should be adequate. If the matron is to cater, her salary should be stated separately from her catering allowance and proper enquiry about the catering arrangements should be made by the authority when the application for the licence is being considered.

133. The main difficulty is with weekly and fortnightly touring troupes. Hitches over lodgings occur when the children are out of their own home

areas and once a touring troupe have left the licensing area, the reins of control begin to slacken. We doubt if there are any means by which these drawbacks can be entirely overcome. There is a better chance of good comfortable lodgings when the troupe are performing in a resident show. In some instances the "season" is a regular annual event and the goodwill of the landlady has been built up over a period of years. In many cases the engagement will be fixed a reasonable time beforehand. Should the lodgings selected be cancelled it is possible without much inconvenience, where only one town is involved, for a personal visit to be paid to make further arrangements. Co-operation is also easier when only two local authorities are involved. It may be practicable and desirable to make it a condition of the licence that specified lodgings will be used. If they later prove not to be available other lodgings which could be approved as suitable would have to be found.

134. There is a temptation to economise on the sleeping accommodation. We had one case brought to our notice where a matron had proposed to sleep five children crosswise in one bed. We think it most desirable on medical and hygienic grounds that a separate bed should be provided for each child, though we appreciate that this may not always be practicable at the present time. It should, however, never be necessary for more than two children to share a bed, or for a single bed to be used for two children.

Restriction on touring

135. The great majority of our witnesses were agreed that touring by troupes of children should cease. There have been slight variations on the theme: for instance, some witnesses suggested that there is a special case for the touring pantomime; others, that touring might perhaps continue in the school holidays. We have come to the conclusion that it should not be permissible for a licence to be granted to enable a child to perform in a troupe if he will have to live away from home, except when the licence is for an entertainment in one town only, that is to say, for a resident season away from home. The objections to touring are not solely educational and therefore there should be no exception for performances in the school holidays. Neither do we recommend an exception to enable troupes to tour in pantomime. "Pantomime" receives a very elastic interpretation on the stage; some pantomimes are little different from musical revues. On the other hand, some Christmas shows designed specially for children are not described as pantomimes, but may often be more suitable for children than many so-called pantomimes. Where it is desired to have children in pantomimes which are on tour it should be possible to employ local children. The work of children in troupes is largely independent of that of the other members of the show and therefore where children are employed the "marrying" of their performances with those of the adults can be accomplished when the company has arrived in the area. Further, many pantomimes run successfully without using any children at all. Of 165 pantomimes included in a survey, only 102 used children of school age in troupes; the rest employed adult chorus girls for all the dancing.

136. There are in the London area so-called touring pantomimes where a child continues to live at home while the pantomime works a circuit in various local suburban theatres. In other cases, employers who now arrange lodgings for children on a tour of adjacent industrial towns may be tempted if touring is prohibited to transport children long distances from their homes before and after each show. Where an application indicates that either of these arrangements is contemplated it is particularly important to examine the time to be spent in travelling.

137. We except from our general observations on touring the child who is licensed to take an individual child part; in such a case, if the company is to tour, a condition of the licence should be that the child should receive his education from a private teacher.

Rehearsals

138. There is a general opinion that some measure of control of rehearsals ought to be introduced. Some local authorities have already provided for their control by administrative arrangements and no objection to these arrangements appears to have been voiced by applicants for licences. We think it unnecessary to suggest any restriction on the less intensive rehearsals which take place some considerable time before the show opens and which it would be difficult to distinguish from an ordinary dancing class, since the children may be doing no more than attending their dancing school a little more frequently than usual. Like other out-of-school activities this is a matter for the parents. The test of payment is not in itself conclusive. In our view the right course is to require the time, date and place of the rehearsals proposed to be stated in the application for the licence, which has to be made at least 14 days before the first performance. Any rehearsals which are to take place during the fortnight before the opening of the entertainment, or during the course of the entertainment itself, should be taken into consideration by the licensing authority. We recommend that a rehearsal during the run of the entertainment should be counted as one of the performances permitted by licence, and that generally the same conditions should apply as if the rehearsal were a performance.

Payments

139. We think that the payment to be made to a child should be stated in the application for the licence. The contract of employment, or a copy of it, should be annexed to the application form. It is not in our province to suggest a scale of minimum payments to children, but in considering the adequacy of the payment licensing authorities should have regard to other expenditure which will be incurred on such items as meals, fares and lodgings.

140. We commend to all licensing authorities the practice referred to in paragraph 87 of requiring a proportion of the child's earnings to be banked. A few child actors may earn more substantial sums, especially if they engage in film as well as theatrical work. We make further suggestions for the protection of their earnings in paragraph 227.

Regulation of employment agencies

141. It was suggested to us that some control of the ordinary dancing schools should be introduced. We considered this matter not to be within our terms of reference and have, therefore, sought no evidence on it. Similarly, the conduct of schools for training theatrical children, whether or not they provide academic education in addition to specialised training, has not appeared to us to be a matter with which we are concerned, except in so far as the school may also act as an employment agency.

142. Training schools for theatrical children have been criticised as being purely commercial ventures. We have been urged to recommend that a school should be set up to be supported by grant from the Ministry of Education or by other public funds to which all children training for stage and film careers should go. It is difficult to see that there is any particular evil in the schools being commercially run, and we think there are disadvantages in the alternative suggestion which would involve the acceptance

of the view that stage training for children* is desirable. We are not convinced that this is so ; on the other hand, we see no reason for interference with schools which fulfil the purpose for which they have been set up. A stage training school does not usually provide general education and the pupils attend an ordinary day school. To segregate children who wish to specialise in stage or film training in one school providing academic education and vocational training would emphasise any difference there may be between theatrical children and ordinary school children. Our view is that it is important that every care should be taken not to create a class of "child actors" set apart from other children.

143. Those training schools which are combined with agencies have given us greater difficulty. Employment agencies for children are mainly situated at present in those areas where there are local Acts regulating employment agencies generally, but this may not always be the position. The International Labour Organisation adopted in 1933 a Convention which provided for the outright abolition of all fee-charging employment agencies. This Convention was not acceptable to His Majesty's Government. It was revised in 1949, and in its revised form† provides for the abolition or regulation of all such agencies. The provisions for regulation include conditions that the agencies shall be subject to supervision, licensed annually, and permitted to charge fees and expenses only on an approved scale. Any legislation which would enable the Convention to be ratified by His Majesty's Government would, we think, be adequate for the regulation of agencies dealing with the employment of children. If such general legislation is not likely to be introduced, we think it would be advisable to consider the introduction of provisions for the regulation of agencies concerned with children which, in our view, might well be on the lines of the International Labour Office Convention.

144. We consider that a child should not be tied by contract for too long. We therefore recommend that no contract should be of more than three years' duration in the first place and in no case should an original contract or a renewed contract extend beyond the age of 16. The effect would be that no contract would extend beyond the age which we have recommended should be the upper limit of licensing.

145. Until such time as there is general legislation as regards employment agencies, or legislation as regards agencies dealing with children, we suggest that public control authorities in whose areas there are employment agencies for child entertainers should pay particular attention to the form of contract which is used.

Power to Dispense with Licensing

146. We think the pleasure provided to the audience and to the children themselves appearing at such performances as we referred to in paragraph 94 is something it would be a pity to hamper by unnecessary restrictions. To use the words of one organisation "many children love to express themselves in dance, music, drama and in similar activities." Local education authorities themselves recognise this by suitable provisions in the school curriculum and in out-of-school activities. For many children the opportunity provided by youth clubs and other similar organisations of giving performances, in which they may take a real delight, is both educationally and psychologically valuable. Although dramatic work in schools is developing, not all children at a large school may have the chance to perform in school plays or concerts.

* The special position of ballet is discussed in paragraph 239 below.

† Convention Concerning Fee-Charging Employment Agencies (revised 1949) No. 96 adopted on the 1st July, 1949 by the Conference of the International Labour Organisation.

To take part on the stage before an audience of friends may well be of benefit to the child, not in any sense as part of a professional training, but as a means of acquiring confidence and the capacity for self-expression.

147. The evidence of the difficulties of local authorities is, however, such as to convince us that some more efficient type of control of the use of children in non-commercial performances is necessary. Two degrees of control under the ordinary licensing system have been suggested to us:

- (a) that all these children should be brought into the ordinary licensing system, but with power to grant licences to children under 13 ;
- (b) that the ordinary licensing system should be applied without modification.

Neither of these two suggestions appeals to us. Both seem to be unduly restrictive. Moreover, the administrative work involved would be out of all proportion to the seriousness of the problem. Local authorities themselves, though most anxious to see more effective control, have recognised that these performances are on a different plane from ordinary entertainments. Many deserving bodies would find the restrictions in the licensing regulations so hampering as to preclude the type of entertainment to which they are accustomed, with consequent loss to the many children who take part. Our recommendations to meet this problem can be divided conveniently into two parts: (a) performances by schools ; and (b) other performances.

148. The Act makes no specific provision for performances organised by a school in aid of some deserving object. We see no reason why such activities which take place under the supervision of the teaching staff should be subject to any outside control. We think that a child taking part in an entertainment organised by the authorities of the school (as defined in the Education Act, 1944*) at which he is a registered pupil should be exempt from any form of licensing. We have already suggested that the maximum age for licensing should be raised to 16. The exemption should therefore also extend to establishments providing further education. It has been pointed out that the definition of "school" in the Education Act covers independent schools, and thus includes the few theatrical schools which also provide academic education, but we consider that it would be invidious not to treat independent schools in the same way as maintained or direct-grant schools. The possibility of an abuse by schools of their special position can be met, in the case of maintained and direct-grant schools, by the disciplinary action of local education authorities or of the Ministry of Education respectively. There is power in Part III of the Education Act, 1944, to require all independent schools to be registered† but this part of the Act has not yet been brought into force. All schools are, however, now open to be inspected by His Majesty's Inspectors of Schools and any possibility of serious abuse in independent schools could also be checked. If the period before registration is introduced is likely to be considerable we would make the reservation that the exemption procedure should in the interim period apply only to maintained and direct-grant schools and independent schools recognised as efficient.

149. We recommend that licensing authorities should be empowered to grant a dispensation from the need to obtain a licence where a performance is to be given by children under the auspices of certain reputable organisations of the type mentioned in paragraph 94. Regard should not be paid solely to the disposal of the proceeds of the entertainment. The better criterion is the objects and status of the sponsoring organisation. Independent schools

* For the definition of "school" see Appendix II (iv).

† For an explanation of the registration procedure see Appendix II (vi).

might be eligible to apply in respect of school performances for a dispensation of this kind if they are not otherwise exempt. We suggest that an application for a dispensation should :

- (a) be made at least two weeks before the entertainment ;
- (b) show the name and address of the promoter of the entertainment, together with the description and address of the organisation (if any) which is concerned with the promotion of the entertainment ;
- (c) state the date and place of the entertainment ;
- (d) give, for record purposes, the name, address, date of birth and school of each child taking part ;
- (e) indicate the hours between which the children will be engaged in the performance ;
- (f) describe the nature of the entertainment.

We think that the application should be made to the licensing authority of the area in which the premises of the organisation concerned are situated or, if the promoter is a private person, to the authority in whose area he resides. In the majority of cases it may be expected that the performance will take place in the area of the authority where the organisation is situated. Where this is not so, the licensing authority should notify the authority for the area where the entertainment is to take place. If the licensing authority grant the application an individual licence for each of the children involved will be unnecessary. The licensing authority should be empowered to attach such conditions to the dispensation as appear to them to be necessary for the welfare of the children taking part, for example, that the children must be away from the premises at which the entertainment is to take place by a specified hour, or that no child under a specified age may take part. If a dispensation from the need to obtain licences is refused by the local authority it will be open to the promoter of the entertainment to make application for individual licences for such children as are of an age to qualify for them.

150. We think that the suggestions embodied in our last two paragraphs should effectively safeguard the children concerned without overloading the authority with administrative work. We suggest that a right of entry to the premises where the performance is taking place, or is to take place, should be granted in the same way as for performances for which children are licensed.

151. In view of the measure of control introduced by the dispensation procedure recommended in paragraph 149 it should not be necessary to obtain in addition the consent of two justices of the peace to enable a child to perform in licensed premises. The matter might appropriately be dealt with by local authorities.

152. We understand that children are sometimes brought to this country from abroad to give performances in aid of charities, often for international relief work. We are averse to the power to grant a dispensation being used in these exceptional cases and recommend that any such children should be licensed.

Application to Registered Clubs

153. A club is a private gathering and we hesitate to suggest that the existing restrictions should extend to the many harmless circumstances in which a child may give pleasure by performing before a private audience. The evidence available to us and the concern expressed by those interested,

both related to clubs in which intoxicating liquor is consumed. A club at which intoxicating liquor is supplied to members or their guests must be registered with the clerk to the petty sessional division of the area in which the club premises* are situated. If, therefore, performances by children in registered clubs, whether or not the audience is admitted for payment, were brought within the orbit of the local authority it would be unnecessary to go further, and we so recommend. Whether in a particular instance there should be a dispensation or an individual licence for each child taking part will be for the local authority to decide in the light of the circumstances.

* Licensing (Consolidation) Act, 1910, section 91.

PART III: FILMS

Terms of Reference

154. Although our terms of reference indicate that the principle of the employment of children as film actors has been accepted, we have throughout our enquiry been prepared to examine any evidence tending to suggest that no safeguards which could be devised would be sufficiently effective to protect the children. The overwhelming weight of the evidence, however, from witnesses inside and outside the film industry is that adequate safeguards can be introduced ; that it is likely to be less difficult to safeguard children taking part in films than those appearing in other entertainments ; and that the law as it affects the employment of children in films ought to be amended.

155. The justification for the portrayal of children in films is said to be :

- (a) children are needed for ordinary feature films because without them the British film is unrealistic, in so far as all families would have to be shown as childless ;
- (b) children are needed for documentary films, not only to provide realism where most of the actors are adults, but also for films exclusively concerned with children, for example, for a film dealing with infant welfare ;
- (c) children, who form an important part of film audiences, and in many cases have their own special film shows, love both to identify and to contrast themselves with children shown on the screen, and there is more scope for making films suitable for child audiences if child actors can be used.*

A few organisations have in their evidence made out at length the case for the employment of children as film actors and have said little within our terms of reference beyond mentioning that such employment must take place under safeguards. We do not wish to follow them in arguing the case for the amendment of the present law, and need only say that we consider the arguments set out above have considerable force.

Possible Methods of Regulating Employment

156. We examined three different methods by which the employment of children as film actors might be regulated. These methods were :

- (a) by byelaws made by local authorities ;
- (b) by registration of children for film employment ;
- (c) by the issue of individual licences for specific parts.

In the next three paragraphs we consider these various systems.

Local authority byelaws

157. The Home Office witnesses informed us that when, in the late 1930's, the possibility of introducing provisions to enable children to be employed as film actors was considered, a control in terms of a system of local authority byelaws was contemplated. The film industry was, however, firmly opposed to a method of control which might result in local variations of policy, and on further examination the Home Office came to the conclusion that a system of regulation by byelaws would be impracticable. We agree with this view. While the byelaw system may work well when children are employed for

* The question of the effect of the cinema on the child was considered recently by a Departmental Committee on Children and the Cinema, Cmd. 7945, 1950.

brief periods outside school hours and in the vicinity of their own homes we should regard such a system as unsuited to the conditions under which children might be working in film studios during what are normally school hours. Further, difficulties would be bound to arise because of the variation in the provisions of local authority byelaws, for example, when a unit went from a studio to work on location.

Registration of children for employment

158. A system which was not apparently at any time contemplated by the Home Office, but which is in force in Hollywood, has been brought to our attention. In Hollywood, where the employment of children as film actors is controlled by State law, it is the practice to register for film employment those children whom the Board of Education has, on the application of the parents, approved as suitable for such work. These children are given a "Certificate of Identification." The effect is that at any time there exists a list of children of all ages—from a few weeks to 18 years old—who have been passed for general film work rather than for any specific film part. The certificate issued to the child, "which is a permit to work in motion pictures, is not in any way a permit to be absent from school, and in no way affects the child's school program until he receives a call to work from a motion picture studio. This may come in a week or so, but it may not come for months, if ever."* In 1939-40, 3,326 children applied for film employment; 3,309 were placed on the eligibility list; and 2,093 were actually employed. Whatever the merits of this system in cases where the industry is on a very large scale and is contained substantially in one administrative area, we think it is unsuitable of application in this country where even the principal studios are scattered in several different local authorities' areas. Further owing to the much smaller distances involved, child film actors are likely to be drawn from the areas of many local authorities in various parts of the country. Moreover, registration makes for a sharp division between "film children" and "ordinary children" since a child accepted for films may remain on the eligibility list for years without regard to his suitability for any particular work, or to his chance of obtaining employment.

Licensing for specific parts

159. When the Home Office abandoned the idea of regulation of film employment by means of byelaw, the view taken was that a more feasible arrangement would be to bring employment in films into line with employment in the theatre by a system of individual licensing for specific parts. We have come to the conclusion that such a system is not open to the same objections as are the other methods of control, and we therefore recommend that, subject to the exceptions referred to later, no child shall be employed as a film actor except under a licence granted for a specific part.†

Other suggested restrictions

160. It has been suggested to us that no child should be licensed to be employed in any film studio unless the studio has been approved, after examination of the accommodation and equipment, as premises on which children might be employed. We think that this is both administratively complicated and unnecessary, if, as we propose, a child may not be employed except under a licence which ought not to be granted without full consideration of all relevant circumstances. Moreover, a system of general approval of

* "Californian Theatrical Study: Children of the Movies", page 8; United States Department of Labor; June, 1941.

† For exceptions see paragraphs 230 and 231.

studios in advance would deal with part of the problem only as children may also be used on location. We therefore recommend that regard should be had, when an application for a licence for a child is being dealt with, to the suitability of the environment in which the employment, including any work on location, is to take place.

161. We have also considered the suggestion that an employer, that is to say either the director or producer of the film, or both, should be eligible to employ children only if he is granted a certificate permitting him to employ child film actors. Again, we see no point in these additional controls, since the suitability of the employer should be one factor to which the licensing authority should pay close attention when considering whether a child may be licensed. We should not think it unreasonable, however, to provide that one of the grounds on which a local authority might refuse a licence would be that the prospective employer had previously been convicted of an offence against the law relating to the employment of children.

162. Many witnesses submitted that there should be some form of restriction on the means by which children may be recruited for employment as film actors. It is clearly desirable that the present haphazard methods by which children have been engaged for employment illegally should not be permitted to continue. One witness said that a film producer would often be unaware how a child had been obtained; nor would he care to know, since an infringement of the law was taking place. We were told of cases of children who were stopped in the streets, sometimes at the instance of persons running employment agencies, and asked "if they would like to act in a film"; that children have been taken to studios for "crowd" work, without the consent of their parents, who had no idea that they had absented themselves from school; and that adult "extras" have frequently been instrumental in obtaining children for films, either their own children, or children of friends or neighbours or relatives, whom they knew to be suitable for the requirements of the film. We have been told that, with such casual arrangements, the money which eventually reaches the child may be only a fraction of the sum which the film company has paid in respect of the child's services. Larger parts for children have been filled by personal contacts or advertisements or sometimes by training schools licensed as employment agencies.

163. Various methods for control of the selection of children for film employment were suggested to us. The first was that applications for a "working permit" should always be "submitted by a bona fide training school"; that these training schools should all be centrally registered; and that no child should be recruited except from a registered school. There are obvious objections to any such arrangement, which assumes that no child should be able to take part in a film unless he has committed himself to training for a career in some branch of entertainment.

164. A second suggestion was that "the Ministry of Education should grant recognition to certain schools preparing children specially for this work." Although these two proposals may appear to be similar, the second resulted from a more radical conception of the functions of the training school. While the first was concerned to ensure that children were not exploited by unscrupulous agents, the second was based on the conception that eventually there should be one national school for children training as film actors, or possibly catering for children preparing for either film or theatrical employment. A separate and similar school was also envisaged for training for ballet and music. It was thought that these might be direct-grant schools but that for the present there would be no objection

to recognising for the purposes of direct grant existing stage training schools which provided a normal curriculum, if they reached a sufficiently high standard. It was considered that the schools would not, strictly speaking, be providing a vocational training but that each child in the school would be there because of some particular talent around which his whole education would be centred.

165. We have found ourselves unable to accept this suggestion ; it is not only objectionable in detail but is based on a view which is wholly contrary to our idea of what is in the interests of the children with whom we are concerned. If children are to be permitted to be employed in films, then we consider that, within such limits as may be necessary to ensure their welfare, the choice of the children should rest with the industry itself, and should not be restricted by artificial considerations such as attendance at a particular school. Any solution on the lines of the suggestion described in the previous paragraph would involve an element of compulsion somewhere: either the school would have to accept all children who were "nominated" by the film companies, or the film companies would be restricted in casting child parts to a limited group of children. Whether it would be easy to overcome this difficulty does not appear to be material, for there are graver objections. It is in our view essential that, as far as may be humanly possible, children who are employed as film actors shall grow up like other children. Their employment should occupy as small a part of their daily life as practicable ; they should not be segregated as film children. It was put to us that film "work should not sever the child's normal contacts nor overshadow his normal upbringing and education". The same considerations have led us to recommend elsewhere that the period for which a child may be employed should be limited. The question of vocational training for children as film actors is discussed more fully in paragraph 168, but it may be pointed out here that witnesses connected with the direction of children in films have said that there are sometimes disadvantages in employing children who have been trained as actors or in stage-craft. As one organisation said: "What is required is a child who reacts well both to the general conditions of films and to a particular director, and indeed there is some evidence that training might be a handicap rather than a benefit."

