



Children Act 2004

2004 CHAPTER 31

PART 5

MISCELLANEOUS

Other provisions

58 [F¹Reasonable punishment: England]

- (1) In relation to any offence specified in subsection (2), battery of a child [F²taking place in England] cannot be justified on the ground that it constituted reasonable punishment.
- (2) The offences referred to in subsection (1) are—
 - (a) an offence under section 18 or 20 of the Offences against the Person Act 1861 (c. 100) (wounding and causing grievous bodily harm);
 - (b) an offence under section 47 of that Act (assault occasioning actual bodily harm);
 - (c) an offence under section 1 of the Children and Young Persons Act 1933 (c. 12) (cruelty to persons under 16).
 - [F³(d) an offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).]
- (3) Battery of a child [F⁴taking place in England] causing actual bodily harm to the child cannot be justified in any civil proceedings on the ground that it constituted reasonable punishment.
- (4) For the purposes of subsection (3) “actual bodily harm” has the same meaning as it has for the purposes of section 47 of the Offences against the Person Act 1861.
- (5) In section 1 of the Children and Young Persons Act 1933, omit subsection (7).

Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Section 58. (See end of Document for details)

Textual Amendments

- F1** S. 58 heading substituted (21.3.2022) by Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 (anaw 3), **ss. 1(5)(c)**, 5(2)
- F2** Words in s. 58(1) inserted (21.3.2022) by Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 (anaw 3), **ss. 1(5)(a)**, 5(2)
- F3** S. 58(2)(d) inserted (7.6.2022) by Domestic Abuse Act 2021 (c. 17), s. 90(6), **Sch. 2 para. 9**; S.I. 2022/553, regs. 1(2), 3(b)
- F4** Words in s. 58(3) inserted (21.3.2022) by Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 (anaw 3), **ss. 1(5)(b)**, 5(2)

Changes to legislation:

There are currently no known outstanding effects for the Children Act 2004, Section 58.