

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

EXPLANATORY NOTES

THE ACT

3. The purpose of the Children (Equal Protection from Assault) (Scotland) Act is to help bring to an end the physical punishment of children by parents and others caring for or in charge of children by abolishing the common law defence of “reasonable chastisement”. A person charged with assault of a child will no longer be entitled to claim that a use of physical force was justifiable on the basis that it was physical punishment administered in exercise of a parental right (or a right derived from having care or charge of a child). This will give children the same protection from assault as adults.
4. The Act is in five sections. Section 1 abolishes the common law defence and repeals section 51 (physical punishment of children) of the Criminal Justice (Scotland) Act 2003 (“the 2003 Act”), which further regulated the common law defence. Section 2 places a duty on Scottish Ministers to raise awareness about the effect of the Act. Section 3 deals with transitional and saving provisions, section 4 sets out when different parts of the Act will come into force, and section 5 sets out the short title.