166. A third proposal was that children should be engaged from three sources only: first, from schools of dramatic art, music or dancing, licensed by local authorities ; secondly, from lists of children maintained by the two trades unions concerned with adult actors appearing in films (in the case of school children willing to take crowd parts the names would be collected from those submitted by head teachers of schools, and for children under school age, by direct application by the parents) ; thirdly, where children were not available through the first or second sources, by direct application by the film company to heads of schools or Directors of Education for children of school age, or to parents for children under school age. If there is any point in laying down any restriction on the sources by which a child may come to film work, this complicated proposal does not give effect to it as, in practice, any children interested in employment in films, or their parents on their behalf, would be able to make application to be included in one or all of these lists.

167. We have come to the conclusion that no useful purpose would be served and that there might indeed be positive disadvantages in restricting in any way the channels through which children may seek employment in films. If, as we recommend, no child may be employed in films unless

permission for the particular employment has been given, the suitability of a child for employment will be examined in relation to the particular part offered to him. We think that this is the better course.

Training in relation to employment

168. Before leaving the question of the channels through which children may become film actors, and of the position of training schools, we ought to refer to the view that children should have a chance of being trained by actual performances to become film actors, quite apart from the need of the industry to portray children on the screen. We rejected this argument as applied to appearances on the stage; we consider it has even less force as regards films. We think that no case has been made out for children being licensed for purposes of "training" and without being necessary to the production. It is not indeed clear whether the "training" of these children was meant to refer to training for other child parts or for an adult career. The evidence given by the film interests has tended to dispel any idea that a "trained" child has any particular advantages over any other. One witness told us that outstanding personality rather than training was of first importance. Apart from this, much depends on the individual director: some directors are able to get a considerably better response from children than others who have less aptitude for directing young children. It may sometimes be more convenient to engage children who have had dramatic training and do not need meticulous coaching for small speaking parts in order to give some relief to the director, but this is counter-balanced by the objection which has been made that in the film medium the trained child tends to over-act. From the point of view of ultimate career there is no evidence one way or the other as to the advantage to be gained from early performances or training for film work.

Nature of part to be portrayed

169. It would be convenient here to refer to two other matters to which our attention was directed: the effect which taking part in a film considered to be unsuitable for child audiences may have on a child, and the means by which a child may be brought to simulate terror or other strong emotions. Some of our witnesses have referred to the fact that the stories of certain films are morally undesirable and sordid; and that others require the child to deceive, to lie or to steal. As for the first point, we are satisfied that, with the younger child, the real implication of such stories is quite beyond him; even if he were capable of understanding it, the disjointed manner in which films are produced, without chronological sequence, would mean there was little likelihood of its becoming known to him. Of necessity, the child is coached shot by shot by the director and his grasp of the story is only fragmentary. As for the second, much must depend on the director's understanding but, subject to this, there is no reason why naughtiness or dishonesty cannot be portrayed, in full recognition of their true character; when this is done we think it should not have any effect on the child. Those who are apprehensive may be deceived by the impressions which such scenes make on a child in an audience, impressions which can easily be greater on him than on the child actor who knows that they are make-believe. While children clearly should not be licensed to play parts in which they are exposed to physical violence, we think it would be impracticable to lay down any definite rule which was designed to take account of psychological factors. The apprehension of one organisation led them to suggest that no child should "play the part of a child who is seriously bullied or frightened." Expert witnesses have assured us that though a child might appear in the

screen performance to be distressed, this is no indication of his real state of mind. Children are usually good mimics and much of the required effect can be gained by imitating the attitude and expressions portrayed for them by the director who gives such simple explanation as the situation demands. The point was also raised whether a child should be about the set and a witness of brutality towards another person. While it is our general view that a child should be on the set only when he is himself needed, we think that if a child were to see such as scene the mechanics of film technique would destroy the illusion. Shots usually have to be rehearsed again and again before they are taken and the child would see "the attacker" and "the victim" talking and laughing together while the scene was being arranged to the liking of the director and "held" while the lights were correctly set. He would appreciate that the whole scene was play-acting and that the actors were not hurt. We think it is right that a brief description of the film and of the part for the child should be furnished to the licensing authority who, if necessary, might call for the script, though it has to be borne in mind that the direction may be more pertinent than the actual lines.

Restrictions on Employment

Absence of practical experience of dangers

170. Our consideration of the safeguards necessary for the protection of child film actors has been affected by the absence of any experience in this country of the regular employment of such children. The first provisions restricting children taking part in entertainments were made because the use, without restrictions, of children had underlined certain dangers; these provisions have been amended from time to time to meet changing conditions. In contrast, there has never been any special provision for the employment of children in films and such employment has usually been outside the law. We have, therefore, had to envisage the conditions under which children work and to consider what safeguards we think will be required if the law were to be changed. In these circumstances, we have naturally turned for guidance to the practice of those other countries where special provision has been made for the employment of children as film actors; to expert advice as to safeguards that are likely to be needed to cover all aspects of welfare; to the evidence of what protection is required in the most nearly comparable employments; and to such information as has been gathered about those children who have in fact been employed, in most cases without complying with the letter of the law, in this country. As our recommendations must consequently be of a somewhat experimental nature it will, to our mind, be desirable to avoid, especially at the outset, any rigidity in the detailed safeguards, and to be ready to vary them as experience shows their shortcomings. It seems to us inevitable, in the circumstances, that these matters should be dealt with in Regulations which the Minister responsible should be empowered to make within such limits as may be determined by legislation.

Provisions abroad

171. Few countries have made laws dealing specifically with the employment of children as film actors. When not specially dealt with it has been regarded as covered by the general law applicable to child employment or by the law applied to children appearing in public entertainments. Employment as an actor in film studios is also sometimes regarded as within the law governing employment on industrial premises. In those countries where specific provision is made for the employment of children in films it is not common to prescribe any minimum age for employment, though administrative practice may impose

one. In Hollywood, for instance, it is the Administrative Code which states that the consent of the Division of Labor Law Enforcement, which is required by the Labor Code for the employment of a child, will not be granted for the employment of infants under the age of two weeks. We understand that in the U.S.S.R., no children below two years of age may be employed in the production of films, other than those of a documentary nature. In pre-war Germany, permission to use children up to three years of age was obtainable only if the interests of art or science made it necessary and if special precautions had been taken. The upper limit of control is often 15 or 16 years, and is sometimes as high as 18, as for instance, in Brazil, and in Hollywood—where the school leaving age is 18.

172. A summary of information obtained for us about various provisions abroad for child actors in films is given in Appendix III. In the same place we include a Note which was furnished to us of the arrangements made in Hollywood. The following are illustrative of the basic provisions for safeguarding children made in countries with a developed film industry:

- (a) the studio must obtain a certificate to use children ;
- (b) a child must hold a certificate to be employed in motion pictures, and a medical certificate, both of which are renewable every three months ;
- (c) a governess must be employed for children of school age, and a welfare worker for children under school age ;
- (d) children between two and eight years may be photographed only in the presence of their parents ;
- (e) studios must provide schoolrooms, and dressing-rooms separate from those for adults ;
- (f) the periods which children may spend at the studio, and on the set, and must spend on education are prescribed for the various age groups, and provision is made for rest at regular intervals ;
- (g) special provisions are laid down for infants under six months ;
- (h) meals must be specially prepared ;
- (i) night work is forbidden or restricted.

While a great deal in such regulations is common ground, we have felt that they are not always suited to conditions in this country, or that they necessarily combine effectiveness with simplicity of administration.

Need for Children of All Ages

173. If childhood in all its stages is to be portrayed in films, no age limits can be imposed and most witnesses have either directly or by implication recognised this by their proposals for special safeguards necessary for very young children. We accept this view and are satisfied that there is no ground for distinguishing between documentary and other films, or for apprehending that the safeguards cannot be effective at all age levels. We therefore propose that no children under 16 should be ineligible, within the licensing system, for employment as film actors. On the one hand, the need for younger children will be greater in films than in the theatre for several reasons. For example, in a close-up shot of a baby, a doll cannot be used, whereas on the stage a doll would probably serve whenever a baby in arms is to be portrayed. Again, documentary films about babies and young children will be increasingly required for educational and other purposes. On the other hand, we think there are no grounds for fixing a lower maximum age for licensing for film employment than for the stage, and while

we see little reason to expect that this step will affect detrimentally the employment of children of 15 to 16 years, we do not accept as a material consideration the possibility of such an outcome.

174. As the safeguards required for the protection of young children must necessarily differ in degree and character from those desirable for older children we recommend that for the purposes of the Regulations the licensing range should be divided into four age groups:

- (a) 13 to 16 years ;
- (b) 5 to 13 years ;
- (c) 2 to 5 years ;
- (d) under 2 years.

In fixing these divisions we had in mind that children of 13 and over who take other employment are dealt with by local authorities. If the minimum age for ordinary employment changes, the lower age of this group should follow it. The 5 to 13 group comprises all other children for whom efficient full-time education must be provided. Children of two to five are of nursery school age. The appearance before the camera of children under two years presents special difficulties.

175. In general we should expect, having regard to the particular difficulties in the use of very small children, that a baby under two weeks would never be required. While this may be true of feature films, a documentary film might need to show new-born babies in, for instance, a film about the maternity and child welfare services. While, however, there are special problems such as the time a baby may spend at the studio and the provision of suitable nursery accommodation and equipment, there is the advantage that a baby is not in fact an "actor" but is passive and merely "caught" by the camera when the situation desired in the film has been arranged. We do no more here than draw attention to the general problem; special provisions for safeguarding the health of the very young children are considered in paragraphs 207 to 209 and 215.

Amount of Work

176. Some limit to the amount of work which a child may undertake is a condition fundamental to any protection. We think it right that there should be a limit to the amount of work a child may undertake not only in any day, but also in any week and in any year. Further, the conditions under which films are produced would make the use of children exceedingly difficult if no distinction were drawn between the hours for which a child may be employed and the hours during which he is engaged in acting before the camera. We therefore came to the conclusion that to give some measure of flexibility, as we were urged to do, it would be necessary to distinguish between the amount of time a child may spend on the studio premises, the amount of time to be spent in the schoolroom, and, in the case of the younger child, the period that he may spend under the camera at any one time.

177. While we are satisfied that there are good reasons for restricting the total time which a child may spend in work in entertainments in any year, and we deal with this in relation to all forms of entertainment in paragraphs 247 to 249, we do not feel able to accept the suggestion made by some witnesses who thought that the employment of children in films should take place only during their holidays from school. They considered that the objec-

tions of the film industry were based on convenience and that if a real effort were made production could be adapted to take advantage of such arrangement. On the other hand, some witnesses were equally convinced that holidays are necessary to a child's health and general welfare and that no child should be employed in film work except during school-term. We have considered the arguments on both sides and are in agreement with those other witnesses who took the view that it was neither practicable nor desirable to confine the employment of children in films exclusively either to term-time or to the school holidays.

178. We think that a child should not be employed in film work for more than five days in any week and that, where possible, Saturday should be a free day. It has been represented to us that it might sometimes cause great inconvenience and hardship to a film company if it was unable ever to use a child on a Sunday, for example, for a final day's shooting, to fulfil contracts already entered into. We cannot, however, suggest that there should be any distinction on this point between the provisions for the theatre and for films.

179. We understand that the ordinary working day at a studio is usually nine and half hours (including an hour for lunch) and is between 8.30 a.m. and 6 p.m., but that for various reasons it is not always possible to keep the shooting schedule within these limits and there is not infrequently an overlap of half an hour or more at either end. Clearly, for the child under school age, there are objections to such a lengthy period being spent in any day at a film studio, however admirable the conditions provided. The hours of work as well as the hours spent at the studio ought, in our view, to be related to the age of the child. For children of compulsory school age educational facilities must be provided.

The four age groups

180. *Children between 13 and 16.* One organisation in dealing with the earliest hour at which children might work said that children are often at their best in the early morning and that there is no hardship in their being at the studio at the beginning of the day's shooting. We accept this view in regard to the older children, and with the safeguard about travelling mentioned in paragraph 189, we see no objection to children of 13 and over being licensed to be at the studio by 8.30 a.m. In examining the latest hour at which children may be employed, we have had in mind that normally the work of film studios has ceased by 6.30 p.m. It has been said that there are frequently occasions when to stop promptly at 6.30 p.m. would nullify preliminary work on a particular shot, and that it is not unusual where adults are concerned, to run slightly over the time schedule. It might be argued that the latest hour of employment should be fixed at 6 p.m. or 6.30 p.m. and that provision could be made for permitting in a particular case some discretion in the matter, but we are anxious to avoid a position whereby an expectation arises that the Regulations may be overridden on trifling grounds. We think, therefore, that the latest hour for employment at a film studio might be fixed at 7 p.m. We could not, however, contemplate that a child should have both an early start and a late finish on any one day. We therefore qualify our recommendation as to the amount of time that a child over 13 may spend daily at a studio by the further recommendation that no child of this age group should be at the studio for more than eight hours in any one day, the period to be reckoned continuously. Thus a child who is to start at 8.30 a.m. should leave the studio by 4.30 p.m.; if a child is to

remain after that time he should not be at the studio in the morning until some later hour than 8.30 a.m.

181. The Hollywood Regulations, reproduced in Appendix III (B), fix the amount of time that a child over six may spend at a studio at eight hours in a day, of which four hours may be at work, and four "in school and recreation", and in addition another hour may be spent in the studios for lunch. Hence it is possible for a child of six or over to be at the studio premises for nine hours in one day, of which four may be for work, three must be for education, and two for meals, rest and recreation. We prefer a shorter overall period, in order that the child may spend some of his day away from the studio atmosphere. On the other hand, we do not think it necessary or advisable to go as far as one organisation suggested and to recommend that the child should not be at the studio for more than six hours in a day. To do so would mean that after proper provision had been made for a lunch break and for education, the period during which the child would be able to take part in the film would be too short to enable effective use to be made of his services.

182. Of the period at the studio, a child should spend at least three hours in education; of the balance, not more than three and a half hours should be spent on the set (or the equivalent on the lot or on location). This is not as long a period of work as film interests in this country would appear, on the whole, to wish should be permitted and is also rather shorter than has been considered appropriate in other countries. We do not think, however, that any greater period should be permitted for child film actors in this country, or that, if proper care is given to the arrangement of the schedule, the period suggested will prove unduly restrictive to the film directors. It appears to us to correspond approximately to the amount of time during which a child who is being educated by a private teacher may take part in entertainments in any one day.

183. The normal lunch period in the film studio is not usually as long as the one and a half hour break which we recommend should be required for children. It has been pointed out to us that if this lunch hour period of one and a half hours is to be insisted on, great inconvenience may be caused to the other persons engaged on the production of a film when the child is required for the shot immediately before or after lunch. We think this is not an unreasonable point. Provided, therefore, that the person in charge of the child consents, that the permitted amount of work during the day is not increased, and that the main meal break is never less than one hour we see no reason why the necessary adjustment may not be made.

184. *Children between 5 and 13.* We have said that we understand that adult staff at a studio do not normally work before 8.30 a.m. and that we see no objection to a child over 13 being at the studio by that hour. We cannot accept the view that children under 13 might also be expected to be at the studio by 8.30 a.m. and think the hour should not be earlier than the usual school start, i.e., 9 a.m. Nor do we think these children should normally remain at the studio premises after 4.30 p.m., although the industry pressed for 5 p.m. or for an even later hour. One film organisation said in evidence: "It is not reasonable that the working day for a child should necessarily end at 5 p.m. In a recent British production an 11 year old girl worked the normal hours without any strain or ill-effects. A nurse checked every day to see that she was

suffering no harm and the doctor examined her once a week." While this was no doubt true in this particular instance we think it would be dangerous to consider that no strain is likely to fall on a child of this age who is studying to maintain his education and at the same time is available at the studio for the full period of an adult's working day. We think, therefore, that the minimum period of education should be the same as that of the 13 to 16 age group, but that a reduction in the day of these younger children should be made by reducing to three the permitted hours of employment.

185. *Children between two and five.* We think that children in the nursery age group of two to five should not be at the studio before 9.30 a.m. or after 4.30 p.m. and that a further restriction should be imposed that the child should not be at the studio for more than five hours, to be reckoned continuously, in any one day. We consider the three hour period of employment permitted under the Hollywood Regulations too great for a child of two or three; with even younger children, the problem may in one way be less since they will not be actively performing before the camera, whereas children of two to five years old will have to be coached in their parts. We think that two hours a day should be the maximum amount of employment. The children in this group are not of compulsory school age, but there is force in the argument that a child may tire himself more by merely "playing about" than by taking part in some organised play activity or training. We recommend, therefore, that for children of this age group, facilities on the lines of those found in nursery schools or classes should be provided at studios. We deal elsewhere with the special accommodation and equipment necessary when children are to be employed in films and here mention only that we do not consider the absence of proper facilities can adequately be compensated for by a reduction in the permissible period at the studios; we should think the lack of suitable accommodation for a young child grounds for refusing the licence.

186. *Children under two.* It will be obvious that many special considerations arise in the case of children under two and that, if they are to be effectively safeguarded, it will be necessary for the most careful arrangements to be made. The problem is mainly a medical one, and we consider this in paragraphs 207 to 209. Under the Hollywood Regulations children under two are classified into two groups: six months to two years, and under six months. Children in the first group may be at the studio for not more than four hours a day and on the set for not more than two of those hours; children in the second group may be at the studio for not more than two hours, and the "day's work" must not exceed 20 minutes. We have come to the conclusion that so many of the considerations applying to the child under six months apply also to the child over that age but under two years, that no distinction within the two year group ought to be made in either the period of time which may be spent at the studio, or the period permitted on the set. We think the first period should not exceed three hours a day, and the second, one hour a day. It will be for the licensing authority which should, as we think, be responsible for all licensing of children under 13 (see paragraph 255), to consider in any individual case what further limits should be placed on the employment of a particular child, whether by reducing the period at the studio, or on the set, or otherwise. We think that children under two should be assured of at least an undisturbed afternoon, in accordance with their ordinary routine, and that consequently the three hours for which they might be allowed to be at the studio should be between 9.30 a.m. and 1 p.m.

Table summarising preceding recommendations

187. We summarise these detailed recommendations in the table below :

Age in years	Maximum number of hours (to be reckoned continuously) permitted at studio	Period	Maximum number of hours work	Minimum number of hours education	Minimum meal break
13-16 ...	8	8.30-7	3½	3	1½*
5-13 ...	7½	9-4.30	3	3	1½*
2-5 ...	5	9.30-4.30	2	Balance of time permitted is for meals, rest, and play activity and training (for the 2-5's) on the lines of that in nursery schools and classes	
Under 2 ...	3	9.30-1	1		

* Where a child is required for the shot before or after the meal break, this break may be curtailed provided that it does not fall below one hour and that the total number of hours of employment is not increased.

188. With theatrical entertainments, an applicant for a licence should know in advance or be able to arrange the time of the child's final appearance on the stage, and this time can be expected to vary by a few minutes only during the run of an entertainment. With films, however, it may not always be possible to break off work by the clock. It was put to us that a film company on location might have to be idle for two or three hours until the sun came out, and that it would be a real hardship if, when work became possible, the child, who had been free all day, should no longer be available even for a few minutes because the prescribed period had passed. A whole day might in this way be lost to production, with no good purpose served. We believe that no licence can anticipate and cover emergencies of this kind, which are inevitable in film production. We think the only possible solution is to allow the person in charge of the child to make on the spot a decision whether the child may be employed after the normal hour, and to ensure that the calibre of that person is such that abuses will not take place. It follows from the conditions in which this discretion may be exercised that the overall period of employment in any day should not be exceeded. We therefore recommend that the person in charge of the child, if she is satisfied that the child's welfare will not be prejudiced, may permit the child to continue for a period not exceeding half an hour after the latest hour at which employment is permitted by the terms of the licence, provided that the period of employment does not exceed that allowed (three and a half hours, three hours, two hours, or one hour as the case may be). The conditions in which the discretion may be exercised are well epitomised in the words of the Hollywood Regulations: "Requests should be occasioned only by conditions over which the studio has no control." In other circumstances requests should be refused. Where such an extension is permitted the facts should be reported to the enforcing authority by the person in charge, either on the day on which it takes place or on the following morning. If a matron is found to be abusing this discretion she should cease to be regarded as suitable.

189. The situation of some studios in this country means that considerable time may be spent in travelling. We understand that in the few cases where a child has taken a major part in a film the parents have usually

taken a furnished house or rooms in a hotel near the studio. In any case, facilities for private transport are more readily available to such a child than to children who are playing minor parts. In forming our views as to the period during which a child might be occupied at a studio, we thought it right to make some approximation to what is usually expected of a child attending school. It is not usual for a child to spend excessively long periods in travelling to and from school and we think the same considerations should apply when a child attends a studio. We recommend, therefore, that where a licensed child's normal total daily travelling time exceeds an hour, then the period over the hour shall count as part of the permitted hours of employment. The suggestion which we make elsewhere (see paragraph 224) for the provision of special transport for child film actors should enable the outlying studios to avoid any particular difficulties.

