



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 10 Rhagfyr 2014
Tabled on 10 December 2014

Bil Trais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol
(Cymru)

Gender-based Violence, Domestic Abuse and Sexual Violence
(Wales) Bill

Jocelyn Davies

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To insert a new section –

‘Amendment to the Children Act 2004

[] **Removal of reasonable punishment defence**

(1) Section 58 of the Children Act 2004 is amended as follows.

(2) In subsection (2) –

(a) at the end of paragraph (c) for “.” substitute “;”;

(b) after paragraph (c) insert –

“(d) an offence under section 39 of the Criminal Justice Act 1988 (common assault and battery) if the offence took place in Wales and involved the use of an implement by the perpetrator;

(e) any offence involving battery of a child where the battery is committed in Wales and involved the use of an implement by the perpetrator.”.

(3) For subsection (3) substitute –

“(3) Battery of a child cannot be justified in any civil proceedings on the

ground that it constituted reasonable punishment if –

- (a) the battery took place in England and caused actual bodily harm, or
- (b) the battery took place in Wales (whether or not it caused actual bodily harm) and involved the use of an implement by the perpetrator.”’.

I fewnosod adran newydd –

‘Diwygio Deddf Plant 2004

[] Dileu’r amddiffyniad cosb resymol

(1) Diwygir adran 58 o Ddeddf Plant 2004 fel a ganlyn.

(2) Yn is-adran (2) –

- (a) ar ddiwedd paragraff (c) yn lle “.” rhodder “;”;
- (b) ar ôl paragraff (c) mewnosoder –

“(d) an offence under section 39 of the Criminal Justice Act 1988 (common assault and battery) if the offence took place in Wales and involved the use of an implement by the perpetrator;

(e) any offence involving battery of a child where the battery is committed in Wales and involved the use of an implement by the perpetrator.”’.

(3) Yn lle is-adran (3) mewnosoder –

“(3) Battery of a child cannot be justified in any civil proceedings on the ground that it constituted reasonable punishment if –

- (a) the battery took place in England and caused actual bodily harm, or
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- (b) after paragraph (c) insert –

“(d) an offence under section 39 of the Criminal Justice Act 1988

(common assault and battery) if the offence took place in Wales and involved the perpetrator forcing an object into the mouth of the victim;

(e) any offence involving battery of a child where the battery is committed in Wales and involved the perpetrator forcing an object into the mouth of the victim.”.

(3) For subsection (3) substitute –

“(3) Battery of a child cannot be justified in any civil proceedings on the ground that it constituted reasonable punishment if –

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(b) after paragraph (c) insert –

“(d) an offence under section 39 of the Criminal Justice Act 1988 (common assault and battery) if the offence took place in Wales and involved the perpetrator using force against the neck or throat of the victim;

(e) any offence involving battery of a child where the battery is committed in Wales and involved the perpetrator using force against the neck or throat of the victim.”.

(3) For subsection (3) substitute –

“(3) Battery of a child cannot be justified in any civil proceedings on the ground that it constituted reasonable punishment if –

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“(d) an offence under section 39 of the Criminal Justice Act 1988 (common assault and battery) if the offence took place in Wales and involved the perpetrator kicking the victim;

(e) any offence involving battery of a child where the battery is committed in Wales and involved the perpetrator kicking the victim.”.

(3) For subsection (3) substitute –

“(3) Battery of a child cannot be justified in any civil proceedings on the ground that it constituted reasonable punishment if –

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(b) after paragraph (c) insert –

“(d) an offence under section 39 of the Criminal Justice Act 1988 (common assault and battery) if the offence took place in Wales and involved the perpetrator pulling the hair of the victim;

(e) any offence involving battery of a child where the battery is committed in Wales and involved the perpetrator pulling the hair of the victim.”.

(3) For subsection (3) substitute –

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- “(d) an offence under section 39 of the Criminal Justice Act 1988 (common assault and battery) if the offence took place in Wales and involved the perpetrator removing (wholly or partially) the clothing of the victim;
- (e) any offence involving battery of a child where the battery is committed in Wales and involved the perpetrator removing (wholly or partially) the clothing of the victim.”.

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