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# Children (Equal Protection from Assault) (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to abolish the defence of reasonable chastisement; and for connected purposes.

## **1 Abolition of defence of reasonable chastisement**

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- (1) The rule of law, that the physical punishment of a child in the exercise of a parental right or a right derived from having charge or care of the child is justifiable and is therefore not an assault, ceases to have effect.
  - (2) Section 51 (physical punishment of children) of the Criminal Justice (Scotland) Act 2003 is repealed.

## **2 Duty of Scottish Ministers to raise awareness**

10 The Scottish Ministers must take such steps as they consider appropriate to promote public awareness and understanding about the effect of section 1.

## **3 Transitional and saving provision**

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- (1) Section 1 does not apply to anything done before the day on which that section comes into force.
  - (2) Accordingly—
    - (a) the rule of law mentioned in section 1(1), and
    - (b) section 51 of the Criminal Justice (Scotland) Act 2003,continue to have effect for the purposes of any proceedings ongoing on, or brought on or after, the day section 1 comes into force which relate to an alleged assault on a child committed before that day.
  - (3) The Scottish Ministers may by regulations make such further transitional, transitory or saving provision as they consider necessary or expedient in connection with the coming into force of section 1.
  - (4) Regulations under subsection (3) are subject to the negative procedure.
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**4 Commencement**

- (1) This section and sections 2, 3(3) and (4) and 5 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on the expiry of the period of 12 months beginning with the day of Royal Assent.

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**5 Short title**

The short title of this Act is the Children (Equal Protection from Assault) (Scotland) Act 2018.



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Introduced by: John Finnie  
On: 6 September 2018  
Bill type: Member's Bill

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