Night work

190. It was represented to us that it is occasionally necessary for scenes to be taken at night on location, and that it would be unreasonably rigid, where this necessity exists, to preclude children from ever in any circumstances taking part in such scenes. We were told about two British children who have taken part at night in films: in one case the child was used on two consecutive nights between the hours of 12 midnight and 3 a.m.; in the other, on two nights during the shooting of the film, for less than three quarters of an hour in all, once at about 11 p.m. and once at about 2 a.m. Special arrangements were made for transport, and to avoid the child being away from his home except for the period during which he was required to act in the scene which was being taken. Our attention has also been drawn to the fact that various Conventions and Recommendations affecting the employment of children, adopted by the International Labour Organisation, which fix the hours in the evening after which children should not be employed, have recognised the special position of entertainments by providing that exceptions may be made in the interest of art, science and education to enable children to appear not later than midnight in films or other public entertainments. It should be known at the time of the application for the licence whether there will be night scenes in which the child is to take part and there ought to be no difficulty in asking that the question of permitting these special arrangements should be considered by the licensing authority at the time when the application for a licence is made. We have come to the conclusion that, while in the Regulations the latest hours for the various age groups should be fixed as we recommended in the table in paragraph 187, there should be power exceptionally to license a child to work after those hours, but only where there are exterior scenes which must be taken either on the studio lot or on location and the child must necessarily appear in them. We see no grounds for permitting a child to be employed at a late hour on an ordinary studio set, though it is probable that the normal trade practices in the industry would in any case rule out such a contingency. We think that, when work at night is justified, it should take place at as early an hour as is practicable, and that normally it should be possible to finish by midnight. There are, however, circumstances in which a rigid limit would have the effect of a prohibition, for example, in midsummer when it may be unsatisfactory to begin shooting till very late and impracticable to finish before midnight; or, to give another instance, where the work is in a town and cannot begin until traffic noises have ceased. We do not therefore recommend that night work should be prohibited after midnight or any other specified hour, but would leave the licensing authority to decide in the light of the circumstances of the application. Apart from any conditions which

the licensing authority may impose in their discretion, we think Regulations should provide that when night work takes place :

- (a) the number of hours of work permitted daily should not be exceeded ;
- (b) there should be a rest of at least 16 hours before the child is next employed ; and
- (c) if night work takes place on two consecutive nights, there should then be a period of at least one week before any further night work.

Records to be maintained

191. Owing to the irregular nature of film work it is not possible to prescribe in advance the times at which a child is actually to be at work, as distinct from the hours during which he may be employed, and the times at which he is to have his lessons, as distinct from the daily period which must be spent on education. We think, therefore, that it is important that a current record should be kept each day of how the child's time is being spent. Apart from enabling the enforcing authority to supplement their own information, acquired from inspections, as to how the licensing of an individual child is working, the record should provide useful data when consideration is being given to any suggestions for further safeguards, especially having in mind the experimental nature of any Regulations at this stage. We think that it might be the duty of the person in charge of the child to keep the daily record and that this should show the times spent on education, meals, rest and recreation, and on work. Information on the last point should indicate clearly, in the case of a child under two, how much time was spent under the lights. For effective supervision it will be necessary to have a detailed log of the child's day at the studio, from which the daily record is summarised. The daily records should be retained until the expiration of the licence.

Education

192. It was suggested to us that it was not necessary that there should be any provision for education where children were employed for brief periods only. We were asked to agree that five days (as a maximum), in any three months, might be a reasonable period for this purpose ; or alternatively any period of employment not exceeding one week, subject to there being a limit to the total number of days' employment for which exemption might be permitted. There are several objections to adopting either of these or any similar suggestions. If children were exempted from school attendance for several days at a time for the purpose of taking one particular type of paid employment this might well have important repercussions on the whole law of school attendance. Parliament has made provision in the Education Act, 1944, for the education of all children of school age and if this were to be lightly waived in favour of every sectional interest claiming a concession in respect of a few children it would be difficult to draw any firm line. At the same time, we realise that, while there must inevitably be some interruption of normal schooling when children are in temporary employment, the wise use of the experience may afford opportunities for education—using that term in its widest sense. To put it at the lowest, it is also important for children waiting to be called on to the set to have some interesting occupation, otherwise they would become bored and overtired. We have suggested elsewhere that no child should be permitted leave of absence from school in connection with employment in the theatre unless a private teacher is provided (paragraphs 117 and 118). We see no reason to make any different recommendation in regard to children licensed to appear in films. In effect,

therefore, arrangements must be made for a private teacher whenever a child of school age takes part in films in term-time.

193. In the case of children who are being educated privately, the phrase "term-time" is not appropriate, as it would permit an "arrangement" whereby a child was always on holiday when required for film purposes. We think there is something to be said for uniformity in this matter, and we therefore suggest that a convenient interpretation of "term-time" might be the days on which children attending maintained schools in the area in which the particular studio is situated are required to be at school.

194. As there may be difficulty in obtaining qualified teachers in view of the present shortage of manpower and of the intermittent nature of the work we have considered whether student teachers might be accepted as suitable for undertaking teaching work in film studios, with the added inducement that periods of such work might be counted as part of their practical training. We have not felt able to recommend this. To our minds it is fundamental, if children are to be excused attendance at their own schools for work in films, that the person in charge of their education should be a qualified teacher. Indeed, we would go further and say that the teacher should not only be qualified, but should have had some teaching experience. If the teacher is to make the best use of the time provided for education, he will need to be resourceful and ingenious in adapting his teaching methods. We have referred in paragraph 51 to the Ministry of Education's views on the most suitable governesses for theatrical children. A determination to turn to account the opportunities which a situation offers for the child's education is of primary importance. As it is not practicable to require a number of teachers, the teacher should be qualified to take all general subjects, rather than be a specialist in some particular subject. It is to be expected that a child taking a principal part, whose absence from school is likely to be for an extended period, will be of not less than average general intelligence, and we consider that if a suitable teacher is obtained there should be no danger of a child's education being affected. The teacher should in all cases keep a record of study to enable the local education authority to satisfy themselves readily that the educational arrangements are being followed.

195. We have indicated twelve as the maximum number of children who (we consider) should ever be under one private teacher, but the number in each case must be determined by the licensing authority on the particular facts; for instance, where the age range is wide, a smaller number than twelve may be appropriate. It will facilitate consideration of this point if, in the application for a licence for a particular child, there is a statement of the number and ages of all children who are to be taught by the private teacher.

196. We have suggested (paragraphs 182 and 184) that not less than three hours should be spent daily in school work. We are told that, owing to the exigencies of film production, it is unlikely that a child will be able to be with his teacher continuously for three hours without one or more breaks at the call of the director. It might be possible to require that a child should be free for lessons during either the morning or the afternoon, leaving the other part of the day free for film work. We understand this has been tried but, owing to the complications of the time schedule, proved impracticable and necessity forced a return to the practice of short periods of education alternating with periods of film acting. As far as we can see, it would be unrealistic to envisage any position other

than this arising if children are to be employed at all in films. One witness said that in Hollywood it had been found necessary to provide that teaching periods must be of not less than fifteen minutes duration. We agree with the view of the witness that it is only making a mockery of "education" if children are continually called away to the set from their lessons at such short intervals. We have come to the conclusion that it is imperative, if education is really to be safeguarded, that half an hour should be the minimum period for teaching sessions. As there may be a tendency to cut into the half hour period to meet the convenience of the director we think that any period of tuition of less than half an hour should not count towards the three hours of education which must be provided daily. This approximates to the division of the school day into periods under normal school conditions. Records of the periods spent in tuition should be kept and be available for inspection.

197. The provision of suitable accommodation for lessons for school children is a matter of some difficulty. Paradoxically enough, it may be easier to make acceptable arrangements in the smaller rather than in the larger studios. In the big, factory-like studios the permanent dressing-rooms and other accommodation may be at some distance from the set on which the film is being taken and the place where the child is wanted for acting; in the smaller studios the schoolroom can be close to the set. School work should be done in conditions which are conducive to study and we think there is a danger that studios may too easily be content with improvised arrangements which are convenient for production but which cannot provide a proper background for education. We should never think it right for classes to be held in either a false front building on the sets, with open back and sides, or with heavy canvas curtains drawn across the open spaces; or in a corner of one of the big stages. At one important studio which was visited, a tiny, gloomy room with two or three desks was complacently shown to us as "the schoolroom". We made some allowance for the fact that, in the past, employment has taken place irregularly, and that the provision of good facilities would have meant some more permanent installation. On the other hand, if children are to be available in the future, within the law, the film industry must appreciate that this exception from the general principle that children of school age are not employed during school hours is conceded only on the understanding that adequate alternative provision is made for their education.

198. The circumstances in which children may be employed in films vary so widely that it is difficult to suggest any hard and fast rules about schoolroom accommodation. Not only does the size and available space differ at the various studios, but there is the special question of location work. If only one child is employed, and in a principal part, there is unlikely to be any problem over his education, as in any case the persons responsible would expect to provide accommodation similar to that for an adult "star", and a clause may be included in the memorandum of agreed arrangements, of which the following was given as an instance:

"He will be accommodated in a "star" suite, which consists of one large room with divan bed, wardrobe, etc., private bathroom and two other rooms. One of these rooms will be used as a schoolroom during the whole of his period of employment."

The child playing a small part and the group of "crowd" children are unlikely to have any contractual rights to these facilities, and there is all the more reason, therefore, why the company should be under a duty

to make adequate provision. One film organisation suggested that where educational provision was required "an adequately warmed and ventilated classroom be provided for each group of 15 (or less) children of school age." We agree that there must be special schoolrooms for child actors, and think every group of children being taught by a different teacher should be in a separate schoolroom. The nature of the accommodation must naturally vary very much with the size and other features of the studios. While the bigger studios might consider it more satisfactory to make some permanent provision which the licensing authority can approve, the arrangements elsewhere may have to be worked out as the occasion arises. There could be no objection to a portable building erected for the purpose, provided it was adequately heated and insulated from extraneous interference, or to the conversion of other accommodation, for example, of large dressing-rooms. It will be for the licensing authority to decide in each case whether the accommodation proposed is satisfactory and it should not be long before such knowledge of the lay-out of each studio is acquired as will enable an idea to be formed of the suitability or otherwise of what is suggested. Whatever schoolroom provision is approved, it is equally important that the furnishing and educational material should be suitable for the purpose. Children cannot apply themselves to their lessons if the books, writing materials, desks, and so on are inadequate or unsuitable.

Special considerations on location

199. It is not possible to envisage all the different conditions under which location work will take place. We understand that arrangements are sometimes made for the hire of dressing-room accommodation, and similar arrangements, if necessary, will have to be made for hiring a schoolroom for any children who may be employed. Where this is impracticable, a caravan or other portable building might be a reasonable arrangement. It appears to us particularly necessary to ensure that suitable accommodation for lessons is available when a unit is on location, for owing to the possibility that adverse weather conditions may mean considerable waits for shooting, there may be opportunity for long and unbroken periods without calls from the film director.

Health

200. We were told that "Film work is exacting and calls for concentration. Children are very anxious to please and lack the adult's defences against exploitation and fatigue." We think that the production of a medical certificate of fitness is a primary safeguard in these circumstances. We recommend that no child should be employed as a film actor unless a certificate by a medical officer in the service of the local authority in whose area the child resides that he is fit to take employment has been obtained not more than seven days before the application for the licence is lodged. In addition, we think that the licensing authority should be able to obtain a medical report at any other time at which this is considered desirable. We think that experience may support the need for further medical reports if employment continues over a period, especially in assessing what, if any, effect employment over a number of weeks or months has had on the health of the child. We refer to special problems in connection with medical examinations of children in the youngest age group, i.e. under two years of age, in paragraph 208.

201. The medical facilities which we saw at film studios were generally good. At the larger studios a state registered nurse is normally employed full-time to deal with any minor troubles. A doctor visits occasionally.

At one studio which we visited we were shown well equipped first aid rooms. We considered that the ordinary day-to-day incidents which may arise where there are groups of children could be promptly dealt with.

Possible injury to eyesight

202. Most witnesses made the point that steps must be taken to safeguard the eyes of children appearing in films. Again and again, however, when we pressed for details it emerged that the suggestion of special precautions was based on an assumption that the lights must be prejudicial to the eyes of children; for this no scientific backing could be produced by the witnesses. No research seems to have been conducted into this subject; nothing of any assistance is to be found in medical literature. The Home Office stated that early complaints made to them referred to "Kleig" eye caused by the "murderous glare of arc-lights" but that the Federation of British Industries had said in 1935 that under the modern system of lighting in film studios, "Experience has shown that no ill result attends acting in a studio under artificial light to a person whose eyesight is at all normal", and children were not apparently regarded as an exception. We naturally enquired as to the experience of the United States and drew such inference as we could from the following which is taken from the agreement prescribed for the employment of children under six months in the Hollywood Regulations:

"The [producing company] signs this agreement [accepting liability for compensation] with full knowledge that serious eye injury has been known to follow the exposure to bright light of the immature eyes of infants."

These Regulations were last revised in 1936, and at that time the experience of eye troubles caused by the use of open arc-lamps was recent. We are told these troubles are now ancient history and do not arise under modern conditions of protected lighting. Nevertheless, we understand that it is still common for electricians on the set to wear either dark glasses or a peaked hood to keep out the light.

203. We regarded this matter as of fundamental importance and were not happy to let it rest on an assumption that all danger of injury from film lighting has now disappeared. We were influenced by the considerations that:

- (a) open light may still occasionally be used, for example, in films where strong sunlight has to be shown coming into a room;
- (b) the intensity of light is much greater in colour films than in other films;
- (c) children automatically stare at a light source, and with the youngest children no warning not to do so is possible; and
- (d) in ordinary everyday life it is usual to avoid exposing babies without any protection to direct sunlight.

204. We therefore turned to expert medical and technical advice for the answers to three questions:

- (a) whether there is any harmful effect to the eyes of adults from studio lighting;
- (b) whether there is likely to be any harmful effect to the eyes of children in the same circumstances; and
- (c) whether, if there is harm to both children and adults, the harm to the child is greater than that to the adult.

205. We were advised that strong light does have an effect on the eyes, and that this effect is likely to be more marked when the tissues of the eyes are not fully developed. We understand that at birth the optic nerve is markedly undeveloped, and the macular elements have not reached their full development. For the first two years of his life, the child is developing his macular vision along with his nervous mechanism. It is possible to do serious damage by heat burns to a tissue which has not reached its full determination. We understand that for all practical purposes the question of possible retinal burns from infra-red rays from film lighting can be ignored, but that it is impossible to rule out trouble from ultra-violet rays. There have been instances where adults acting in films have suffered from conjunctivitis almost certainly caused by exposure to ultra-violet rays. The answers to the questions listed in the preceding paragraph therefore appear to be:

- (a) cases have been known of temporary irritation to the eyes of adult actors in films ;
- (b) the eyes of children may be similarly affected in the same circumstances ; and
- (c) the danger to the young child might be greater, since his eyes are undeveloped.

206. Even though film studios now commonly use enclosed lights which reduce risk, nevertheless, in opening up the door to the employment of children in films it would be well to proceed with the greatest caution because of the risk of damage to eyesight and the possibility of technical changes which may involve greater intensity of light. We have already referred to our general difficulties due to the absence of any practical experience in this country, and in particular to the fact that no scientific data about the eyesight of child film actors has been published either here or elsewhere. It will therefore be necessary to proceed empirically and if any errors should be made, to make them on the side of safety.

207. The medical examination prior to employment should include an examination of the eyes. We have been assured that the local authority medical officer can adequately deal with this, and only exceptionally, and on his recommendation, should it be necessary to call in an ophthalmologist. We understand that older children, whose eyes are developed, are less intolerant of light than adults and therefore are unlikely to be affected by conditions which are satisfactory for adults. The rate of development of the eye varies, but for the purposes of film work we think that a reasonable margin of safety exists under normal conditions of studio lighting where a child is two years and over. We understand that the maximum length of an exposure at any one time in films is usually about two minutes, and we think that it might be a reasonable precaution to keep to that limit for children under seven, by which time the eye is fully developed. We were advised that there would be some danger to the youngest children in an exposure time of as long as two minutes. For the very young children we recommend that the maximum exposure under the camera at any one time should be 30 seconds for children under six months, and 60 seconds for children over that age but under two years. We suggest in paragraph 215 special arrangements for supervision on the set of all children under two years.

208. We have been advised that until further experience is gained it would be desirable to arrange for examination of the eyes of children under two who are taking part in films to find out whether or not the lighting causes

any ill effects. Any trouble would develop within four to five hours after exposure to the lights, and would last for at least 24 hours. We therefore recommend that a medical examination with special attention to eyes for all children under two years, should be carried out within 24 hours after the final exposure. We do not contemplate that except in very rare instances there should be anything more than an occasional shot of young babies, but in those special cases where something more is necessary, examination of the eyes should be carried out at intervals of three days. In addition, persons in charge of young children should watch for any signs of eyestrain or irritation, and if trouble is suspected should withdraw the child until a medical clearance has been obtained.

209. For colour films more powerful lighting is employed. Any danger to the eyes of young children is therefore increased. We do not wish to make any recommendation the implementation of which would preclude the youngest children from taking part in colour films, but we consider that, in the present stage of technical developments, an exceptionally strong case would have to be made out before a licence were granted to permit a child under twelve months to appear in a colour film.

210. The scarcity of any evidence about the effect of lighting in film studios on the eyes of artists has naturally given us some anxiety in deciding what course to recommend and, as will be apparent, the suggestions we make are of a very tentative character. We think it would be useful to bear in mind, as a subject for medical research, the effect of film lighting on the eyes of children. This might be a matter which, if an Advisory Committee is appointed, as we recommend in paragraph 262, might be profitably pursued. We recognise that it might be difficult to reach any firm conclusion until experience has been gained over a considerable number of years. We think that the industry, which would be itself likely to gain from any data obtained and conclusions reached, would be ready to afford any necessary facilities, and might even consider it worth while itself to sponsor the research.

Welfare

Employment of matrons and their responsibilities

211. We have indicated some of the duties of the "person in charge of the child" to whom we refer, as in the theatre, as the matron. A matron ought to be interchangeable between employment in one type of entertainment and another and our views as regards matrons in the theatre (paragraphs 129 to 131) therefore apply also generally to matrons engaged in the film industry. It is for the most part agreed that persons employed in the past, at the instance of the film companies themselves, to look after child film actors have not always been wholly suitable, though the position of the companies was admittedly difficult and their field of employment correspondingly limited. That persons were employed at all in this capacity is some indication of the anxiety of the industry to assure the welfare of its child employees. The real source of weakness has been, as one organisation said, that "although in the past many chaperons have fully safeguarded the welfare of the children under their care, others have lacked the necessary status and authority to put the needs of the children into the right perspective against the needs of harassed production personnel. People of sound judgment, tact and strong personality are needed for this work." While both employment and protection were outside the law, a matron must inevitably have been in a weak position *vis à vis* the studio authorities who were her employers and who could override her even when she advised

that excessive demands were being made of the child. It will be of paramount importance that matrons should be of the highest calibre, particularly where dealing with child film actors whose daily routine must be subject to considerable fluctuation. A matron must be capable of withstanding the importunities of film executives with their sense of urgency, and on this account her standing in the studio should be dependent not on the film company but on the licensing authority which has approved her. A matron should understand that her first duty is to the child, rather than to the company, and that in the proper exercise of her duty to safeguard the interests of the child during employment she will receive the support of the authority.

212. It has been suggested that a matron should be an employee of the licensing authority and not of the film company, against whom a claim for reimbursement of the cost of her salary would be made. The object of this proposal was to safeguard the independence of the matron. The suggestion is attractive but we have felt obliged to reject it as placing too great a responsibility on the licensing authority. We think that the primary duty rests on the film company to find a matron whom the authority are prepared to approve. The power to decline to issue a licence if the matron proposed is thought not to be suitable in the individual case should effect all that is necessary; and the closer supervision afforded by a system of individual licensing for each engagement should be adequate to ensure that only those matrons continue to be employed who put the interests of the child first. A matron whose engagement is arbitrarily terminated could always appeal to the licensing authority, which will have effective control over which matrons are to be employed.

213. In Hollywood, teachers may also act as matrons, though in school holidays when only the matron's duties are involved the person in charge need not be qualified as a teacher. In general, we should regard it as open to objection to combine the two functions of teacher and matron, and we recommend that ordinarily the two appointments be separate. We think, however, that a teacher might also act as matron (provided that she is otherwise suitably qualified) in those cases where not more than three children are involved. When several children are employed, not all the children may be on the set at the same time, and when a child is on the set we think that the matron should always be present. It would not be satisfactory in this event for the remainder of the children for whom she has responsibility as teacher to be in the studio without supervision. We should generally regard twelve children as the maximum number for whom a matron can be expected to be responsible at one time, and this number might well be reduced if the children are under school age, and especially if the schedule is such that they are not all required on the set together. The number might also be smaller than twelve when the work takes place during the school holidays, as children will then have no lessons to occupy them, and the matron's task will be more exacting. What is important is that there should always be someone in the studio effectively in charge of a child at any time. The number of teachers and matrons should be determined in the light of this requirement. We understand that sometimes in the past adult "extras" have undertaken to look after children. We should not regard this as a desirable arrangement and think that, as in the case of children employed in the theatre, the matron should undertake no other duties which might interfere with her duty towards the children in her care. We consider that children should also be in the charge of a matron on the journeys to and from the studio, unless they are accompanied by a parent or other responsible person. It is perhaps unnecessary to say that

the matron should be told where to contact the enforcing authority in case of need.

