



Children (Equal Protection from Assault) (Scotland) Act 2019

2019 asp 16

1 Abolition of defence of reasonable chastisement

- (1) The rule of law, that the physical punishment of a child in the exercise of a parental right or a right derived from having charge or care of the child is justifiable and is therefore not an assault, ceases to have effect.
- (2) Section 51 (physical punishment of children) of the Criminal Justice (Scotland) Act 2003 is repealed.

2 Duty of Scottish Ministers to raise awareness

The Scottish Ministers must take such steps as they consider appropriate to promote public awareness and understanding about the effect of section 1.

3 Transitional and saving provision

- (1) Section 1 does not apply to anything done before the day on which that section comes into force.
- (2) Accordingly—
 - (a) the rule of law mentioned in section 1(1), and
 - (b) section 51 of the Criminal Justice (Scotland) Act 2003,continue to have effect for the purposes of any proceedings ongoing on, or brought on or after, the day section 1 comes into force which relate to an alleged assault on a child committed before that day.
- (3) The Scottish Ministers may by regulations make such further transitional, transitory or saving provision as they consider necessary or expedient in connection with the coming into force of section 1.
- (4) Regulations under subsection (3) are subject to the negative procedure.

Changes to legislation: There are currently no known outstanding effects for the Children (Equal Protection from Assault) (Scotland) Act 2019. (See end of Document for details)

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Commencement Information

II [S. 3\(3\)\(4\)](#) in force at 8.11.2019, see [s. 4\(1\)](#)

4 Commencement

- (1) This section and sections 2, 3(3) and (4) and 5 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on the expiry of the period of 12 months beginning with the day of Royal Assent.

5 Short title

The short title of this Act is the Children (Equal Protection from Assault) (Scotland) Act 2019.

Changes to legislation:

There are currently no known outstanding effects for the Children (Equal Protection from Assault) (Scotland) Act 2019.