

THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:
Explanatory Notes (SP Bill 38-EN), a Financial Memorandum (SP Bill 38-FM), a Policy Memorandum (SP Bill 38-PM) and statements on legislative competence (SP Bill 38-LC).

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 - (2) Section 51 (physical punishment of children) of the Criminal Justice (Scotland) Act 2003 is repealed.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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An Act of the Scottish Parliament to abolish the defence of reasonable chastisement; and for connected purposes.

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

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