214. We understand that it is usual for the mother of a child who is taking a principal part to be present in the studio. We see no objection to an arrangement whereby a parent takes charge of her own child who is acting in a film but in such a case she should be formally appointed as matron, be familiar with the Regulations, and understand her duty to ensure compliance with their restrictions. We should think it unsuitable for a parent to be appointed to act at the same time as matron for other children. Care must also be taken to ascertain that the parent clearly understands that she must be at the studio every day and for so long as the child is there. If she cannot undertake to arrange this it is preferable that some other person should be appointed as matron.

215. A matron who has proved excellent with older boys and girls may not necessarily be a suitable person to have the charge of very young children, and it was suggested that a person looking after babies should be qualified in the care of young children. We are convinced that there are different considerations in the supervision of children under two at film studios, and we accordingly recommend that no child under two should be licensed to take part in films, unless a person qualified in the care of very young children is to be in charge of him. Where the parent is looking after the child, we should make the same reservation as we made in the case of older children.

Lodgings and location work

216. We expect that normally a child licensed to appear in films will be living with his parents either at home, or in a house or hotel rooms which they have taken near the studios, but there may be some exceptions to this general rule. We heard, for instance, of other provision being made for a group of coloured children brought from a dock area to a studio in the Home Counties. A company may go on location and need to take one or more of the children who have already appeared in scenes taken in the studio. Where this occurs and children are away from home overnight, the considerations in regard to their accommodation are no different from those in regard to children employed in the theatre (paragraphs 132 to 134).

217. Many films entail some work on location, which may be either indoors or out of doors. There should be provision in the form of application for a licence for a statement to be made setting out details of any location work for which the child may be required, and the licensing authority should consider the nature of this work when examining an application for a licence. Often the considerations will not differ much from those to be borne in mind when application is made for a licence for work in a studio only, or for theatrical work, especially theatrical work away from home, but particular care should be taken to investigate the possibility of any physical danger to the child from the climatic or other conditions to which he would be exposed. The same provisions as to hours of education, work, etc., should generally be observed on location as in the studio, but it is probable that conditions which justify the exercise of the discretion of the matron to permit a slight relaxation of the regulations are more likely to arise on location than when the child is employed on a studio set. It is unlikely that large groups of children will be taken away from their homes for location work, as financially it must be in the interest of the company to use local children whenever possible. When, exceptionally, children in any numbers are to be taken on location, the onus will be on

the film company to prove that it is necessary to remove them from their home surroundings for this work, and that the alternative course of using local children is not practicable.

218. We have come to the conclusion that it should be left to the licensing authority to decide on the particular facts what limit, if any, should be placed on the time which an individual child may spend under licence on location work. We have already said that it is only where exterior scenes are involved that the power to permit night work by children should be used.

219. Adequate shelter against the weather must be provided for children on outdoor location. In most cases, a room or rooms could be hired for the use of child film actors. When location work is for a very short period, we should not expect the standard of accommodation to reach that which should be expected at a studio. As one organisation said, in some cases, caravan or even tent accommodation may be the only provision that could be made and is not necessarily unsuitable. The adequacy of the provision proposed is a matter which can best be left to the discretion of the licensing authority.

220. There is need to consider not only work on location in this country but work on location abroad, as from time to time films produced in this country may have scenes in which the setting is abroad. The circumstances where this may arise seem to be as follows :

- (a) one or two children may play principal parts in an ordinary feature film, part of which has a foreign setting in which the children appear ; or
- (b) groups of English speaking children may take part, possibly at the same time as groups of foreign children, in films of an educational nature designed for child audiences, which may be wholly set abroad.

It is to be expected that in either case, "crowd" children without speaking parts would be recruited abroad. There are at present restrictions on persons under eighteen going abroad to take part in entertainments. We review later (paragraphs 265 to 274) the general effect of these provisions, and make recommendations for their amendment in relation to all types of entertainments.

Dressing-rooms and recreation facilities

221. Properly equipped dressing-rooms with natural ventilation should be provided for child film actors. The dressing-rooms and sanitary arrangements for children should be separate from those for adults and separate for boys and girls. Both indoor and outdoor recreation facilities should be available, as not only is it important that children should have means of occupying themselves to avoid irritation and boredom when they are waiting to appear on the set, but there should also be some compensation for their missing during the period of the licence organised games and physical training in school. The grounds of some of the studios are sufficiently extensive to permit of outdoor play. Some studios have their own tennis courts and other facilities for games of which the older children should be able to make use. Where the licence does not require provision for education, the children will have longer periods for leisure and particularly careful enquiries should be made about recreational facilities when an application for a licence is being considered.

Nursery accomodation

222. For children under five dressing-rooms for boys and girls need not be separate. We have already mentioned the fact that adequate play and other facilities should be provided for the two to five year olds. There should be suitable nursery accommodation for children under two years of age and it may be desirable for the licensing authority to obtain the views of the local Medical Officer of Health on the arrangements proposed. All studios cannot be expected to equip permanent nurseries; the smaller studios might find it impossible to do so, and in any case, having regard to the period for which children are to be there, the accommodation available might not be unsatisfactory. What is important is for the licensing authority to be satisfied that the studio has made the best possible provision for a child, and that the provision is sufficient to safeguard the child's welfare.

Meals

223. We considered whether it was necessary to recommend that children should have their meals in different rooms from those available for adult studio personnel or, alternatively, that the meal break for children should be at a different time from that for adult actors and technicians. The first suggestion appears to have disadvantages and the second might cause considerable hardship since the shooting day of a film would be seriously shortened if the lunch hours of child and adult actors appearing in the same scene did not coincide. There should, however, be some special arrangement for meals for children to obviate such occurrences as children having to take their chance in a queue with adult actors. We think it should be sufficient to arrange that children should take their meals with their parents, teachers or matrons at tables separate from those of other adults. All such tables should be serviced.

Special transport

224. We have considered whether we should recommend that the employing company should provide transport to and from the studios, and whether this should be required for all children or solely for the younger children and only if an unduly early start from home would otherwise be involved. We think however that the industry is alive to the value of making this provision and that it will, in any case, if our recommendation in paragraph 189 is adopted, be in its interest to do so. The licensing authority should, however, consider, when granting a licence, especially for young children and where an early start would otherwise be necessary, whether a condition should be attached to the licence making it the duty of the applicant to provide private transport.

Protection of large earnings

225. There was a wide measure of agreement among our witnesses that it would be wise to provide in some form for the protection of any large sums of money earned by a child. We have suggested (paragraphs 139 and 140) that the amount to be paid to a child for theatrical work should be stated in the application for a licence, and that licensing authorities should encourage a system whereby a proportion of the child's salary is banked for his benefit at a later date. These recommendations also apply generally to children licensed to appear in films. Where the earnings are considerable, as will more frequently be the case in films than in the theatre, some more formal arrangement seems to us desirable.

226. We understand that the sums earned by child film "stars" may run into thousands of pounds; children with parts of a moderate size only may,

in a year, earn several hundred pounds. The sums paid to child film actors compare with those paid to adults for similar work, the employer paying what the child is worth to the box-office. We were asked to agree that to pay a child a large sum was contrary to his interests and that there should be a regulation to prohibit large amounts of money being earned by child film actors. We think this is the wrong approach, and that it is proper for the industry to pay in respect of the child's services the sums of money which those services represent. We have been impressed by the arguments put forward that, when due allowance has been made for expenditure on behalf of the child, which may be expected to be high, and against which part of his salary may reasonably be offset, a considerable portion of the child's earnings should be safeguarded for his future use. Experience in the United States of America has confirmed us in our view that, where the sums are substantial, this would be in the interests of the child. In examining how this could be legally effected we have had the benefit of advice from the Lord Chancellor's Department.

227. The Home Office said that the discussions with the film and trades union interests which took place before the war proceeded on the basis that the earnings of "star" children alone were involved. The remedy contemplated then was to make the child a ward of court, with the consequence that the application of earnings and any necessary directions for the child's welfare would rest with the Judge. We think that this machinery is too cumbrous and unnecessarily expensive for the purpose we have in view as all decisions about the child's unbringing would have to be made by a Chancery Judge whose directions would have to be sought through the usual processes. On the other hand, we think that quite substantial earnings in the aggregate may be paid to children who take small parts from time to time, and that it would be a great pity if this money were mis-spent before the children were in a position to look after their own interests. We believe there will be many cases where children who have taken child parts in films will cease to take part in films, at least for a few years during the period of adolescence, and may in fact prove later to be unsuitable for adult acting parts, or decide to follow an entirely different career in life. A person who has earned large sums of money as a child may at 18 or 19 years of age wish to enter a University, to be articled in a profession, or to purchase a share in a business, and in any of these contingencies to be able to call on the bulk of his earnings might mean a great deal to his future. We think that what is required is a simple procedure under which moneys earned by a child are held in trust for him and disbursed only in his interests. We are not in favour of superseding the normal control of parents or guardians, apart from these "trust funds". We are advised that it would be possible to achieve this by requiring all sums earned by a child to be paid into the county court and empowering the court to administer the fund thereby created on behalf of the child. We have found some difficulty in deciding the sums to which this protection should apply. On balance, we have come to the conclusion that the most appropriate course is for the licence to require that payments in any period of twelve months over a certain fixed sum, say, £100, should be paid into court for administration as a trust fund on behalf of the infant. Application would have to be made from time to time for money to be used on behalf of the infant; the general procedure should be simple, and it should not be necessary for applicants to be legally represented. Applications might be heard by the Registrar or Judge. On reaching the age of 21 the child would be entitled to the whole amount, though this could be paid out earlier if the court so directed. We appreciate that only sums earned while the child is of licensable age could be affected; those

earned after the upper age for licensing has been reached, even though the child were still under 21, would be paid direct to him. But even if it were within our terms of reference, we doubt whether we should wish to go further.

228. It was suggested to us that part of the earnings of "star" film actors might perhaps be used to meet the cost of administration of the licensing scheme. This proposal appears to have been conceived from some analogy with the procedure whereby the industry supports the British Board of Film Censors and to have been linked with a suggestion that the licensing body might be drawn from within and financed by the industry. We have rejected this proposal, and we see no reason to introduce this contributory system as far as the children are concerned. Such a system has, so far as we are aware, never been a part of factory or other protective legislation in this country.

Power to Dispense with Licensing

229. We have based the various safeguards we have suggested on the assumption that an individual licence should be required for each engagement which a child takes (see paragraph 159). We consider that ordinarily no child should be employed in film acting, for however brief a period, unless there has been consideration of the arrangements made for safeguarding the welfare of the particular child. The film industry appears to recognise a case for individual licensing, but to be in favour of some other less troublesome arrangement when children are employed for fairly short periods only. One organisation thought that it would involve a disproportionate amount of work if the producer had to obtain "twenty-five or more" permits for children required for a single day's work, especially if the call had to be made at short notice, and proposed that producers should not be required to apply for permits when they wished to employ children on a casual basis for one, two or three days. A producer must know whether children will be required in a particular film, and provided there is some flexibility in the licence as to the dates on which the children may appear, there should be no difficulty over the short notice. There is the obvious objection to an arrangement for complete exemption from any form of licensing that if it did not involve absence from school there would be no means of checking whether these short periods of work were repeated at regular intervals. One association suggested that it would be intolerable if a shot were being taken out of doors and children on the spot could not be used. It was said that these children would not really be acting, but would be "directed" perhaps only to the extent of being told where to stand. We think, however, that it is impracticable in such circumstances to draw the line between the type of case mentioned by our witnesses and normal location work. There are other cases where there is no direction, for example, shots taken by a newsreel camera of news incidents, normally unrehearsed, where the subject may or may not know that he is being photographed and generally no question of employment or even consent arises. But where there is something more than a factual record of contemporary incidents or where there is an element of performance under direction we can see no reason why the licensing system should not apply.

230. We understand that children of school age may sometimes be wanted in either feature films or films of a documentary nature, for which shots are being taken in their ordinary school surroundings. The children would have their normal lessons for most of the day, and be photographed, from time to time as required, doing substantially their usual work. In other instances,

it may be desirable for a class to be taken in the care of their teacher to the film studio, or perhaps on a visit to a museum or picture gallery. In all such circumstances, provided that the children who are being filmed remain under school discipline in the care of their teacher, the licensing authority should be empowered to grant a dispensation from the need to obtain a licence, and to attach such conditions to the dispensation as may be thought desirable in the interests of the children. Other groups of children, who may be under school age, may also be filmed in their day-to-day surroundings: for instance, shots might be wanted of a nursery, or of the children's ward of a hospital. The factor common to all these cases, and to which our witnesses called attention, is that the ordinary daily life of the children would not be interrupted nor would they be removed from the care of those persons who are in charge of them. We think that the power to grant a dispensation from the need to obtain individual licences should apply to such circumstances also. As the primary condition for a dispensation is that the normal routine of the children is not seriously disturbed it follows that no dispensation should be issued in respect of children taking part in films in film studios, unless in the exceptional case where the school authority is prepared to include the visit to the studio in the school routine.

231. We understand that films are sometimes made by teachers or by school children themselves within a school or as an out-of-school activity. We think that the children would not then be "employed" even within the extended meaning which has been given to employment, but in any case we consider that it should be unnecessary to bring such arrangements within a licensing system.

The Central Office of Information

232. The Central Office of Information through its own film production unit, the Crown Film Unit, or through contractors arranges for the production of films sponsored either by government departments, by the Central Office of Information itself, or less usually, by a public or semi-public body. In 1948, the Central Office of Information produced 126 films; of these 42 were made by the Crown Film Unit. Children have appeared in a number of Central Office of Information films. We were told that "without them it would be impossible to produce many of the informational, educational and instructional films required by other Departments", and that "the reason is that many Central Office of Information films are concerned to show what is being done for children in education, social welfare work, medical work and so on." In the majority of cases the children are photographed in their normal surroundings against their ordinary backgrounds.

233. The Home Office has been advised that, because of the common law rule as to Crown exemption, the Crown Film Unit is not bound by the provisions of the 1933 Act restricting the employment of children, and in practice the Unit has made use of children as circumstances demanded. The exemption does not protect a sub-contractor who may undertake on the usual commercial terms to make a film for the Central Office of Information. This position has given rise to much misunderstanding and repeated complaints have been made to us that the Government itself is breaking the law; and that if the law is necessary for the protection of children, then that protection is needed no matter who may be making the film. We think that the latter is a good point, and that in the interests of the children concerned the same conditions should apply to children acting in films made by the Crown Film Unit as we have suggested should apply to other children. The Central Office of Information has pointed out that it has a great need for children and thought that it would in the course of any year use a

greater number of children in films than all the rest of the industry. The Central Office acknowledged, however, that if the law were to be amended to permit the employment of child film actors there would be no justification for the Crown Film Unit being free to dispense with such arrangements for protection as might be thought necessary in the interests of the children's welfare.

Special types of employment

234. We ought to refer to two types of employment connected with films which are not strictly "employment of children as film actors". We understand that children are sometimes required to act as "commentators" and to speak dialogue for films, especially in films made for child audiences. The reason given is that there are few adults whose spoken word in film commentary is able to hold the attention of a child audience with any degree of continuity. The effect on one group of children who were questioned about the subject matter of a commentary made by an adult was that "a man was talking all the time". We understand from witnesses who have investigated the reactions of child film audiences that even serious dialogue will be accepted by children when it is spoken by other children. It is difficult to determine whether there is likely to be much call for children as commentators only, but we are disposed to think that usually children who are either appearing in the film or at least have acting experience will be chosen to speak dialogue. We consider, therefore, that it will be sufficient if any definition of film actor is wide enough to cover a child employed in this type of work.

235. The second type of employment is as a "stand-in" for a child who is actually taking part in a film. We are told that the function of a stand-in is to take strain off a principal actor or actress. The arrangement of a shot to the satisfaction of a director, the minor alterations which may have to be made on the set, the lighting and camera adjustments, may all take a considerable time. A stand-in is thus necessarily exposed to considerable strain. It is said that a stand-in must be similar in build to the actor for whom he is deputising and therefore, where a child is taking part in a film, a stand-in should preferably be another child. A child who is not a "theatrical performer" is barred from work in a film studio because a studio is included in the definition of "factory" in the Factories Act, 1937. The Theatrical Performers Registration Act, 1925, defines the expression "theatrical performer" to include any person "employed to take part in the acting or representation of any play, act, event, or scene being photographed or otherwise recorded as being a picture or pictures or other optical effect or intended for being exhibited by means of a cinematograph or similar apparatus". It appears that this definition may be wide enough to include a stand-in. We have come to the conclusion that it would be inadvisable for a child to be employed as a stand-in. It seems to us that a child stand-in may be exposed to greater strain than the child actually taking part in the film; that safeguards of the type we have recommended would not necessarily be suitable for the protection of a child stand-in; and in any case that the reasons which were urged for the employment of children in films have little if any bearing on this ancillary employment. We have no reason to think that a total prohibition would affect the industry unduly. The practice in the employment of a child stand-in seems to differ: the members of one organisation which has experience in the use of child actors have never employed a child stand-in. If some directors have in the past found it unnecessary to have a stand-in for a child actor the industry might reasonably be expected to manage altogether without employing children in this special way.

PART IV : BALLET, SOUND AND TELEVISION BROADCASTING

Ballet

236. Although we are asked specifically to review the present provisions for the employment of children in ballet, there are no provisions in the 1933 Act applying exclusively to performances in ballet. The provisions relating to entertainments outlined in paragraphs 13 to 17 apply to ballet performances as to other performances. While the term "ballet" is loosely used to describe dancing of a somewhat general nature, we have regarded the word as used in our terms of reference to mean appearances with a professional repertory ballet company, and have directed our attention to this limited field.

237. The evidence is that, broadly speaking, a "child" for our purposes would not take part in public performances in ballet, but that it is an indispensable part of the education of a dancer, at the age of 15 or 16, to attend preliminary rehearsals and take part in performances in "walk-on" parts under proper supervision. There was general agreement that no child under 15 or 16 years of age should become a regular member of a ballet company, as the child would suffer not only in general health, but also in limb formation and in mental outlook as an artist. Whether children of a particular age are capable of an artistic interpretation of ballet, which was described as an adult art, is a question on which there is some divergence of view. For instance it was suggested that where the choreography requires children to dance certain characters, such as in the opening scene of *Casse-Noisette* (the children's party), children between the ages of 12 and 15 years might occasionally be used. We were also told that a famous ballerina, who was too small at the age of 14 to take part in the corps de ballet, danced such parts as Red Riding Hood in "The Sleeping Princess" and the child in "La Boutique Fantasque".

238. We have come to the conclusion that, whatever may be the artistic merits of performances in ballet by children, there is no ground on which we should be warranted in recommending that they should be entirely prohibited, though there is a fair measure of agreement that any performances by children in ballet should be of an occasional character and that regular performances would not only be against the child's artistic development but detrimental to his welfare. Our general recommendations relating to appearances in theatrical entertainments should be sufficient to cover this aspect and we think, therefore, that there is no need to make special provision for ballet performances.

239. We indicated, when dealing with the question of dancing schools and employment agencies, that training for the ballet might be in a special position (paragraph 142). It is, we are told, fundamental that children should begin to train at an early age if they propose to take up a professional career in ballet; ten years is said to be generally regarded as reasonable and thirteen years as dangerously late. The reasons given for the early start are, first, that children must begin their training while they are supple; and, secondly, that constant repetition of movements over a number of years is necessary in order to establish technique. We have said in paragraph 141 that we do not consider the question of specialised training to be a matter with which we are concerned, except so far as the school may also act as an employment agency. One at least of the few schools whose

standard of teaching is sufficiently high for its pupils to be accepted into ballet companies is licensed as an employment agency. There are also ballet companies which have their own schools attached, which may or may not offer ordinary education in addition to ballet training, and from which pupils graduate to the corps de ballet without the intervention of an agent. It was not represented to us that, in ballet, public appearances are an essential part of training in the early years and we should not be prepared on this ground to agree that children taking ballet training should be given special opportunities, beyond those we recommended for the theatre, to appear in public performances.

Sound and Television Broadcasting

240. Neither the employment provisions nor those relating to appearances in entertainments apply to performances broadcast by the British Broadcasting Corporation, provided the child is not under twelve years of age and the public are not admitted on payment. The exemption is in terms wide enough to cover television as well as sound broadcasting, and in practice no difference is drawn by the Corporation. It should be noted that it does not give any exemption from the law of school attendance. As a consequence of the definition of "employment" in section 30 of the Act, children below the age of 12 years, providing no payment is made to them, are also able to broadcast without any contravention of Part II of the Act.

