



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 24 October 2018  
SP Paper 395  
46th Report, 2018 (Session 5)

# **Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh**

## **Children (Equal Protection from Assault) (Scotland) Bill: Stage 1**



**Published in Scotland by the Scottish Parliamentary Corporate Body.**

---

All documents are available on the Scottish Parliament website at:  
<http://www.parliament.scot/abouttheparliament/91279.aspx>

For information on the Scottish Parliament contact Public Information on:  
Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

# Contents

Introduction	1
Overview of the Bill	2
Delegated Powers Provision	3

# Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



[dplr.committee@parliament.scot](mailto:dplr.committee@parliament.scot)



0131 348 5212

# Committee Membership



**Convener**  
**Graham Simpson**  
Scottish Conservative  
and Unionist Party



**Deputy Convener**  
**Stuart McMillan**  
Scottish National Party



**Tom Arthur**  
Scottish National Party



**Neil Findlay**  
Scottish Labour



**Alison Harris**  
Scottish Conservative  
and Unionist Party

# Introduction

1. At its meetings on 25 September and 23 October 2018, the Delegated Powers and Law Reform Committee considered the delegated powers in the Children (Equal Protection from Assault) (Scotland) Bill. This Bill was introduced by John Finnie on 6 September 2018.<sup>i</sup> The Member has produced a Delegated Powers Memorandum ("DPM").<sup>ii</sup>
2. The Committee submits this report to the lead Committee for the Bill (the Equalities and Human Rights Committee) under Rule 9.6.2 of Standing Orders.

---

<sup>i</sup> The Bill as introduced is available [here](#).

<sup>ii</sup> The Delegated Powers Memorandum is available [here](#).

## Overview of the Bill

3. The Bill consists of 5 sections.
4. Section 1 abolishes the rule of law that the physical punishment of a child in the care of a parent or a person caring for a child is justifiable and not an assault. Section 1 also repeals section 51 of the Criminal Justice (Scotland) Act 2003.
5. Section 2 places a duty on Scottish Ministers to promote public awareness and understanding of the effect of section 1.
6. Section 3 makes transitional and savings provision for the purposes of the effect of section 1.
7. Sections 4 and 5 contain the commencement and short title provisions.

# Delegated Powers Provision

8. At its meeting on 23 October, the Committee considered the one delegated power in the Bill:

Section 3(3) - power to make such further transitional, transitory or saving provision as is considered necessary or expedient in connection with the coming into force of section 1.

9. The Committee determined that it did not need to draw the attention of the Parliament to the delegated power.

## Recommendation

10. **Accordingly, the Committee therefore reports that it is content with the delegated powers provision contained in the Bill.**



