

Children (Equal Protection from Assault) (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 5

Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

Oliver Mundell

2 In section 1, page 1, line 8, at end insert—

- <() For the avoidance of doubt, nothing in this section affects the ability of a person having charge or care of a child to—
- (a) act in the best interests of the child,
 - (b) make physical contact with the child for the purposes of physical restraint necessary to restrain the child for the purpose of preserving the safety of the child or preventing the child from self harm,
 - (c) exercise the person’s lawful parental rights and responsibilities.>

Oliver Mundell

3 In section 1, page 1, line 8, at end insert—

- <() For the avoidance of doubt, this section applies only with regard to physical punishment and does not otherwise affect lawfully exercised parental rights and responsibilities.>

Section 4

Richard Lyle

Supported by: Oliver Mundell

1 In section 4, page 2, line 3, at end insert—

- <(1A) Section 1 comes into force on the later of—
- (a) the day after subsection (1B) has been complied with,
 - (b) the expiry of the period of 12 months beginning with the day of Royal Assent.
- (1B) The Lord Advocate must prepare and publish guidance on prosecutorial policy in respect of an alleged assault on a child.
- (1C) The guidance must set out—
- (a) what is a proportionate and appropriate response to the individual circumstances of a particular case,

- (b) the circumstances in which alternatives to prosecution should be considered,
 - (c) appropriate pathways that should be considered as an alternative to prosecution.
- (1D) The chief constable of the Police Service of Scotland is to take steps to make constables aware of guidance prepared and published under subsection (1B).>

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