241. The British Broadcasting Corporation have given us every facility to visit their rehearsal rooms and sound and television broadcasting studios, and we are satisfied that the Corporation do their utmost to safeguard the welfare of the children who take part in broadcast performances. Although there are no conditions such as have been prescribed in the Rules made by the Ministry of Education for licensed children, the conditions observed are much the same as those attached to a licence, and we are assured that care is taken to observe the spirit of existing regulations. Nevertheless, we think there are grounds for a change in the present position. In the first place, the Corporation are hampered by being limited to employing children not less than 12 years, and have pressed that they should not be tied in this way if children under 12 should be allowed to be employed in other branches of entertainment. It is probable that the use of children under 12 in sound broadcasting would be very limited indeed, except perhaps where children broadcast as a group, for example, in choirs. Since there is no visual element, a child of 13 or 14 can usually take the part of a much younger child, though we were told that there had occasionally been instances when a child of 10 or 11 who was exceptionally suitable for a part could not be employed. Moreover, the Corporation said that they would wish occasionally to employ in feature programmes a child known to the public through his appearances in other types of entertainment, for example, a child who had recently taken part in a film. In the second place, the extension of television broadcasting and more particularly of children's hour programmes, is leading to a greater use of children in television performances. Although the present law draws no distinction between sound and television broadcasting, it is clear that television presents its own particular problems which do not attach to sound broadcasting. Performances in television are more closely related to both film and stage performances than to sound broadcasts, but may be more exhausting than either since they involve long hours and glare from lights as well as late hours and continuous "live" performance. It is common at present to have the "dress rehearsal" and the performance itself on the same day, and children may therefore be exposed

to conditions of strain in the morning, afternoon and evening on the same day.

242. We have come to the conclusion that it would be unwise to extend the existing exemption enjoyed by the British Broadcasting Corporation to children under 12 years of age and further that the development of television has rendered desirable some more regular assurance for the welfare of children than is afforded by the high standing of the Corporation. The representatives of the Corporation who appeared before us agreed that it would not be unreasonable, in present circumstances, if conditions protecting children employed in films and theatrical entertainments were also applied so far as suitable to children undertaking broadcasts. We therefore recommend that sound and television broadcast performances by children should be brought within the ordinary licensing system.

243. No exemption from school attendance for the purpose of broadcasting has been possible hitherto and we see no valid reason for changing this position. The conditions and restrictions in regard to theatrical work should be those applicable to this type of work, subject to such modifications as may be necessary. With regard to television, a rehearsal under lighting should be treated as a performance. In addition, the limits of the period for which a child may perform under lights with which we have dealt in considering film work should apply to television. We recognise that, as we have recommended (paragraph 207) that children under seven years (whose eyes are not fully developed) should not be exposed to conditions of heavy lighting for more than two minutes at any one time, the implication of our recommendations is that there can be only a very restricted use in television of children under that age. While we appreciate the Corporation's anxiety to present as many "live" performances as possible, we think it must be accepted that, if children are to be shown, it will be in the interests of the children concerned to break the continuity of the performance by recourse, if necessary, to film inserts. If, as we recommend, an Advisory Committee is appointed (paragraph 262) they might reasonably keep under review the question of the employment of children in television performances, so that account could be taken of any changes needed because of technical developments.

244. Children may not be licensed to take part in theatrical performances on a Sunday, and we have said there is no ground for any different provisions to apply to the licensing of children for films. We feel that it would be inequitable to give exceptional treatment for broadcast performances and while the present prohibition on Sunday appearances in entertainments lasts, it should in consistency be applied to broadcasting.

245. It is a common occurrence for groups of school children to broadcast in musical programmes or programmes of the "quiz" type, either from their school or while in the care of their teacher and in either case while under school discipline. In these cases, we think the procedure for granting dispensations from the need to obtain individual licences might reasonably apply.

PART V : LIMITATION OF AMOUNT OF WORK, AND ADMINISTRATION

246. We accept the view that has been put before us that there should be consistency in dealing with the licensing of children for employment in any branch of entertainments—theatre, films, sound or television broadcasts. If this were not so, there might be cases where lack of co-ordination led to excessive work by one child, for example, for film acting during the day, and for appearances in the theatre in the evenings. Most local authority byelaws on the employment of children contain a provision to the effect that no child licensed to take part in entertainment shall be employed on the day or days of, or the day following, such entertainment in any other employment. There is need for similar and even wider care if children are to be employed in various types of entertainment. It has probably been unusual for the child taking part in entertainments to have some other occupation such as delivering newspapers, but there is every reason to believe that the child who acts well on the stage may be selected for a film part, or vice versa. Children who have taken theatrical engagements also appear in both sound and television broadcasts and the practice may well grow if children come to be known by reason of their success in the other fields. These and other considerations led us to conclude,

- (a) that the principles of any safeguards to be adopted should be the same for all entertainments ;
- (b) that there should be a limit to the total period in any year for which a child may undertake work in entertainment ; and
- (c) that any system of licensing should be uniform throughout the whole field in which children may be employed in entertainment.

We have tried in our recommendations for the safeguarding of children to have regard to (a). We deal with (b) and (c) in the paragraphs which follow.

Limit of Work in All Entertainments in a Year

247. It is important if, as we suggest, work in all entertainments is to be considered as a whole that there should be some common measure of employment in this field. We think that this measure should be one day, whether the work be in the theatre, in films or in other forms of entertainment ; that any day on which employment takes place should count as one day without regard to the number of hours the child in fact works (but subject to the maximum limits which we recommend elsewhere) ; and that every licence should be granted for a stated number of days. On this basis, we think that, as a general rule, a child might be permitted to take employment in entertainment (using this term to include theatres, films and other branches of entertainment) for 40 days in any year. Where special provision is made for the education of the child under a private teacher, we think for the reasons given earlier (paragraph 118) that the number of days might be increased to 80. A licence should not be granted for more than 40 days or 80 days as the case may be, but where there are special circumstances which justify the course a further licence or licences for periods not exceeding in the aggregate 20 days might be granted. Normally these licences should not be continuous in time, but such an arrangement might be permissible if it is not detrimental to the child and if there is some exceptional circumstance, for example, unforeseen delays in completing a film in which the child is taking part ; or perhaps to enable a child to take part in an occasional broadcast after the expiration of a theatrical or film engagement. The limit

on the number of days' work to be permitted in a year need not be applied to a person who has reached school leaving age.

248. It would probably be convenient if the period of one year were to begin on the first day of September, and the effect of our recommendation would therefore be that a child should not take part in entertainment between September 1st and August 31st in the following year on more than 40 or 80 days according to circumstances, or where there is a case for further licences, on more than 60 or 100 days in all.

249. Children attending school who, we recommend, should not appear in the theatre in more than four performances weekly will, in effect, be able to have a licence for a period which will not exceed 10 weeks, or where a matinee and an evening performance fall on the same day, not more than 13 weeks. Similarly, a child with a private teacher, who may perform on six days a week will be able to have a licence for the same period of 13 weeks. We realise that children may be wanted for longer periods, for example, where a play has a long run, but it is our view that no child is so indispensable that another child cannot, if necessary, replace him at the end of the period. Strictly, therefore, we see no reason for a relaxation to enable a show to continue with the same child, but it will be open to the licensing authority to consider whether the additional 20 days should be aggregated.

250. We have also considered what effects our recommendations as to an overall period of employment in any one year might have in the case of those few children who are required for principal parts in films where substitution such as is practicable on the stage is clearly impossible. It may be that the public tends to think in terms of the child "stars" only, but the Hollywood figures (see page 82) show that over half of the total number of child film actors in 1939-1940 were employed for fewer than 10 days. Nevertheless it would be disingenuous to make a recommendation the effect of which would be to make impracticable the production of a film in which a child played a principal part. The evidence before us is that the shooting of a feature film takes anything up to 20 weeks, and exceptionally even longer, and further that the use of a child tends to slow down the rate of production. It seems to us that even where the shooting time is exceptionally long there should be no difficulty in arranging for a child's working days to be not more than 80. We recognise that the child actor might reasonably be expected to fit in to some extent with the studio routine; for instance, it would be economically a grave disadvantage, and disturbing to the shooting of a film if all scenes on one particular location—both those containing the child and those without him—could not be shot while the company were on that location. On the other hand, the film industry, which has not yet had experience of the employment of children under effective provisions for their welfare, will have to adapt its methods in the way that other employers of children in entertainments already do. We believe that a figure of 80 days should be adequate for a period of work in any one film if effective use is made of the licence, and that it is for the company to make the best use of the facilities. As will be seen from the table on page 82, of all child film actors in Hollywood less than 1 per cent. worked more than 100 days in the year 1939-40. Indeed, only 4 per cent. of the children worked over 50 days a year; approximately 20 per cent. of the employed children worked one day only; approximately 50 per cent. of the children between two and 10 days; the remaining children, approximately 25 per cent. of the total number, worked from 10 to 50 days. On this basis, there should be few requests for licences to employ children for anything approaching the full 80 days.

**CHILDREN EMPLOYED IN THE MOTION PICTURE INDUSTRY
IN 1939-40 SCHOOL YEAR DISTRIBUTED BY ACTUAL NUMBER
OF DAYS EMPLOYED, AND BY SEX.**

Number of days employed	Total	Per cent.	Boys	Per cent.	Girls	Per cent.
Total	2,093	100·0	1,110	100·0	983	100·0
1 day only	449	21·45	222	20·00	227	23·09
2 to 10 days	1,018	48·63	528	47·56	490	49·85
11 to 20 days	326	15·58	178	16·04	148	15·06
21 to 30 days	136	6·50	81	7·30	55	5·60
31 to 50 days	85	4·06	59	5·32	26	2·64
51 to 100 days	65	3·11	35	3·15	30	3·05
Over 100 days	14	·67	7	·63	7	·71

Table reproduced from "Californian Theatrical Study: Children of the Movies"; United States Department of Labor; June, 1941.

251. We have been told that the children who worked in Hollywood for more than 100 days in a year were probably child "stars" who made at least two films in that period. We realise that the implication of our recommendation is that it is highly unlikely that a child will be able to take a leading part in more than one film in a year. This is exactly the balance which we wished to strike. We are told that it is more or less impossible to build up as a "star"—in the accepted sense of that word in the film world—a person who appears in only one film in a year. In so far as the limit we suggest prevents this, we welcome a consequence which should help to counter the difficulty that has been in our minds and to which we have already briefly alluded—that the child who is constantly living in the unreal atmosphere of film studios may be deprived of the opportunity of growing up with other children as a normal healthy child. It must be remembered that not only have all the effects of the work itself to be borne in mind, but also those of its accompaniments—the receptions, presentations and "first nights", which we observe to have taken place when the work was illegal and cannot be expected to cease when the law is amended. To safeguard a child from the "moral and psychological" effects (as it was described to us) of film work will be very difficult, and attentions to the child such as we have mentioned may be of more long term danger than, for instance, slight fatigue which may quickly be overcome. While, therefore, we have rejected as unreal the suggestion that it might be possible to preserve the anonymity of child film actors, we think our recommendations will be one means towards keeping the excesses of misguided publicity within bounds.

252. We think that the same unit of measure can be generally applied to engagements to broadcast, and that any day on which a child takes part in a broadcast should count as one of the permitted units. We are satisfied, however, that at the present time television performances impose a greater strain on a child than work either in the theatre or in the film studio, and that there should be a stricter limit on the amount of television work which a child may undertake in a year. We think that as television work is normally associated with work in entertainments in other fields, it is unnecessary to curtail the total number of days which we think appropriate for work generally but that, of this total, not more than 20 days should be permitted for television broadcasting.

Administration

253. When we came to consider the present administrative arrangements we could see no ground why central responsibility for the work connected

with children taking part in any type of entertainment should not be concentrated in one Department. We think it is not right for us to offer any opinion as to which Department is the most appropriate. Whichever Department is chosen, it will in our view be convenient for all aspects of the employment of children to be in the same hands. It is useful to note that each of the three Departments which have been in our minds, namely the Home Office, the Ministry of Education and the Ministry of Labour and National Service has an Inspectorate whose services might be called on if, as we advise, some form of central supervision is adopted.

254. The defects of the present arrangements—lack of uniform standards, unequal administration, the procedure of appeal—can best be remedied by a change in the licensing system which would render it both effective for its present purpose and capable of adaptation to the new field to which we propose that it should be extended. We are satisfied that, properly administered and with reasonable safeguards, a system of licensing children for particular engagements and for a limited period is as suitable a one as can be devised. We think that any procedure for appeal to a central authority from the decision of a local licensing authority cannot be satisfactory and we have therefore considered the means by which uniformity can be secured without an appellate authority. Such uniformity would be more equitable to employers and less embarrassing to authorities themselves. There are two ways of achieving it. The first method is to lay down in great detail in Regulations the conditions to be taken into account by local authorities in the granting of licences; the second is to remove the work from local authorities and to concentrate it either in one central licensing authority, or in a small number of area licensing boards. Neither of these two systems in its entirety appeals to us. No Regulations can be expected to fit every individual circumstance which might arise in practice, and flexibility would be lost; again, to have all applications for licences made to a central body which would not normally wish to take a decision without enquiry must cause delay and lead on occasion to the clogging of the machine, while a system of area boards would mean the creation of several new administrative bodies without bringing complete uniformity nearer.

Central and local licensing

255. We consider that the solution lies in the division of licensing between local licensing authorities and a central licensing authority. The central licensing authority should be empowered, subject to such limits as may be laid down either by statute or in Regulations, to issue licences for children under 13 taking individual child parts in a performance. The number of such cases must be small and experience should be concentrated in one body. A licence should be granted centrally only after consultation with the local licensing authority of the area in which the child lives. Local authorities should also be responsible for supervision. While policy and administration should be consistent, it would be unwise to fetter the discretion of the authority to refuse a licence or to lay down any conditions which the circumstances may require. Local education authorities should be responsible for licensing children over 13 resident in their areas but it would be desirable that the statutory Regulations should set out with greater precision the conditions about which the licensing authority must be satisfied and the restrictions which may be imposed. Provided the local licensing authority are satisfied that the application fulfils the conditions laid down in the regulations as to the health, welfare and education of the child they should grant a licence which may be subject to such restrictions as may be appropriate. If the local licensing authority would otherwise be precluded

by the restrictions in the Regulations from granting a particular application in respect of a child over 13 who is to take an individual child part, they may issue a licence if the consent of the central authority is, on reference, obtained. It will often be desirable for the local authority concerned in the issue of a licence to communicate with the authority in whose area the entertainment is to take place. Further, we suggest that it should be the responsibility of the licensing authority, rather than of the holder of the licence, as is the case at present, to notify the issue of a licence to the authority of the area in which the child is to appear, and that it will be convenient that this authority should receive a copy of the licence. Moreover, we think it is desirable that where the welfare of the child necessitates it the authority of the area in which the performance is to take place or is taking place should be empowered to vary, in relation to performances in their own area, the restrictions in a licence issued by another local licensing authority, whether on the application of the holder or not. Any such variation should be notified to the authority which granted the licence.

256. It was represented to us time and again by those interested in film production that it was essential for a film company to know where it stood with regard to the employment of children, and that it was impossible for a film company to embark on serious expenditure if it was at the mercy of a body which might act arbitrarily. It was therefore suggested that local authorities should be required, if the conditions which were regarded as necessary were fulfilled, to grant permission for the child to take part. On the other hand, it was equally important, from the producers' point of view, that there should be assurance of flexibility to meet the day-to-day setbacks which we were told are inevitable. We think that the fears expressed on the first point may have derived some slight basis from the views of a very few local authorities who are opposed to children taking part in any activity in which they are gainfully employed, but that primarily the apprehension of these witnesses is a consequence of the existing anomalous position in law. There is no reason to think that the existing uncertainty will persist if and when there is statutory provision for permitting under proper safeguards the employment of children. With regard to the second point, we were invited to consider placing all licensing in the hands of a central authority. It was urged that besides obviating wide divergence of policy, this would have the advantage of enabling the film studios to establish a more satisfactory relationship with the licensing authority than if a number of authorities were involved, and that this would facilitate a better understanding of the industry's problems than was otherwise possible. We agree that it is necessary for the effective and harmonious working of the licensing system proposed that there should be mutual confidence between the licensing authorities and the film studios but we hope that the suggestion which we make for an Advisory Committee on which the industry and local authorities can meet for discussion (see paragraph 262) should go far to achieve this and we think that the solution we propose is to be preferred.

257. We have considered carefully what would be the most suitable central licensing authority. We are not in favour of an *ad hoc* body, and doubt whether the volume of work would be sufficient to justify a permanent staff. It was suggested that the entertainments industries might be associated with such a body, but we think this undesirable and that they can contribute in other ways. This work must be dealt with more quickly and flexibly than would be possible with the ordinary machine of a Government Department. We suggest that the central licensing authority might consist of a Secretary, with any necessary clerical assistance, drawn from the central Department but appointed specifically for the purpose by the Minister responsible. The

parallel we had in mind was the Central Youth Employment Executive, though we do not wish to carry the parallel too far. Correspondence should be with the Secretary and licences issued under his name. The central licensing authority might usefully present each year a brief report to the Minister answering for its activities in Parliament. Officers of the central licensing authority while normally relying on local licensing authorities in this matter should have powers of entry and inspection similar to those granted to the officers of local licensing authorities.

258. We recognise that the arrangements we propose will mean two separate licensing systems, one central and one local. But we would emphasise that while such a division is necessary, it does not imply any difference in level of functions and the licensing work should be regarded as a whole, and carried out according to one general policy. We think further that while the central body will deal with those more exceptional cases experience of which, to be of value, must be concentrated in one place, the local authorities should be able to look to this central body for guidance on the general lines of policy, which each will apply to the circumstances of their own area. Through the Advisory Committee to which we refer in paragraph 262 and by such other means as experience may indicate as the new system gets into working order, there should be frequent consultations between the central and local licensing authorities. We believe that these recommendations are in accordance with the general views of the Local Government Manpower Committee,* and in particular we agree with that Committee's Ministry of Education Sub-Committee as to the extended use of manuals of guidance in the sphere of employment in entertainments.

259. There is some difficulty in the licensing of children entering the country from abroad because they are not resident in any particular local authority area. We recommend that the central licensing authority should deal with all applications to take part in entertainments in respect of children entering the country from abroad. It will be desirable that the Ministry of Labour and National Service which deals with other aspects of foreign labour should work in co-operation with the central licensing authority. It has been suggested that the age of artists may in some cases be incorrectly stated on the application to the Ministry of Labour and National Service. No doubt some suitable arrangement can be made with the Immigration authorities to have the entry on the passport verified. Again, as television is at present in an experimental stage we think that all applications for licences for children to take part in television should be dealt with by the central licensing authority.

260. We think that no licence should be granted unless both the parent and the child are interviewed by or on behalf of the licensing authority. The applicant should be the employer and unless he is already well known to the authority he also should be seen. No licence should be granted without the consent of the parent or guardian.

261. Under the existing powers in the Children and Young Persons Act, 1933, if a child is employed or believed to be employed illegally, application may be made for an order to enter and search the premises. This power is of very limited value in relation to work in film studios because it is not always possible for an officer to show that there are reasonable grounds for believing that illegal employment is taking place, without prior attempt to obtain admission. We have come to the conclusion that authorised officers

* First Report of the Local Government Manpower Committee, 1950. Cmd. 7870.

of a licensing authority should have the same powers of admission to a film studio or to any other places at which films are being made, as are held in respect of factories by factory inspectors, and that it should be an offence to obstruct an officer seeking admission in the execution of his duty under these powers. Local authorities should ensure that only officers who are qualified and suitable for the work are employed in the supervision of children employed in entertainments; the inspection of lodgings and dressing and other accommodation, for example, requires experience and training. It is our view that women could with advantage be more generally employed in this work.

Advisory Committee

262. We think that the responsible Minister might find it desirable to appoint an Advisory Committee to give guidance on general principles, at least during the first few years when the system we recommend is in operation. The licensing of the younger children will be quite new, and the administrative changes recommended are considerable. In the first year or so, an Advisory Committee meeting from time to time would be able to give valuable help. We have mentioned in the Report several matters which have occurred to us as being appropriate for consideration by this Committee in the light of future experience. We suggest that whatever the full composition of this Committee it should include representatives of local licensing authorities, of the entertainments world, and of those interests concerned with child welfare, employment and education. The frequency of meeting and duration of the Advisory Committee would depend on the difficulties and problems which experience brought to light.

PART VI: MISCELLANEOUS

Dangerous Performances

263. Section 23 of the 1933 Act prohibits a person under the age of 16 taking part in public performances in which his "life or limbs are endangered". Section 24 of the Act provides that no person under the age of 12 may be trained to take part in such a performance and that a person between the ages of 12 and 16 may be trained to take part in a dangerous performance only if a licence has been obtained from a petty sessional court. Notice of any application for a licence under section 24 must be given to the chief officer of police of the district. There is provision for the licence to contain such conditions as are thought to be necessary for the protection of the child, but a licence may be refused only if the court is not satisfied that the person is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment.

264. No proceedings for a breach of section 23 may be taken without the permission of a chief officer of police. It has been represented to us that a local education authority are not always satisfied with the ruling of the chief officer of police as to whether a performance is dangerous or not. We are not aware of the reasons which may have led to this duty being placed on chief officers of police, but whatever merit they may have had at the time, we are not convinced that they would have any force in present circumstances. We made enquiries of the Commissioner of Police for the Metropolis about the extent to which these particular provisions have been invoked. We were told that no notice of any application for a licence under section 24 has at any time been received by the Commissioner and that there is no record of any proceedings having been taken in recent years in the Metropolitan Police District under section 23 of the Act. If the general recommendations we have made as to the strengthening of the safeguards for children appearing in entertainments are accepted, and the upper age limit for licensing is raised to 16, the provisions of section 23 would appear to be superfluous. The question of training for, as distinct from taking part in public in, performances of a dangerous nature seems outside our terms of reference and we therefore only comment that it may be thought advisable to consider whether section 24 which appears to be a legacy from the time when applications for licences for employment in ordinary entertainments were made to petty sessional courts* should be retained in its present form.

