



Deddf Plant (Diddymu Amddiffyniad Cosb Resymol) (Cymru) 2020

2020 dccc 3

Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020

2020 anaw 3

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Ddeddf hon ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

£6.90



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CYNNWYS

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Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020

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Deddf Plant (Diddymu Amddiffyniad Cosb Resymol) (Cymru) 2020

Deddf Cynulliad Cenedlaethol Cymru i ddiddymu amddiffyniad cosb resymol yn y gyfraith gyffredin mewn perthynas â rhoi cosb gorfforol i blentyn sy'n digwydd yng Nghymru; ac at ddibenion cysylltiedig. [20 Mawrth 2020]

Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:

1 Diddymu amddiffyniad cosb resymol yn y gyfraith gyffredin

- (1) Mae amddiffyniad cosb resymol yn y gyfraith gyffredin wedi ei ddiddymu mewn perthynas â rhoi cosb gorfforol i blentyn sy'n digwydd yng Nghymru.
- (2) Yn unol â hynny, ni chaniateir cyfiawnhau rhoi cosb gorfforol i blentyn sy'n digwydd yng Nghymru mewn unrhyw achos sifil neu droseddol ar y sail ei bod yn gyfystyr â chosb resymol.
- (3) Ni chaniateir ychwaith gyfiawnhau rhoi cosb gorfforol i blentyn sy'n digwydd yng Nghymru mewn unrhyw achos sifil neu droseddol ar y sail ei bod yn gyfystyr ag ymddygiad derbyniol at ddibenion unrhyw reol arall yn y gyfraith gyffredin.
- (4) At ddibenion yr adran hon, ystyr "cosb gorfforol" yw unrhyw guro (yn yr ystyr sydd i "battery" yn y gyfraith gyffredin) a wneir fel cosb.
- (5) Yn adran 58 o Ddeddf Plant 2004 (p. 31) (cosb resymol) –
 - (a) yn is-adran (1), ar ôl "battery of a child" mewnosoder "taking place in England",
 - (b) yn is-adran (3), ar ôl "Battery of a child" mewnosoder "taking place in England", ac
 - (c) mae'r pennawd yn newid i "Reasonable punishment: England".



Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020

An Act of the National Assembly for Wales to abolish the common law defence of reasonable punishment in relation to corporal punishment of a child taking place in Wales; and for connected purposes. [20 March 2020]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

1 Abolition of common law defence of reasonable punishment

- (1) The common law defence of reasonable punishment is abolished in relation to corporal punishment of a child taking place in Wales.
- (2) Accordingly, corporal punishment of a child taking place in Wales cannot be justified in any civil or criminal proceedings on the ground that it constituted reasonable punishment.
- (3) Nor can corporal punishment of a child taking place in Wales be justified in any civil or criminal proceedings on the ground that it constituted acceptable conduct for the purposes of any other rule of the common law.
- (4) For the purposes of this section, “corporal punishment” means any battery carried out as a punishment.
- (5) In section 58 of the Children Act 2004 (c. 31) (reasonable punishment)—
 - (a) in subsection (1), after “battery of a child” insert “taking place in England”,
 - (b) in subsection (3), after “Battery of a child” insert “taking place in England”, and
 - (c) the heading becomes “Reasonable punishment: England”.

2 Hybu ymwybyddiaeth y cyhoedd bod adran 1 yn dod i rym

Rhaid i Weinidogion Cymru gymryd camau cyn i adran 1 ddod i rym er mwyn hybu ymwybyddiaeth y cyhoedd o'r newidiadau i'r gyfraith sydd i'w gwneud gan yr adran honno.

3 Gofynion adrodd

- (1) Rhaid i Weinidogion Cymru lunio dau adroddiad ar effaith y newidiadau i'r gyfraith a wneir gan adran 1.
- (2) Rhaid llunio'r adroddiad cyntaf cyn gynted ag y bo'n ymarferol ar ôl i'r cyfnod o 3 blynedd, sy'n dechrau pan ddaw adran 1 i rym, ddod i ben.
- (3) Rhaid llunio'r ail adroddiad cyn gynted ag y bo'n ymarferol ar ôl i'r cyfnod o 5 mlynedd, sy'n dechrau pan ddaw adran 1 i rym, ddod i ben.
- (4) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n ymarferol ar ôl llunio adroddiad o dan yr adran hon—
 - (a) gosod yr adroddiad gerbron Cynulliad Cenedlaethol Cymru, a
 - (b) cyhoeddi'r adroddiad.

4 Pŵer i wneud darpariaeth drosiannol etc. drwy reoliadau

- (1) Caiff rheoliadau a wneir gan Weinidogion Cymru wneud darpariaeth ddarfodol, darpariaeth drosiannol neu ddarpariaeth arbed mewn cysylltiad â dod ag adran 1 i rym.
- (2) Mae'r pŵer i wneud rheoliadau o dan is-adran (1) yn arferadwy drwy offeryn statudol.

5 Dod i rym

- (1) Daw'r adran hon ac adran 2, adran 3, adran 4 ac adran 6 i rym ar y diwrnod ar ôl y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.
- (2) Daw adran 1 i rym pan ddaw'r cyfnod o 2 flynedd sy'n dechrau â'r diwrnod ar ôl y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol i ben.

6 Enw byr

Enw byr y Ddeddf hon yw Deddf Plant (Diddymu Amddiffyniad Cosb Resymol) (Cymru) 2020.

2 Promoting public awareness of the coming into force of section 1

The Welsh Ministers must take steps before the coming into force of section 1 to promote public awareness of the changes to the law to be made by that section.

3 Reporting requirements

- (1) The Welsh Ministers must prepare two reports on the effect of the changes to the law made by section 1.
- (2) The first report must be prepared as soon as practicable after the expiry of the period of 3 years beginning with the coming into force of section 1.
- (3) The second report must be prepared as soon as practicable after the expiry of the period of 5 years beginning with the coming into force of section 1.
- (4) The Welsh Ministers must, as soon as practicable after preparing a report under this section –
 - (a) lay the report before the National Assembly for Wales, and
 - (b) publish the report.

4 Power to make transitional etc. provision by regulations

- (1) Regulations made by the Welsh Ministers may make transitory, transitional or saving provision in connection with the coming into force of section 1.
- (2) The power to make regulations under subsection (1) is exercisable by statutory instrument.

5 Coming into force

- (1) This section and section 2, section 3, section 4, and section 6 come into force on the day after the day on which this Act receives Royal Assent.
- (2) Section 1 comes into force at the expiry of the period of 2 years beginning with the day after the day on which this Act receives Royal Assent.

6 Short title

The short title of this Act is the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020.



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Ffôn Testun: 0333 202 5077

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Published by TSO (The Stationery Office), part of Williams Lea, and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

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ISBN 978-0-348-11340-2



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