

*These notes refer to the Children (Abolition of Defence of Reasonable Punishment)
(Wales) Act 2020 (c.3) which received Royal Assent on 20 March 2020*

CHILDREN (ABOLITION OF DEFENCE OF REASONABLE PUNISHMENT) (WALES) ACT 2020

EXPLANATORY NOTES

KEY CONCEPTS: ASSAULT AND BATTERY

4. In criminal law, assault and battery are forms of offence against the person. In civil law, assault and battery constitute a tort, or civil wrong: the tort of trespass against the person.
5. The expression “assault” is commonly used to describe acts involving the application of force against a person. But the concepts of “assault” and “battery” have different, specific meanings in the law of England and Wales.
6. A “battery” for these purposes means the intentional or reckless application of unlawful force to the body of another person. This would include an adult punching another adult, for example. But a battery may also include what might be considered more minor incidences of physical contact, such as a pat on the shoulder. Whether this would constitute a battery would depend on the circumstances of the case.
7. An “assault” occurs where one person causes another person to apprehend the immediate infliction of unlawful force (a face-to-face threat by an adult to punch another adult during a disagreement, for example).
8. The defence of reasonable punishment makes certain acts constituting battery or assault of a child *potentially* defensible in legal proceedings on the basis that the acts were reasonable – and therefore lawful.