Performances Abroad in Entertainments

265. Statutory provision for the protection of persons going abroad for employment in entertainments dates from the Children (Employment Abroad) Act, 1913. This Act, which prohibited the employment abroad of children under 14 years of age and required a licence for persons between the ages of 14 and 16, was closely connected with the movement for the suppression of the traffic in women and children which was regarded as a considerable social problem at the beginning of the present century. The main mischief alleged, and which the Act was designed to meet, was that girls going abroad to take part in entertainments under contracts drawn up in a language which might be unintelligible to them were frequently ill-treated by their employers or left stranded. There was also the consideration that no provision was made for the education of the younger performers.

* See Appendix I (A).

266. The effect of the Act was seen in the immediate fall in the number of persons concerned. Before 1913 it was stated that there were over 500 young British girls engaged in entertainments work in Paris alone ; between 1913 and 1921 only 25 licences were applied for and only 21 granted. Moreover, proceedings were successfully taken in a number of cases of contravention of the Act. There was, however, some dissatisfaction with the age limit of 16, as it was considered that girls of 16 were just of an age when they most needed moral supervision and were open to temptation. A Bill raising the upper limit for licensing from 16 to 18 was introduced in 1929 and passed into law as the Children (Employment Abroad) Act, 1930. The Act of 1913, as amended in 1930, was incorporated, with minor amendments, in Part II of the 1933 Act.

267. The Home Office is responsible for the administration of sections 25 and 26 of the Act which relate to employment abroad, and the Secretary of State has prescribed the form of licence.* The licensing authority is the Chief Magistrate or any Magistrate sitting at Bow Street. The grant of a licence is subject to such restrictions and conditions as the Magistrate may attach, and no licence may be granted in respect of any person unless the Magistrate is satisfied, *inter alia*, that the parent or guardian consents ; that the person is to fulfil a particular engagement ; and that proper provision has been made for his health, kind treatment, and adequate supervision abroad ; and for his return from abroad at the expiration or revocation of the licence. Notification must be given to the police of the area in which the young person resides of the intention to apply for the licence and a report is invariably made by the police to the Magistrate. The young person is required to report to the police on his return from abroad. The Magistrate granting a licence is required to send particulars of it to the Home Office for transmission to the consular officer abroad, to whom the licence holder must report. Consular officers have been instructed to satisfy themselves by arrangement with the appropriate authorities in the district that the young person is being properly looked after and that the lodgings and place of entertainment are suitable. It is the duty of the consul to report to the Magistrate any infringement of the licence, or any unsatisfactory feature. A licence may not be granted for longer than three months but may be renewed from time to time for similar periods. Before granting a renewal, the Magistrate must be satisfied that the parent or guardian consents and, by the report of the consular officer "or other trustworthy person", that the conditions of the licence are being complied with. The Magistrate may revoke or vary a licence on sufficient cause and he may in his discretion waive the conditions requiring the young person to return from abroad on the expiration of the licence. The penalty for offences under this section is a fine of £100, or three months' imprisonment.

268. Between September, 1947 and April, 1950, there were 70 applications involving nearly 150 young persons. In 1948, 26 licences were granted, 11 for boys and 15 for girls ; seventeen licences were renewed ; the countries concerned were France, Sweden, Belgium, the United States of America, Germany and the Barbados.

269. It is the practice of the Magistrate at Bow Street to require the applicant for a licence to enter into a recognisance for the observance of the restrictions and conditions in the licence. The minimum sum fixed is normally £100, with one surety (in the same amount) who is usually a householder residing in this country. Emphasis has been laid on the value

* Employment Abroad of Persons under the Age of Eighteen. Form of Licence and Regulation, 1933, S.R. & O. 1933, No. 992.

of the recognisance as one of the most important parts of the machinery under section 25 as a means of enabling the court to enforce its own conditions and to retain a certain amount of control over the parties until all the conditions are fulfilled.

270. *Employment abroad in films.* The Home Office has been advised that the sending of children abroad to take part in films is within the scope of section 25, and licences have in fact been granted by the Magistrate in the post-war years to enable persons between the ages of 14 and 18 to go abroad to work as film actors. The section refers to "singing, playing, performing, or being exhibited for profit", and we confess that these terms do not to our mind appear clearly to cover film acting. As it is in our view desirable that they should not only do so but should clearly appear to do so, we should like to see some suitable re-drafting which would put the matter beyond the possibility of doubt.

271. We have been told that the procedure laid down for the making of applications under section 25 is simple, straightforward and effective and that the main difficulty encountered at Bow Street is that a great number of applicants have no knowledge of the provisions and learn of their existence only at a late stage in their arrangements for going abroad. The result is that the police are given little time for enquiries. We think that one reason for the unfamiliarity with the provisions restricting the employment abroad of young persons is the fact that they are entirely divorced from the system under which children are licensed to appear in entertainments in this country. We have constantly had in mind that it will lead both to efficiency in the licensing system and to simplicity and convenience of administration, if there is consistency in the licensing requirements. We think that it would be advisable if the central licensing authority which we recommend should be set up (see paragraph 255) were to be responsible for dealing with all applications for licences to go abroad to appear in entertainments. Further, it seems to us that where large financial interests are involved the financial penalty attached to the recognisance is not likely to be a deterrent nor effective in its real purpose. To our mind, what is important is to safeguard the welfare of licensed persons by ensuring that proper arrangements have been made for their care during the period when they are abroad. We think that nothing is gained in many circumstances by requiring a recognisance, for instance, when the application is made by a well known and responsible management. Such managements are anxious to carry out any arrangements which may be suggested or required by the Magistrate. We appreciate that not all applicants will be of this standing, while still able to give acceptable evidence of good character, and for these the recognisance procedure can be a valuable additional precaution. We think, therefore, that the licensing authority, in cases where it is judged to be desirable, should be empowered to direct that the applicant for the licence should enter into a recognisance in a specified sum before a Magistrate and the Magistrate, who might be the Bow Street Magistrate as at present, should be empowered to take the recognisance. Any question of estreating the recognisance will rest with the Magistrate. We think it will probably be convenient for the central licensing authority to obtain information from the local authorities with whom they are in touch.

272. We think that without prejudice to any other requirements a licence should not be granted for a person under 16 to perform abroad unless the conditions laid down in the Regulations for the employment in this country of persons of the same age group are satisfied, and any licence granted should be subject to such restrictions with regard to hours etc. as the

Regulations may require. Whether the child may be employed and, if so, within what additional restrictions, will be a matter to be determined by the law of the country in which the performance is to take place.

273. We think that the upper age limit for licensing to go abroad to perform might reasonably remain at 18. The minimum age presents greater difficulty. When the school leaving age was raised to 15, no corresponding amendment was made in section 25 and it is therefore possible for a licence to be issued to enable a child aged 14 to perform abroad. There is no sound reason for this limit and we have considered whether, in consonance with what we conceive to have been the earlier policy, this age should now be raised to 15, or even 16. We considered, however, that this would be inconsistent with the principle which we have adopted in dealing with other employment in entertainments. We have throughout sought to avoid any arbitrary bar which could not be justified on the merits of the individual case and have preferred to indicate the principles by which the licensing authority should be guided. We think that public opinion would be opposed to any hard and fast rule that persons under 15 should never be allowed to go abroad to take part in films, and there is nothing to suggest that where this has occurred in the past, any harm has been done. The conditions of theatrical performances are somewhat different, and we can conceive that only in very exceptional circumstances would it be right to grant a licence to enable a child of school age to perform abroad. Nevertheless, it is a pity to close the door completely to the possibility of a responsible company giving a performance of "Macbeth" in Paris on one or two nights, with a child taking the part of Young Macduff, and we prefer again that the present limit of 14 years should go. Whether in films or in the theatre, a licence should only be given for a child under school leaving age if he is to take an individual child part and is fundamentally necessary to an artistic production. With a person between the ages of 15 and 18 years, for whom no provision for education need be made, and who may be earning his own living, we see no reason for imposing this condition.

274. The term "abroad" is now defined in section 30 of the 1933 Act to mean "outside Great Britain and Ireland". No licence is therefore required to enable a person to go to any part of Ireland to perform for profit. Great Britain does not include the Isle of Man or the Channel Islands which are therefore technically abroad and a licence would be required for these islands. No particular reason for requiring licences to enable young persons to perform there has been shown to us and the position, which is not generally known, has, we understand, given rise to some confusion. While we do not think it would be appropriate for us to suggest what should be the definition of "abroad" in any future legislation on this subject we draw attention to the present position, and suggest that a reconsideration of the definition may be advisable.

Penalties

275. The penalties which, under section 21 of the Act, may be imposed for a contravention of the general employment provisions or, under section 22, for a contravention of the provisions relating to performances by children in entertainments are the same (see paragraph 24) and although quite small appear to be effective. They are not likely to act as a deterrent to a film company which may have a large financial stake in a film under production. This seems to have been one of the factors which influenced local authorities in their attitude to proceedings against film companies which have employed children irregularly. We do not think it right to suggest what any new penalties should be, since they should no doubt be related to penalties for

convictions for other offences of a similar nature or gravity. To our mind, the withdrawal of the licence enabling the child or children to be employed and the fact that a conviction for such an offence would be taken into account by licensing authorities when deciding whether or not a licence might be granted in other cases (and might reasonably be regarded as ground for a refusal of a licence) are the most effective deterrents in a large number of cases. There seem, nevertheless, having regard to the financial interests involved, to be grounds for considering whether the penalties which may be imposed on conviction should be increased and particularly whether there should be power to impose, in flagrant cases, a sentence of imprisonment, in lieu of or in addition to any suitable financial penalty. In this connection, it should be noticed that a sentence of imprisonment may be imposed for contravention of the section relating to persons under eighteen going abroad for employment in entertainments.

Assimilation of Law in England and Scotland

276. We have referred earlier to the fact that our recommendations must not be regarded as applying to Scotland; to the difficulties caused by the differences in the entertainments provisions in the two countries; and to the fact that licences granted in the one country do not run in the other (paragraphs 6 and 31). It is probable that no cases have arisen in the past where children from Scotland wished to take employment in England in entertainments, but this may well change if the employment of children as film actors is regularised. We hope it may be possible to examine whether assimilation of the law and practice in the two countries can be achieved, and, in particular, arrangements made for a licence to be valid in the area of any local licensing authority in Great Britain.

PART VII: SUMMARY OF PRINCIPAL RECOMMENDATIONS

277. The following is a summary of our principal recommendations :

SYSTEM OF LICENSING

(1) The general arrangements for safeguarding the welfare of children employed in entertainments should be consistent throughout the whole field : theatre, films, ballet, sound and television broadcasting (paragraphs 4 and 246).

(2) A system of licensing children for particular engagements and for limited periods is as suitable a method of safeguarding their welfare as can be devised (paragraph 254).

(3) Subject to exceptions (see recommendations 19 and 20) no child under the age of 16 years should be employed in any branch of entertainment except under licence (paragraphs 112, 159 and 173).

HOURS OF WORK, AND EDUCATION

(4) No child should be permitted leave of absence from school in connection with employment in any type of entertainment unless a private teacher* is provided (paragraphs 117, 118 and 192).

(5) No child attending school should be permitted to appear in term time in more than four, or during holiday periods in more than eight performances in the theatre in one week ; and no child being educated by a private teacher should be permitted to appear in more than eight such performances in a week, which may include not more than two matinees of which one must be on a Saturday (paragraphs 117, 118 and 122).

(6) Children employed as film actors should not be licensed to work on more than five days in a week (paragraph 178).

(7) The daily hours of work of children employed in films and the period which they may spend daily at the studio should be restricted in accordance with the summary set out in paragraph 187 (paragraphs 180 to 187).

(8) A licence may permit, in exceptional circumstances, exterior scenes in films on location or on the studio lot to be taken at night (paragraph 190).

(9) A child of compulsory school age employed in films in term-time should receive at least three hours education each day, and periods of less than half an hour continuous tuition should not be counted towards this total (paragraphs 182, 184 and 196).

(10) The number of children being taught at one time by a private teacher should not exceed 12 (paragraphs 118 and 195).

HEALTH

(11) A child to be employed in theatrical entertainments should be examined by a school medical officer,

(a) before a licence is issued ;

(b) within one week after the final performance ;

(c) at such other times as may be required (paragraphs 125 and 126).

* The expression " private teacher " has been used throughout the Report, and is used in this Summary to include " governess " or " tutor " according to the context.

(12) No child should be employed in films unless a certificate that he is fit to undertake the employment has been issued by the school medical officer not more than seven days before the application is made (paragraph 200).

(13) In view of the possible effect of lighting on eyesight in films and television,

- (a) in the preliminary medical examination special attention should be given to eyes ;
- (b) all children under two years of age should be examined within 24 hours after employment ceases ;
- (c) the maximum exposure at any one time should be 30 seconds for children under six months, 60 seconds for children between six months and two years of age, and two minutes for children between two and seven years of age (paragraphs 207 and 208).

WELFARE

(14) A matron should always be appointed to be in charge of licensed children ; where not more than three children are involved, the private teacher may act as matron. Where a child under two years of age is licensed to take part in a film, the matron should be qualified in the care of very young children (paragraphs 129, 211, 213 and 215).

(15) A matron should be approved by the local authority of the area in which she lives and issued with a prescribed form of certificate valid, unless previously withdrawn, for twelve months. A list of those matrons whom they have approved should be maintained by all licensing authorities (paragraph 130).

(16) Licences should not be granted to enable children to tour, except that a child taking an individual child part may be permitted to tour on condition that he is educated by a private teacher. This does not preclude the issue of licences for a resident season away from home (paragraphs 135 and 137).

(17) The times, date and places of rehearsals to be held after the application for the licence is made should be stated therein ; rehearsal time should be taken into account by the licensing authority in considering whether a licence may be issued ; a rehearsal during the run of the entertainment itself should be deemed to be a performance (paragraph 138).

(18) Salaries earned in any period of twelve months over a certain amount (£100) should be paid into the county court for administration as a trust fund on behalf of the child (paragraph 227).

PERFORMANCES FOR WHICH A LICENCE IS NOT REQUIRED

(19) A child taking part in an entertainment or in the making of a film under the auspices of the school at which he is a registered pupil should be exempt from any form of licensing (paragraphs 148 and 231).

(20) Local licensing authorities should be empowered in their discretion to grant dispensations from the need to obtain individual licences where children are performing in entertainments organised by such bodies as youth organisations, amateur dramatic societies, dancing schools, churches or chapels ; or where they are taking part, under school discipline, in films or broadcasts (paragraphs 149, 230 and 245).

(21) There should be power to attach to a dispensation such conditions as are thought necessary to ensure the welfare of children taking part in the performance (paragraph 149).

PERFORMANCES IN REGISTERED CLUBS

(22) A licence should be required to enable a child to take part in an entertainment at a registered club unless the authority decide that a dispensation from the need to obtain a licence may be granted in the particular case (paragraph 153).

THE CENTRAL OFFICE OF INFORMATION

(23) The arrangements for safeguarding children required for films made by the Crown Film Unit or by units acting for the Central Office of Information should be the same as for other child film actors (paragraph 233).

SPECIAL TYPES OF EMPLOYMENT IN FILMS

(24) The expression "film actor" as applied to children should include a child "commentator" but not a child "stand-in" (paragraphs 234 and 235).

BALLET

(25) No special provisions beyond those for theatrical entertainments are required for performances in ballet (paragraphs 238 and 239).

SOUND AND TELEVISION BROADCASTING

(26) The licensing arrangements for theatrical work should be generally applied to broadcasting and in addition, for television, the safeguards against possible injury from excessive lighting recommended for films should apply (paragraphs 242 and 243).

LIMITATION OF AMOUNT OF WORK

(27) There should be a common measure of employment in the field of entertainments, including films. This unit of measurement should be one day. A child should not be able to be employed in entertainments for more than 40 days in a year; or, where special provision is made for education, for 80 days in a year; an additional 20 days may be permitted in exceptional circumstances. In view of the special strain of work in television, for the present, not more than 20 of the total number of days should be for television engagements (paragraphs 247 and 252).

ADMINISTRATION

(28) One Government Department should be responsible for the provisions relating to the employment of children in all types of entertainments (paragraph 253).

(29) The work of licensing should be divided between

- (i) local education authorities, which should be responsible for licensing children between the ages of 13 and 16; and
- (ii) a central licensing authority, the Secretary and staff of which would be provided by the responsible Department. The central licensing authority should be responsible for licensing
 - (a) all children under 13 years of age;
 - (b) all children coming from or going abroad; and
 - (c) all children taking part in television broadcasts (paragraphs 255, 257, 259 and 271).

(30) The central licensing authority should look to the local authorities for enforcement of licences issued centrally, and the field work necessary before their issue, but officers of the central licensing authority, or officers acting on its behalf, should have powers of entry and inspection similar to those granted to local authority officers. Rights of entry to film studios similar to those of factory inspectors should be granted to officers concerned with enforcement of the provisions relating to employment of children (paragraphs 255, 257 and 261).

(31) (i) The licensing authority for a child over 13 years of age should be the local education authority of the area in which he resides.

(ii) There should be no appeal from a local to the central licensing authority, but subject to such restrictions as they may prescribe a local licensing authority should grant a licence if the conditions laid down in the Regulations are satisfied.

(iii) Where the Regulations would otherwise preclude the grant of a licence by a local licensing authority, that authority may, with the consent of the central licensing authority, issue a licence for a child over 13 years of age to take an individual child part, subject to such special restrictions as may be appropriate (paragraph 255).

(32) A licence for a child under 13 years of age should be issued only where the child is required for an individual child part, and should be subject to special conditions as stringent as are necessary in the particular case. A licence should be issued by the central licensing authority only after consultation with the authority of the area in which the child resides (paragraph 255).

(33) The Minister responsible may find it desirable to appoint an Advisory Committee to give guidance on general principles, at least for the first few years after the new system comes into force (paragraph 262).

DANGEROUS PERFORMANCES

(34) Consideration should be given to the revision of the provisions relating to dangerous performances (paragraph 264).

EMPLOYMENT ABROAD

(35) Application for licences to take persons under the age of 18 years abroad for employment should be transferred from the Bow Street Magistrates Court to the central licensing authority, but the power to require a recognisance to be entered into for the observance of the conditions of the licence should be retained in modified form (paragraph 271).

(36) A licence for employment abroad should be granted to a child under school leaving age only where he is taking an individual child part (paragraph 273).

PENALTIES

(37) A strengthening of the penalties for breach of the provisions relating to the employment of children in entertainments is advisable (paragraph 275).

278. We wish in conclusion to express our thanks to Miss M. I. F. Green of the Home Office who was appointed as our Secretary. Her task cannot have been made easier by a change in the chairmanship during the course of our deliberations. She has throughout aroused our keenest appreciation by her zeal and energy particularly in respect of the detailed work of drafting this document.

Signed

DINGWALL L. BATESON (*Chairman*)

ANTHONY HAVELOCK-ALLAN

LEWIS CASSON

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E. ETHEL WAINWRIGHT.

FREDA GREEN,
Secretary

12th June, 1950

APPENDICES

APPENDIX I

Note on the development up to 1933 of the Statutory Provisions for the Protection of Children taking part in Entertainments

(A) *Appearances under licence*

(i) The earliest restriction on children taking part in public entertainments is contained in Section 3 of the Prevention of Cruelty to and Protection of Children Act, 1889. It was made an offence "for any child under the age of 10 years to be in any premises licensed for the sale of intoxicating liquor or in premises licensed according to law for public entertainment or in any circus or place of public amusement to which the public are admitted by payment for the purpose of singing, playing or performing for profit or offering anything for sale." A proviso was added, however, the effect of which was to permit a child between the ages of 7 and 10 to take part for profit in an entertainment to which the public were admitted if, first, the premises were licensed for public entertainment or were a circus, or place of public amusement; and, secondly, a licence had been obtained from the petty sessional court (in Scotland, the school board). Power of entry and inspection was given to factory inspectors appointed by the Secretary of State. A fresh licence had to be obtained from each petty sessional court in whose area the child was appearing, which meant that a succession of licences had to be obtained when a child was on tour.

(ii) The Prevention of Cruelty to Children (Amendment) Act, 1894, raised, from 10 to 11 years, the age under which a child was prohibited from being employed, unless licensed, in entertainments to which the public were admitted by payment. It also required notice of an application for a licence to be given at least seven days in advance to the chief officer of police in the area where the entertainment was to take place so that he could, if necessary, show cause why the licence should not be granted. The same Act introduced the exception for charitable entertainments from which the existing provision, Section 22 (2) of the Children and Young Persons Act, 1933, is descended (see paragraphs (ix) and (x)). A licence was not required for a child taking part in an "occasional sale or entertainment" the net profits of which were wholly applied for the benefit of a school or to any charitable object. If a child was to appear at a sale or entertainment which was to be held on premises which were not also licensed for public entertainment a special exemption was required to be given by two justices.

