

*These notes relate to the Children (Equal Protection from Assault) (Scotland) Act 2019 (asp 16) which received Royal Assent on 7 November 2019*

# **CHILDREN (EQUAL PROTECTION FROM ASSAULT) (SCOTLAND) ACT 2019**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 3 – Transitional and saving provision***

11. Section 3(1) confirms that the abolition of the reasonable chastisement defence and the repeal of section 51 of the 2003 Act (by section 1) do not apply to anything done to a child before the day on which section 1 comes into force (at the end of 12 months from the day of Royal Assent. The Act, in other words, has no retrospective effect.
12. Section 3(2) “saves” (i.e. continues in effect) the rule of law mentioned in section 1(1), together with section 51 of the 2003 Act, for the purposes of any proceedings, criminal or civil, in relation to an alleged assault committed before the day section 1 comes into force (whether those proceedings are ongoing on, or are brought on or after, that day).
13. Section 3(3) allows the Scottish Ministers to make regulations for such further transitional, transitory or saving provision as they consider necessary or expedient. Under section 3(4), such regulations are subject to the negative procedure. Regulations subject to the negative procedure are laid before the Parliament after they are made, and come into force on the day specified in the regulations unless annulled by the Parliament within 40 days of being laid.