



# Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020

2020 anaw 3

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. [20 March 2020]

**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.
- (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.
- (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
  - (c) the heading becomes “Reasonable punishment: England”.

## **2 Promoting public awareness of the coming into force of section 1**

The Welsh Ministers must take steps before the coming into force of section 1 to promote public awareness of the changes to the law to be made by that section.

## **3 Reporting requirements**

- (1) The Welsh Ministers must prepare two reports on the effect of the changes to the law made by section 1.
- (2) The first report must be prepared as soon as practicable after the expiry of the period of 3 years beginning with the coming into force of section 1.
- (3) The second report must be prepared as soon as practicable after the expiry of the period of 5 years beginning with the coming into force of section 1.
- (4) The Welsh Ministers must, as soon as practicable after preparing a report under this section—
  - (a) lay the report before the National Assembly for Wales, and
  - (b) publish the report.

## **4 Power to make transitional etc. provision by regulations**

- (1) Regulations made by the Welsh Ministers may make transitory, transitional or saving provision in connection with the coming into force of section 1.
- (2) The power to make regulations under subsection (1) is exercisable by statutory instrument.

## **5 Coming into force**

- (1) This section and section 2, section 3, section 4, and section 6 come into force on the day after the day on which this Act receives Royal Assent.
- (2) Section 1 comes into force at the expiry of the period of 2 years beginning with the day after the day on which this Act receives Royal Assent.

## **6 Short title**

The short title of this Act is the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020.