(iii) No general restriction on the employment of children existed at the time of the 1889 and 1894 Acts, but following a report of a Departmental Committee local authorities were empowered by the Employment of Children Act, 1903, to impose by byelaws restrictions on the employment of children. The 1903 Act directly prohibited the general employment of children between 9 p.m. and 6.0 a.m., but it was provided that nothing in this Act, or in any byelaw made under it was to affect the employment of a child in an entertainment under a licence granted under Section 3 of the Act of 1894. Further, the minimum age at which a child might be licensed to take part in entertainments was raised from 7 to 10. The duty of enforcing the 1903 Act was placed on local authorities and officers of the local authorities appointed for this purpose were given the powers previously held by factory inspectors. While the petty sessional courts were still the licensing authorities, clerks to justices were requested to assist local authorities by sending to them copies of licences granted; hitherto, copies of the licences had been sent to the Home Office.

(iv) The Prevention of Cruelty to Children (Amendment) Act, 1894, was repealed in 1904 by a further Prevention of Cruelty to Children Act which consolidated, without amendment, the provisions in the 1894 Act and in the Employment of Children Act, 1903, in respect of the employment of children in entertainments.

(v) No further change took place until the Education Act, 1918, which made attendance at school compulsory up to the age of 14. The 1918 Act laid down

that 12 should be the minimum age for the employment of children and also the minimum age at which children could be licensed to take part in entertainments. No child under 14 could be employed after 8.0 p.m., except in an entertainment and under licence. The local education authority of the area where the child resided became the licensing authority. A licence granted by the local education authority was subject to such restrictions and conditions as might be prescribed by Rules made by the Board of Education, to whom appeal might be made against a local decision. The provision giving power to make Rules was new. The local education authority in whose area the licence was to take effect were empowered to vary or to add to the licence, but only at the request of the holder; or to revoke the licence if its terms were not observed. The holder of a licence was required to give seven days' notice to the local education authority of the area in which the performance was to take place.

(vi) A Committee was set up, immediately after the 1918 Act became law, to advise on the Rules the Board should make in respect of the grant of licences. This Committee reported in 1919, and it was on their recommendations that the Employment of Children in Entertainments Rules, 1920, S.R. & O. 1920, No. 21, made by the Board of Education in pursuance of the powers given in the 1918 Act, were based. Although the provisions about children taking part in entertainments contained in the Education Act, 1918, have been superseded by those in the Children and Young Persons Act, 1933, and the 1920 Rules by the 1946 Rules, the actual manner and scope of protection have altered very little.

(vii) The relevant provisions of the Prevention of Cruelty to Children Act, 1904, and the Education Act, 1918, were consolidated, without amendment, in Part VIII of the Education Act, 1921, and there were no further changes until the Children and Young Persons Act, 1933, which, subject only to small amendments introduced by subsequent legislation, is still in force.

(viii) The Children and Young Persons Act, 1933, while making considerable changes in the form of the statutory provisions, was not intended to relax or, as at first contemplated, to tighten the restrictions. For the first time, there was an absolute prohibition against the child taking part in a commercial entertainment, except under licence. The actual description of the performance was one "in connection with which any charge, whether for admission or not, is made to any of the audience" and was considered to be wider in scope than that used since 1889, i.e. a performance "to which the public are admitted for payment", and to include, for instance, entertainments to which admission was obtained by programmes for which excessive prices had been charged. A prohibition on the grant of licence to take part in a Sunday entertainment appeared for the first time.

(B) Appearances in "charitable" performances

(ix) The origins of Section 22 (2) of the Children and Young Persons Act, 1933, are to be found in the Prevention of Cruelty to Children (Amendment) Act, 1894. A licence under the 1894 Act was not required for a child taking part in "an occasional sale or entertainment, the net profits of which are wholly applied for the benefit of any school or charitable object". The exemption was re-enacted in the same terms in the Prevention of Cruelty to Children Act, 1904, in the Education Act, 1918, and in 1921 in the consolidating Act. The 1918 Act, by prohibiting for the first time the employment of children under 12, had the consequential effect of prohibiting children under 12 from taking part in charitable performances if they were gainfully employed for the purpose.

(x) The provision of the 1933 Act which refers to entertainments the net proceeds of which "are devoted to purposes other than the private profit of the promoters" is in one sense wider than that which it superseded, though the intention was, it is understood, not to widen the exemption but to restrict it by avoiding the difficulty which arises in defining the words "charity" or "charitable object". The adjective "occasional" was also dropped since on a strict interpretation it was the entertainment which was to be classified as occasional, and not the appearance of the child.

APPENDIX II

School Attendance

England and Wales

(i) It is the duty of the parent of every child of compulsory school age (that is, between the ages of 5 and 15) "to cause him to secure efficient full-time education suitable to his age, ability, and aptitude, either by regular attendance at school or otherwise" (Education Act, 1944, section 36). There is, therefore, no obligation to send a child to school provided he is receiving from some other source full-time and suitable education. The local education authority are required wherever they think a parent is failing in his obligation to see that his child has proper education, to serve on the parent a notice requiring him to show that the terms of section 36 are being observed. If he fails to satisfy the authority, then they may serve a school attendance order and provision is made under the Education Act for the enforcement of such an order.

(ii) The effect of these provisions is, first, that the onus is on the parent to see that the child is getting proper education, and he usually does so by sending the child to a suitable school; secondly, that if the local authority have reason to think that a child is not receiving suitable education, the onus is on the parent to convince them to the contrary. The expression "full-time education" is not anywhere defined. The closest approach to a translation into hours of the expression appears to be in the Ministry of Education Primary and Secondary Schools (Grant Conditions) Regulations, 1945, S.R. & O. 1945 No. 636. Regulation 18 (1) provides that a school morning or afternoon session shall comprise, for a nursery school (two to five years) or a nursery class (three to five years) at least one and a half hours of suitable training and activities; for pupils over five and under the age of eight years, at least one and a half hours of secular instruction; for pupils over eight, at least two hours of secular instruction. Schools are required to meet on not less than 200 days during the educational year, with concessions for mid-term and occasional holidays up to 10 days. A school day is regarded as comprising two sessions, morning and afternoon.

(iii) The Grant Regulations preclude a child being given leave of absence from school for the purposes of employment, except:

- (a) in accordance with a licence granted under section 22 of the Children and Young Persons Act, 1933; or
- (b) within arrangements approved by the Minister for temporary employment (for example, in agriculture) which must be justified by post-war difficulties.

(iv) A number of children who take part in entertainments attend independent schools, some of which undertake to provide training for theatrical work. "School" is defined in the Education Act, 1944, as "an institution for providing primary or secondary education or both primary and secondary education, being a school maintained by a local education authority, an independent school, or a school in respect of which grants are made by the Minister to the proprietor of the school". An independent school is further defined as meaning any school at which full-time education is provided for five or more pupils of compulsory school age, not being a maintained or a direct-grant school.

(v) The proprietors of an independent school may apply to the Ministry of Education for "recognition as efficient". For their own individual reasons, some independent schools choose not to seek recognition. Therefore, as might be expected, unrecognised schools vary considerably in their levels, from those of the highest standard down to others which would be unlikely to secure recognition, and may even have been refused it.

(vi) At present it is open to anyone to set up an independent school but provision is made in Part III of the Education Act, 1944, for the registration of all independent schools. When this Part of the Act is brought into force it will be an offence for an independent school to be carried on without either being fully or provisionally registered, or exempt from registration by the Minister.

Early in 1949, the Ministry of Education began the systematic inspection of independent schools as a preliminary measure to obtain the information necessary before Part III of the 1944 Act can be brought into force. The number of independent schools not recognised as efficient and thus not regularly inspected by His Majesty's Inspectors of Schools runs into many thousands and it may therefore be some time before the task of making full inspections of all the schools which will come within the registration procedure is complete.

Scotland

(vii) In Scotland, a child must be provided with "efficient education"; the phrase "full-time education" is not used.

APPENDIX III

(A) Summary of the Provisions made in Other Countries for the Employment of Children as Film Actors

The following summary of the provisions in the countries named for dealing with the employment of children in film making covers the principal film producing countries. The total number of children employed is understood not to be large.

(i) *Australia*

Legislation for the protection of children is a matter dealt with by the separate States of the Commonwealth. The position is as follows:

New South Wales. Section 68 of the State Child Welfare Act prohibits the employment of any child (i.e., a person under the age of 16 years) "in any place whatsoever used for the photographing of scenes to be depicted in a cinematograph film", but by section 69, the Minister of Education is empowered to grant a licence authorising a child over the age of seven years to be so employed.

The Minister is required to be satisfied that the child is fit to be employed for the purpose and that appropriate provision has been made to safeguard the health, welfare and education of the child. No licence may be given to authorise employment between 10 p.m. and 6 a.m. or on a Sunday. No legislative provision has been made for the employment of children under seven years of age in films but such cases are in practice considered on their merits by the Child Welfare Department.

Western Australia. No film industry has been established in Western Australia and no provision has been made for the employment of children in film making.

Victoria. The law in its application to the use of children in films is said to be incomplete and indefinite, but production of films to take place only to a very limited extent. There is no special legislation on the subject but generally no child may be employed unless he has attained a certain standard of education and the child must attend school unless either he is under regular and efficient instruction elsewhere or the Minister has granted exemption.

Queensland. There is no special legislation dealing with child film actors but a licence is required from the Director of State Children to enable a child (i.e., a person under 17 years) to take part in a public performance and no licence may be issued for a child under seven years.

South Australia. There is no legislation in force which refers particularly to the employment of children as film actors and so far as is known no commercial films are made in the State.

Tasmania. There is no legislation dealing specifically with film employment but relevant provisions in respect to the employment of children are contained in the State Education Act and Infant Welfare Act. Their effect is to prohibit the employment of children (i.e., persons under 14 years) during school hours or at any time for the purpose of performing for profit.

(ii) Brazil

By the Minors' Code, 1927, section 128, young persons under 18 years may not be employed in film studios. There is power to grant exemption to permit the employment of a young person or child not under the age of three years provided the consent of the parent or guardian is obtained, and on conditions relating to health, morals and night work. For a child under three an exemption is allowed only in the interests of art or science and special precautions laid down in the Act must be taken.

(iii) Canada

"There is no specific legislation in Canada covering the employment of children as actors in films. The employment of children is not under federal but provincial jurisdiction and each province has different provisions in its code concerning school leaving age, ages at which children may be employed and conditions under which they may work." The Board were of the opinion that a clause covering "entertainment" and "performing in a public place" "could not conceivably be applied to film production procedure. . . . It is probable that if commercial companies were to employ film actors extensively, amendments to the Acts of each province would be made to govern this specific problem, but as relatively few films using child actors have been made in Canada, there has been no need for specific legislation to provide for this particular employment of children." (Extracts from a report of the Canadian National Film Board.)

(iv) France

The following information as to the position in France was obtained before the war and may not be up to date:

French law contains a general provision against the employment of children under 12 years in industrial and commercial occupations unless they are provided with a certificate of primary education and a certificate of physical capacity. There is an exception for public theatrical performances but this would not include taking part in scenes for cinematograph pictures. In 1935 the Government was stated to have a Bill under consideration which would forbid the employment of children under 15 years in, among other places, cinema studios, with power to grant exemptions under safeguarding conditions to children not less than seven years of age.

(v) Germany

The following is a statement of the position before 1939:

Under a general Reich law of 1925 the participation of children in the "shooting" of films is prohibited but an exemption may be made for children over three in individual cases if neither the subject of the picture, nor the capacity of the child nor the conditions under which the picture is to be taken are likely to be harmful morally, spiritually or physically to the child or to disturb his imagination. Before granting permission for employment the Juvenile Welfare Office has to be consulted and where a child is under an obligation to attend school, the local education authority also. Conditions for the protection of the health, morals and, in the case of school children, the education of the child may be imposed.

Exemption for children under three years is given only in the interests of art or science and special precautions must be taken to safeguard the health of the child.

(vi) Italy

The Employment of Women and Children Act, 1934, fixes a minimum age of 16 years for employment in films. Exemption may be given for specified films of an educational character, with the consent of the parent of the child and on conditions to safeguard health, strength and morals. By "films of an educational character" is apparently meant those "dealing with works of art, towns, landscapes, history, customs, scientific experiments and phenomena, agricultural work or industrial undertakings or equipment, or which seek to portray civil or religious qualities, hygiene of the home, family affections, maternal love,

the spirit of sacrifice, acts of heroism, and the object of which is to stimulate mirth, kindness, fortitude or courage."

The power to grant exemption rests with the Prefect who is required to consult the local branch of the Maternity and Child Welfare Authority and must be satisfied, *inter alia*, that the morals of the child or children will not be prejudiced.

(vii) New Zealand

The employment is prohibited of a child of school age (i.e. seven to 15 years) at any time within school hours or at any other time if the employment of the child would prevent or interfere with his attendance at school.

(viii) United States of America

There are no Federal regulations relating to the employment of children as film actors. Regulation of such employment is exempted from the "child labor provisions" of the Federal Fair Labor Standards Act by section 13 (c) of the Act which provides that the Act shall not apply with respect to "any child employed as an actor in motion pictures". Two states only have legislation dealing specifically with film acting; these are dealt with below:

New York. A State law of 1947 imposes a general prohibition on children under the age of 16 years being used in or in connection with the making of a motion picture except with the written consent of the local board of education or of the public school official if the Board have so delegated their powers. Consent may be given only if in the judgment of the authority the use of the child will not be harmful or undesirable from the point of view of the welfare, development or proper education of such child. Application must be made at least 72 hours prior to the performance and 48 hours' notice must be given to the society for the prevention of cruelty to children or other child protection agency which may request a hearing.

Power is given to the Commissioner of Education to prescribe by Regulations the form of application and consents and other matters to ensure that the employment is not harmful or undesirable from the point of view of welfare, development and proper education of the child.

In cities having a population of more than a million, the consent of the Mayor is substituted for the licence of the Board or public school official. It is also provided that the application for consent must include a written statement describing in detail the entire part to be taken and each and every act and thing to be done and performed by the child in the making of the film.

Proceedings for offences are by the Industrial Commissioner.

California. Employment of children under the age of 18 in motion pictures is dealt with in the Labor Code, 1945, Division 2, Part IV, Ch.3, Ast. 2. Section 1395 provides that nothing in Ast. 2 shall prohibit or prevent (a) the employment of any minor in the presentation of any drama, legitimate play or in any radio broadcast or television studio, provided the written consent of the Labor Commissioner is first obtained. Drama or play is defined to include the production of motion pictures.

The consent of the Commissioner may not be given unless he is satisfied that:

- (a) the environment in which the performance is to be produced is proper for the minor;
- (b) the conditions of employment are not detrimental to the health of the minor; and
- (c) the minor's education will not be neglected or hampered.

The Commissioner may require the authority charged with the issue of age and schooling certificates to make the necessary investigation into conditions covered by the section.

Under the Administrative Code of the Division of Labor Law Enforcement, application for consent must be made by the motion picture studio to the Division of Labor Law Enforcement which issues a "Permit to employ minors". The

studio must also obtain a certificate of eligibility for employment from the Board of Education who satisfy themselves with regard to age, school record, attendance and health of the child. Particulars of any child placed on the eligibility list have to be forwarded to the Division of Labor Law Enforcement. All children employed must be drawn from this list.

The studios are required to furnish, prior to employment in a particular part "Preliminary notice of intention to employ a minor" giving the name of the director, the title of the film, the approximate dates of employment, and a detailed description of the work to be performed. This preliminary notice must be followed by a "Statement of intent to employ" immediately before employment begins. Finally there is a "Notice of termination of employment".

The arrangements made by the Los Angeles Board of Education to secure the health, welfare and education of "eligible" children while they are employed are set out in the "Agreement between the Motion Picture Industry and the Board of Education".*

(ix) U.S.S.R.

Children not less than two years of age may be employed in film production but children under eight years may only be photographed in the presence of their parents. Studios using children must be specially licensed. Hours of work are limited and vary according to age; night work is forbidden or restricted and provision is made for rest periods at regular intervals. Meals are specially prepared and if education is interfered with, teachers must be provided.

* See (B) for the full text of this Agreement.

(B) Los Angeles : Text of an Agreement between the Motion Picture
Industry and the Board of Education

RULES AND REGULATIONS
GOVERNING
THE EMPLOYMENT OF MINORS
IN THE
PRODUCTION OF MOTION PICTURES

An agreement between the Motion Picture Industry, the
Board of Education of the City of Los Angeles, and
the authorities responsible for issuing work permits.

NOTE
ATTENTION IS ALSO CALLED TO THOSE PROVISIONS OF
ORDER No. 16A OF THE INDUSTRIAL WELFARE
COMMISSION WHICH APPLY TO MINORS

Adopted April 1, 1929
Revised 1933 and 1936

ISSUED FOR BOARD OF EDUCATION
by
CENTRAL CASTING CORPORATION
HOLLYWOOD, CALIFORNIA
May 1936

In order to meet the requirements of law the following rules, regulations, and interpretations have been adopted jointly by the certificate of employment issuing authority, the Board of Education, and the Motion Picture Industry:

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- I. GENERAL INFORMATION ON PROCESS OF APPLYING FOR A CERTIFICATE TO WORK IN MOTION PICTURES
- II. RULES FOR CASTING OFFICES AND EMPLOYING AGENTS
- III. STUDIO SUGGESTIONS
- IV. INFORMATION FOR DIRECTORS AND ASSISTANTS
- V. RULES AND INFORMATION FOR TEACHERS AND WELFARE WORKERS
- VI. INSTRUCTIONS FOR PARENTS
- VII. REVISED RULES REGARDING ASSIGNMENT OF TEACHERS
- VIII. BABY CONTRACT

PENALTY

Any person, firm, corporation, agent, or officer of a firm or corporation, employing either directly or indirectly through the instrumentality of one or more contractors or other third person, or any parent or guardian of a minor affected by this act, who violates or omits to comply with any of the provisions hereof, or who employs or suffers or permits any minor to be employed in violation thereof, is guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment for each and every offence.—Statutes of California (1929) Chapter 546 (Sec. 7).

(page 2)

PROCESS OF APPLYING FOR CERTIFICATE TO WORK IN MOTION PICTURES

- I. Studio or Casting Office must supply to minor a white application card (Form No. 32-4) indicating possible need for the child.
 - II. Minor and parent or guardian to apply at 890 Chamber of Commerce Building between the hours of 9.00—12.00 M. or 1.00—4.30 P.M. bringing the white application card supplied by a casting office or studio, properly filled in and signed by both the casting office and the school.
 - III. Medical examination is made by the school doctor at this time.
 - IV. When all requirements have been met, the permit is issued for three (3) months, in quadruplicate, the copies of which are distributed as follows:
 - Yellow copy—remains in office.
 - Blue copy—is sent to casting office.
 - Pink copy—is sent to the school.
 - White copy—is given to the applicant.
 - V. The permit must be renewed and a new medical examination given every three months. Renewal dates and new expiration dates to be indicated on permits.
 - VI. Notice of renewal and new expiration dates to be sent to casting bureau and school by this office on blanks provided for that purpose.
 - VII. All permits expire September 10. (New application cards (Form 32-4) are needed at this time for all permits—both renewal and original.)
 - VIII. Should circumstances warrant, a temporary permit may be given to parents for a period of forty-eight (48) hours during which time the regular permit must be secured in order to legalize the transaction. In no case may a child be granted this temporary forty-eight (48) hour permit unless he has held a valid permit within the three months immediately preceding the date on which the request is made or unless the request card has been signed by the studio and the medical examination has been given.
- NOTE—"Minor" in this connection is any child under 18 years of age.

RULES FOR CASTING OFFICES AND EMPLOYING AGENTS

(See also Information for Directors and Assistants on Page 4)

Casting Officers and Employing Agents :

1. Shall provide applicant with an application card (Form No. 32-4) properly filled in and signed and shall instruct the child and parent to take the same, first to his or her school, and then to 890 Chamber of Commerce Building, where permits are issued.
2. Shall receive and file blue copy of permit (Form No. 32-3), the casting office to have this permit on file before sending a minor on a call.
3. Shall notify issuing officer, on blanks (Form No. 32-11) furnished for this purpose, of every child sent on calls for employment.

(page 3)

4. Shall provide a teacher or welfare worker on each call for minors under eighteen (18) years of age. (Note—where more than ten minors are sent to work on the same set, one teacher must be provided for each group of ten (10) or fraction thereof. On Saturdays, Sundays, and holidays, welfare workers must be provided for each group of twenty (20) or fraction thereof.)

Teachers or welfare workers are to be secured from a list which has been approved by this office. The casting director or employing agent must call the teacher or welfare worker through this office, Richmond 6511, Station 168 or 159. A casting director or employing agent who sends any minor to a set, studio, or location without providing a teacher or welfare worker, forfeits the right to receive consideration from this office.

Teachers must be provided during school days for all children under eighteen who are attending school either full-time or part-time.

Welfare workers must be provided for all children under school age who do not require teachers and for all children under eighteen on Saturdays, Sundays and school holidays.

5. Shall post renewal dates on permits, all of which are issued for three month periods. Notification of renewals will be sent from this office. Children whose permits have expired are not subject to call.

6. Shall require minors to report to the teacher upon arrival at Studio. (See penalty for violation of the State Labor Law on Page 2.)

SUGGESTIONS TO STUDIOS

Equipment to be furnished by the Studios :

1. Schoolhouse, or room and equipment—proper chairs, table, black-board and school library which will include a minimum set of school books.

2. Nursery and equipment.

3. Dressing rooms for children separate from those for adults. (See penalty for violation of the State Labor Law on Page 2.)

