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Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

[AS INTRODUCED]

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Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

[AS INTRODUCED]

An Act of the National Assembly for Wales to abolish the common law defence of reasonable punishment in relation to corporal punishment of a child taking place in Wales; and for connected purposes.

5 **Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:**

1 **Abolition of common law defence of reasonable punishment**

- (1) The common law defence of reasonable punishment is abolished in relation to corporal punishment of a child taking place in Wales.
- 10 (2) Accordingly, corporal punishment of a child taking place in Wales cannot be justified in any civil or criminal proceedings on the ground that it constituted reasonable punishment.
- (3) Nor can corporal punishment of a child taking place in Wales be justified in any civil or criminal proceedings on the ground that it constituted acceptable conduct for the purposes of any other rule of the common law.
- 15 (4) For the purposes of this section, “corporal punishment” means any battery carried out as a punishment.
- (5) In section 58 of the Children Act 2004 (c. 31) (reasonable punishment)—
 - (a) in subsection (1), after “battery of a child” insert “taking place in England”,
 - (b) in subsection (3), after “Battery of a child” insert “taking place in England”, and
 - 20 (c) the heading becomes “Reasonable punishment: England”.

2 **Coming into force**

- (1) This section and section 3 come into force on the day after the day on which this Act receives Royal Assent.
- 25 (2) Section 1 comes into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (3) An order under subsection (2) may make transitional, transitory or saving provision.

3 **Short title**

The short title of this Act is the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2019.