INFORMATION FOR DIRECTORS AND ASSISTANTS

1. Certificates to employ (Form No. 32-3) must be in the possession of the child, the teacher, or director all the time the child is on the studio lot.

2. The hours of minors on the studio lot are to be distributed as follows :

(a) For minors less than six (6) months see page 10.

(b) Minors less than two years of age and over six months may be permitted on the studio lot four (4) hours—2 hours at work and 2 hours at rest.

(c) Minors between the ages of 2 and 6 years may be permitted on the studio lot six (6) hours—3 hours at work and 3 hours at rest. Note—No minor under six years of age shall be allowed on a studio lot more than four hours per day where there is not provided a properly equipped nursery in which the child can secure food, rest and attention equivalent to that which he would receive in home surroundings.

(page 4)

(d) Minors six years of age and over may be permitted on the studio lot eight (8) hours—4 hours at work and 4 hours in school and recreation.

3. The working day for minors shall end at 5.00 P.M.

EXCEPTIONS :

(a) In exceptional cases WHERE THE MINOR HAS NOT BEEN ON THE STUDIO LOT FOR EIGHT HOURS, the director may secure permission from the teacher or welfare worker to continue working until such an hour as will complete the eight hour period—provided, however, that no child shall be permitted, under this ruling, to work later than 10.00 P.M. NOR SHALL ANY MINOR BE PERMITTED TO WORK IN THE AFTERNOONS OR EVENINGS WHO HAS ATTENDED REGULAR SCHOOL ON THE DAY HE IS EXPECTED TO WORK. All such children must be tutored at least 3 hours at the studio. (A welfare worker must be provided ON EACH SET where minors are employed at night.)

When requests are made for minors to work after 5 P.M., it is suggested that the following schedule be followed :

Age	Hour day ends
Under 8 years	6 p.m.
8 and 9 years	8 p.m.
10 and 11 years	9 p.m.
12, 13 and 14 years	10 p.m.

Requests should be occasioned only by conditions over which the studio has no control.

(b) In very rare cases permission may be secured from this office for minors 15 years or over to work between the hours of 10 p.m. and 12 midnight—provided a written request giving full particulars is made. Such request must be recommended by the resident teacher or by the welfare worker provided for the occasion.

4. A Teacher (on school days) or a Welfare Worker (at all other times—Saturdays, Sundays and Vacations) must be provided on each studio lot ; or where sets are widely separated, on each set, where one or more minors (a minor being any child under 18 years, whether in regular school, part-time classes, privately taught, or under compulsory school age) is employed.

NOTE—A teacher shall be considered as both tutor and welfare worker during school days. Whenever possible, a teacher shall be used as welfare worker whether there is teaching to be done or not. All teachers and welfare workers must be recommended by this department of the Board of Education.

5. There shall be no “ weather permitting calls ” for teachers on school days.

6. No minor shall be called during school hours, for interviews, screen tests, or for any other purpose connected with motion pictures work. Nor shall there be “ weather permitting calls ” for minors except when 3 hours tutoring is provided for on the set.

7. All minors under eighteen years of age shall report at once to the teacher upon arrival on the studio set.

8. No teacher or welfare worker shall be paid less than nine (9) dollars per day.

NOTE—This ruling shall not affect the salaries of the so-called resident teachers. (See penalty for violation of the State Labor Law on page 2.)

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INSTRUCTIONS AND INFORMATION FOR TEACHERS AND WELFARE WORKERS

(NOTE—These rules are made at the suggestion of the studio teachers for a reminder to experienced teachers and welfare workers, and as information for new people, substitutes, etc.)

(A) *General Rules:*

TEACHERS AND WELFARE WORKERS:

1. Shall be on the studio lot when the child or children arrive.
2. Shall report to the resident teacher, when there is one, who shall act as principal.
3. When two or more teachers are sent to the same studio lot or location the oldest in point of service will act as principal if there be no teacher in charge.
4. Shall see that the child or parent has the permit in hand.
5. Shall require that children on "weather permitting calls" be taught.
6. When in need of moral support or when in doubt, shall call this office—Richmond 6511, Station 159 or 168.
7. Shall not call resident teachers, casting officers, or other teachers about work unless requested to do so.
8. Shall remain on the studio lot until every minor has been dismissed.
9. Shall be ready to advise with directors at their request.
10. Shall make full reports of accidents to children on studio lot.
11. Shall report visits of state representatives from Labor or Welfare Bureaus.
12. Shall report incidents or conditions which might prove detrimental to the physical, educational, or moral growth of the child.
13. Shall fill in information asked for on the child's permit.

(B) *Instructions for Teachers:*

TEACHERS:

1. Have necessary books and supplies on hand.
2. Shall secure as good a place as possible for teaching.
3. Shall have as many school room conveniences as possible: (a) Chairs (b) Tables (c) Blackboards.
4. Should know something about the play or story in which the child is acting.
5. Should link the lesson hour and contents to the surroundings when possible.
6. Should help child where he may be deficient.

7. Should teach general helpful rules when possible rather than particular lessons; however, class work must be kept up-to-date.

8. Should give pink slip each night or at the end of each engagement, to the child. When employment is stopped unexpectedly, please call school if pink slip has not been given, so child will have no difficulty on returning to school.

9. Shall fill in following bits of information on the tutor's report: name, age, school, studio, type and date of permit, grade satisfactory or unsatisfactory, hours, beginning and ending dates of employment, and subjects taught.

10. Use "remark" space when necessary.

11. Shall make reports to this office on work done, giving the following data: dates worked, studio where engaged, number of children, and amount of salary received.

(C) Instructions for Welfare Workers:

WELFARE WORKERS:

1. Shall note hours of work.

Less than six (6) months, see page 10.

Less than 2 years and over 6 months, 2 hours at work, 4 hours on studio lot. 2 to 6 years, 3 hours at work, 6 hours on studio lot. (Where nursery is provided—otherwise same as 2 years of age.)

6 years and over, 4 hours at work, 8 hours on studio lot.

Distribution—School 3 hours, Recreation 1 hour. (See information for Directors and Assistants.)

2. Shall note physical surroundings:

- (a) Sanitary conditions.
- (b) Dangerous surroundings.
- (c) Proximity to eating places.
- (d) Transportation facilities.

3. Shall note general moral tone or atmosphere.

4. Shall note ventilation, lighting, etc., of schools and work rooms. (Dust, smoke, etc.).

5. Shall note provision for babies and small children.

- (a) Nursery.
- (b) Beds.
- (c) Milk.
- (d) Heating facilities.

6. See that transportation be provided for babies—2 years or under, and for older children under special conditions.

7. Be reasonable but firm when occasion demands.

8. Note that lunch and rest periods be provided at regular and reasonable hours. Not later than 12.30 for lunch nor 6.30 for dinner.

9. Become familiar with the regulations made for sanitary and safe working environment. (See Industrial Welfare bulletin.)

10. Report in detail every case of non-co-operation or special cases of unusual co-operation on the part of the director, assistant directors, or any other studio employee. NOTE—You have back of you through this office, the authority of the State and the full co-operation of the general managers and owners of the motion picture industry as well as public opinion, which is always concerned with the welfare of children in motion pictures. In the final analysis, teachers and welfare workers are responsible for the well-being of children on the studio

lot unless written reports have been made to this office concerning all conditions and persons in the industry having harmful influence on children. When this is done, we will notify proper authorities whose responsibility it will then be to correct conditions.

Vigilant, well-prepared welfare workers and teachers who are tactful, conscientious, honest, and practical, need have no fear of losing their own jobs through strict following of the above rules, but there is danger of making studios liable to legal action, or of jeopardizing the use of children in motion picture productions, should selfish interest or incompetence dampen proper performance of duty.

(See penalty for violation of the State Labor Law on Page 2.)

INSTRUCTIONS TO PARENTS

* 1. Parents are not to take children out of school for interviews or test pictures. Studios must furnish tutors for children kept out of school for these purposes. Minors under 18 may not be employed afternoons or evenings on days they attend regular school either public or private.

2. Parents are to secure application card from casting offices properly filled in and signed. Then take card to the child's school for the school record, after which the parent and child must come with the card to 890 Chamber of Commerce Building, where permits are issued.

3. Permits are to be renewed every three months. All permits expire September 10. (New application cards are needed at this time for all permits—both renewal and original.)

4. Parents are to instruct the child to report to the teacher immediately upon reaching the studio lot where employed.

5. Since it is impossible for teachers to carry enough school books for all grades children's parents are requested to require the child to bring from school the books necessary for the continuance of school work. It is suggested that the child ask the studio teacher for special help in that subject or lesson in which he or she is having difficulty in school. Sometimes schools complain that children working in motion pictures fail to keep up in their school work. Parents must co-operate with studio teachers to see that this criticism is unfounded.

6. All children under eighteen years of age must be supervised while on the studio lots or location. During public school days this supervisor is a teacher whose duty it is to tutor children of school age at least three hours each day unless the child has graduated from a four-year High School. On other than school days (week ends and vacations) the Supervisor is known as the Welfare Worker whose duty it is to safeguard the child.

7. The number of hours any child may work in motion pictures varies according to the age of the child. See following table:

Less than 2 years and over 6 months	...	2 hours at work ; 4 hours on studio lot.
2 to 6 years	3 hours at work ; 6 hours on studio lot.

(Where nursery is provided—otherwise same as 2 years of age).

6 years and over	4 hours at work ; 8 hours on studio.
------------------	--------	--------------------------------------

Distribution:—School 3 hours Recreation 1 hour.

8. Parents who disobey labor laws regulating the working of minors in motion pictures are subject to a fine of from fifty (50) to two hundred (200) dollars or imprisonment for 60 days, or both fine and imprisonment for each offense. Cancellation of work permits or a refusal to renew permits will follow any spirit of non-co-operation on the part of parent or child in the carrying out of any rule or regulation.

* Permits and renewals must be secured after school hours and during vacation periods. No child is to be excused from school for the purpose of securing motion picture permits or renewals. (See penalty for violation of the State Labor Law on page 2.)

(page 8)

ATTENDANCE AND EMPLOYMENT OF
MINORS SECTION

Los Angeles City Schools
890 Chamber of Commerce Building

3rd September, 1929.

To: { Casting Officers
Resident Teachers
and all Teachers and Welfare Workers

RE: Assignment of Teachers and Welfare Workers.

Beginning 10th September, 1929, the following rules regarding the calling of teachers and welfare workers must be rigidly observed ;

FIRST: All teachers and welfare workers are to be assigned by this office (Richmond 6511, Stations 159 or 168 (except when assignment cannot be made before 5.00 P.M. or after 8.00 A.M. when Central Casting Office or Studio resident teachers may call the teacher or welfare worker direct from lists supplied by this office.

SECOND: All teachers and welfare workers are to be assigned in rotation whenever the law regarding the possession of state teacher's credential will permit. (Teachers must hold a state credential covering the subject or grade taught).

THIRD: No studio or resident teacher may express a preference for any teacher or welfare worker. When an individual is not wanted specific reasons must be given in writing to this office.

FOURTH: Strict observance of these rules will remove all necessity for teachers or welfare workers to call the homes or offices of casting directors, resident teachers, or any other studio official.

FIFTH: All interpretations of Rules and Regulations and all other questions or controversies not settled by printed Rules and Regulations are to be referred to this office.

Very truly yours,

J. H. THOMAS,
Supervisor of Attendance
and Assignment of Tutors.

JHT:EM

(See penalty for violation of the State Labor Law on Page 2)

An agreement covering the employment of infants :
 LOS ANGELES CITY SCHOOL DISTRICT
 DIVISION OF SERVICE
 ATTENDANCE AND EMPLOYMENT OF
 MINORS SECTION

AN AGREEMENT COVERING THE EMPLOYMENT OF INFANTS UNDER
 THE AGE OF SIX MONTHS IN THE PRODUCTION OF MOTION
 PICTURES

This agreement is made by....., a duly authorized agent
 of....., motion picture producers
 located at....., hereinafter known as the Party
 of the First Part, in favor of....., living at.....
who is the parent or guardian of.....
age....., birthdate.....
 This child, hereinafter to be known as the Party of the Second Part, is to be
 used in the production of the film play....., at
 on or about
 (location) (date)

No technicality shall be used to invalidate this agreement.

The party of the first part agrees to assume liability for any eye injury which
 may develop at any time within a period of six months from the above date as
 a direct or indirect result of the subjecting of the party of the second part to the
 natural or artificial light used in the filming of the above named picture. This
 liability shall include payment for all medical attention needed and additional cash
 in payment of compensational damages should permanent injury result.

The party of the first part signs this agreement with full knowledge that serious
 eye injury has been known to follow the exposure to bright light of the immature
 eyes of infants.

Furthermore the party of the first part agrees to remunerate the parent or
 guardian of the party of the second part at the rate of.....
 for each day the child is before the camera, and ten dollars (\$10.00) per day for
 each day the party of the second part is required to "stand by", provided,
 however, that at least one payment of.....must be made.

Under no conditions shall the party of the second part be exposed to the light
 for more than thirty seconds at any one time. The day's work shall not exceed
 twenty minutes and two hours shall constitute the full length of time which the
 party of the second part shall be retained on the studio lot.

..... Signed.....
 Permit Issuing Authority Studio Executive

 Mother Witness: Teacher-Welfare Worker

NOTE: Rate of pay shall be regulated according to age as follows:

	\$
Less than 30 days old	75.00 per day
Over 30 days old and under 90 days	50.00 per day
Over 90 days and under 180 days	25.00 per day

NOTE: Nurse and bassinet, for very young babies, and transportation are
 provided by the studio for both the original examination and the re-check examina-
 tion given within forty-eight (48) hours after the child is used.

APPENDIX IV

Lists of Witnesses Examined and Memoranda Received

(A) *List of persons and organisations who gave evidence before the Committee*

<i>Organisation</i>	<i>Represented by</i>
Advisory Council on Children's Entertainment Films	Lady Allen of Hurtwood Alderman Mrs. E. J. Gregory, O.B.E. Miss D. D. Chilcot Miss Mary Cathcart Borer
Association of Cinematograph and Allied Technicians	Mr. R. Bond Mr. P. C. Samuel Miss D. Grayson Mrs. W. Holmes Mr. G. H. Elvin
Association of Education Committees	Mr. E. G. Barnard Alderman Mrs. E. J. Gregory, O.B.E. Mr. J. E. Mason Dr. W. P. Alexander
Association of Specialised Film Producers Ltd.	Mr. F. A. Hoare Mr. Bruce Woolfe Miss Mary Field Mrs. Rosanne Brownrigg
Association of Superintendents of School Attendance Departments	Mr. L. G. Parker Mr. J. R. Procter Mr. I. M. D. Brown Mr. A. Keenan
British Actors' Equity Association ..	Miss Margaret Rawlings Mr. John Keet
British Broadcasting Corporation ..	Mr. W. L. Streeton Mr. E. Robins
British Film Producers' Association	Miss Mary Field Mr. H. Francis
Central Office of Information ..	Mr. Niven McNicoll Mr. Donald Taylor
County Councils Association ..	Miss M. O'Connor Mr. E. T. Davis Mr. D. E. Cooke, M.C. Mr. W. R. Watkin
Film Artistes' Association	Mr. J. Lester Mr. J. Carson Miss D. Taylor
Home Office	Mr. W. B. Lyon Mr. W. H. C. Davey
J. Arthur Rank Organisation ..	Miss Mary Field Mr. Donald F. Carter Mr. Spencer Reis Mr. Tom White Miss M. McCulloch
London County Council	Mrs. Helen Bentwich Mr. J. Brown, M.B.E., M.C. Dr. C. W. J. Ingham Mr. H. W. Everett
Medical Research Council	Mr. H. C. Weston
Ministry of Education	Miss C. C. Bell, O.B.E. Miss R. Foster Mr. J. L. B. Todhunter
National Union of Teachers ..	Miss M. D. Clarke Mr. R. F. G. Henderson, O.B.E. Mr. H. J. Nursey Mr. W. Griffith

<i>Organisation</i>	<i>Represented by</i>
Scottish Education Department ..	Mr. H. H. Donnelly
Society of Medical Officers of Health	Dr. A. A. E. Newth
Theatres' National Committee ..	Mr. P. M. Selby
	Mr. Emile Littler
	Mr. Francis Laidler
	Mr. Leslie Green
	Mr. Nat Day
	Mr. Horace Collins
Trades Union Congress and Scottish Trades Union Congress	Mr. W. B. Beard
	Mr. C. J. Geddes
	Mr. J. V. C. Wray
Working Men's Club and Institute Union	Mr. R. S. Chapman
	Mr. T. G. Nichol

Mrs. E. A. Alderton

Miss Eleanor Beams

Miss Ruth Conti

Mr. Arnold Haskell

Mr. J. Mitchell

Dr. P. M. Moffatt

Mr. Carol Reed

Miss B. S. Rehfish

Miss Marion Ross

Lady Simon of Wythenshawe

Miss M. Young

(B) Memoranda were also submitted to the Committee by

Arts Educational Schools Ltd.

Associated British Cinemas Ltd.

Association of Circus Proprietors of Great Britain

Association of Directors of Education in Scotland

Association of Education Officers

Association of Municipal Corporations

Chief Constables' Association

Conference of Repertory Theatres

Education Welfare Officers National Association

Educational Institute of Scotland

Joint Committee of the Four Secondary Associations

Ministry of Health

Scottish Counties of Cities Association

Scottish Girls' Training Corps

Surrey County Council

Welsh Federation of Education Committees

Chief Magistrate of the Metropolitan Magistrates Courts

The Committee also received letters on particular points from a number of other organisations and individuals.

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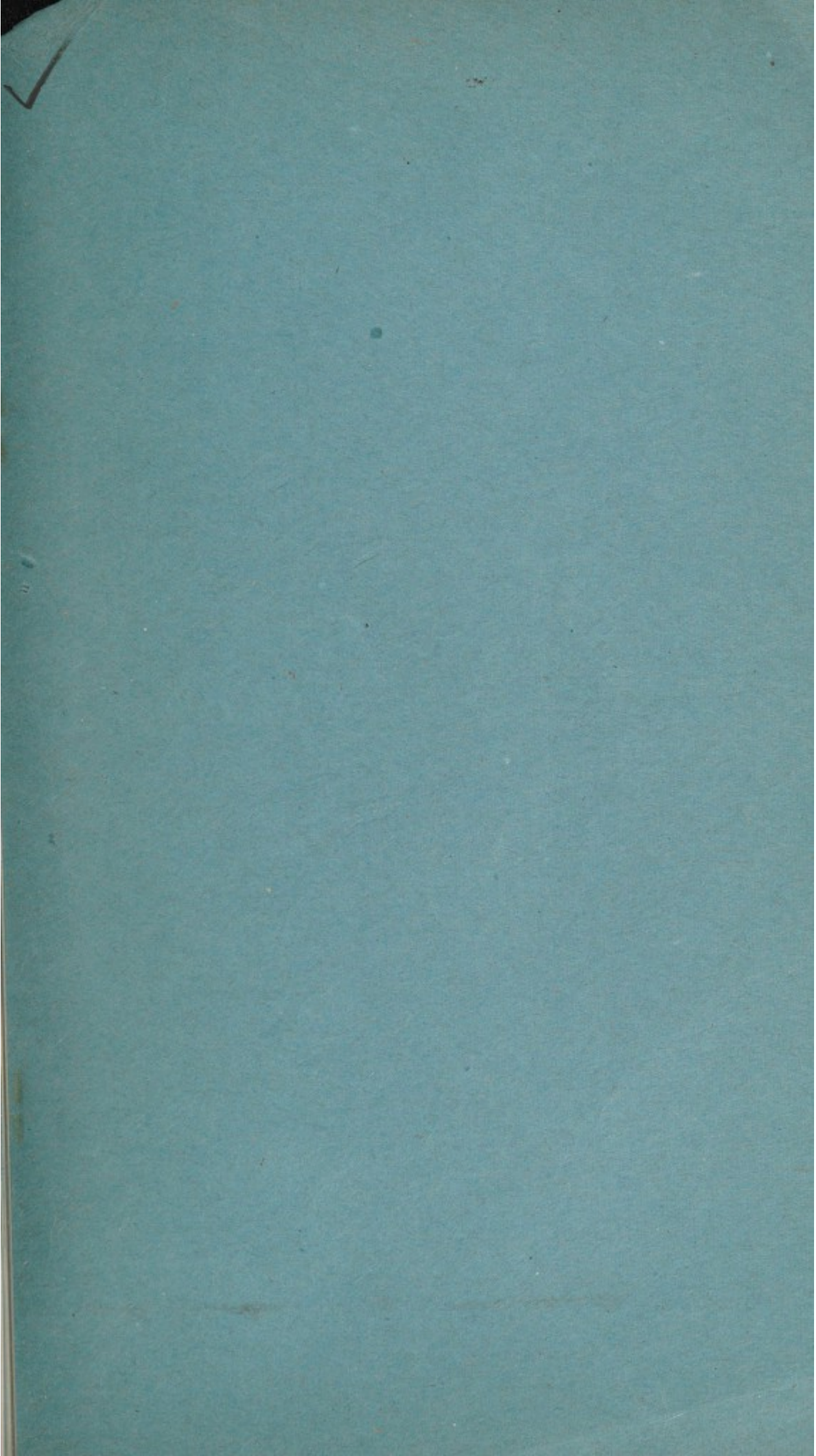
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