



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 26 Tachwedd 2014
Tabled on 26 November 2014

Bil Trais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol
(Cymru)
Gender-based Violence, Domestic Abuse and Sexual Violence
(Wales) Bill

Leighton Andrews

1

To insert a new section –

[] Violence against women and girls

- (1) A person exercising relevant functions must have regard (along with all other relevant matters) to the need to remove or minimise any factors which –
 - (a) increase the risk of violence against women and girls, or
 - (b) exacerbate the impact of such violence on victims.
- (2) In this section –

“relevant functions” (*“swyddogaethau perthnasol”*) means the functions under sections 2, 3, 4, 5, 6(2), 7, 8, 12, 13(1), 14, 16, 17, 18, 19(1) and (4);

“violence against women and girls” (*“trais yn erbyn menywod a merched”*) means gender-based violence, domestic abuse and sexual violence where the victim is female.’.

I fewnosod adran newydd –

[] Trais yn erbyn menywod a merched

- (1) Rhaid i berson sy'n arfer swyddogaethau perthnasol roi sylw (ynghyd â phob mater perthnasol arall) i'r angen i ddileu neu leihau unrhyw ffactorau sy'n –
 - (a) cynyddu'r risg o drais yn erbyn menywod a merched, neu
 - (b) gwaethygu effaith trais o'r fath ar ddioddefwyr.
- (2) Yn yr adran hon –

ystyr "swyddogaethau perthnasol" ("*relevant functions*") yw'r swyddogaethau o dan adrannau 2, 3, 4, 5, 6(2), 7, 8, 12, 13(1), 14, 16, 17, 18, 19(1) a (4);

ystyr "trais yn erbyn menywod a merched" ("*violence against women and girls*") yw trais ar sail rhywedd, cam-drin domestig a thrais rhywiol pan fo'r dioddefwr yn fenywaidd.'.

Leighton Andrews

2

Section 2, page 2, after line 5, insert –

- '() The Welsh Ministers must consult such persons as they consider appropriate before –
- (a) publishing the first national strategy under this section;
 - (b) revising the national strategy.'.

Adran 2, tudalen 2, ar ôl llinell 6, mewnosoder –

- '() Rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy cyn –
- (a) cyhoeddi'r strategaeth genedlaethol gyntaf o dan yr adran hon;
 - (b) diwygio'r strategaeth genedlaethol.'.

Leighton Andrews

3

Section 5, page 3, after line 14, insert –

- '() A local authority and Local Health Board must consult such persons as they consider appropriate before –
- (a) publishing their first local strategy;
 - (b) revising their local strategy.'.

Adran 5, tudalen 3, ar ôl llinell 14, mewnosoder –

- '() Rhaid i awdurdod lleol a Bwrdd Iechyd Lleol ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy cyn –
- (a) cyhoeddi eu strategaeth leol gyntaf;
 - (b) diwygio eu strategaeth leol.'.

Leighton Andrews 4

Section 10, page 5, line 21, leave out 'or revisions'.

Adran 10, tudalen 5, llinell 24, hepgorer 'neu'r diwygiadau'.

Leighton Andrews 5

Section 12, page 6, line 2, after 'of', insert ', or change attitudes in relation to,'.

Adran 12, tudalen 6, llinell 3, ar ôl 'rhywiol', mewnosoder ', neu newid agweddau mewn perthynas â hwy'.

Leighton Andrews 6

Section 12, page 6, after line 4, insert—

- '() the commissioning by relevant authorities of specialist advice or other assistance relating to gender-based violence, domestic abuse or sexual violence;'

Adran 12, tudalen 6, ar ôl llinell 4, mewnosoder—

- '() comisiynu cyngor arbenigol neu gymorth arall yn ymwneud â thrais ar sail rhywedd, cam-drin domestig a thrais rhywiol gan awdurdodau perthnasol;'

Leighton Andrews 7

Section 12, page 6, after line 10, insert—

- '() workplace policies to promote the well-being of employees of relevant authorities who may be affected by gender-based violence, domestic abuse and sexual violence;'

Adran 12, tudalen 6, ar ôl llinell 10, mewnosoder—

- '() polisiau'r gweithle i hybu lles cyflogeion awdurdodau perthnasol y gallai trais ar sail rhywedd, cam-drin domestig a thrais rhywiol effeithio arnynt;'

Leighton Andrews 8

Section 17, page 8, line 24, leave out 'on Gender-based Violence, Domestic Abuse and Sexual Violence ("the Ministerial Adviser")'.

Adran 17, tudalen 8, llinell 25, hepgorer 'ar Drais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol ("y Cynghorydd Gweinidogol")'.

Jocelyn Davies

9

Section 1, page 1, line 10, leave out ‘improve –

- (a) arrangements for the prevention of gender-based violence, domestic abuse and sexual violence;
- (b) arrangements for the protection of victims of gender-based violence, domestic abuse and sexual violence;
- (c) support for people affected by gender-based violence, domestic abuse and sexual violence.’

and insert ‘provide –

- (a) effective strategies for the prevention of violence against women and children and other domestic and sexual abuse;
- (b) improved arrangements for the protection of victims of violence against women and children and other domestic and sexual abuse, and
- (c) effective support for people affected by violence against women and children and other domestic and sexual abuse.’.

Adran 1, tudalen 1, llinell 10, hepgorer ‘gwella –

- (a) trefniadau ar gyfer atal trais ar sail rhywedd, cam-drin domestig a thrais rhywiol;
- (b) trefniadau ar gyfer amddiffyn dioddefwyr trais ar sail rhywedd, cam-drin domestig a thrais rhywiol;
- (c) y cymorth i bobl yr effeithir arnynt gan drais ar sail rhywedd, cam-drin domestig a thrais rhywiol.’

a mewnosoder ‘darparu –

- (a) strategaethau effeithiol ar gyfer atal trais yn erbyn menywod a phlant a thrais domestig a rhywiol arall;
- (b) trefniadau gwell ar gyfer amddiffyn dioddefwyr trais yn erbyn menywod a phlant a thrais domestig a rhywiol arall, ac
- (c) cymorth effeithiol i bobl yr effeithir arnynt gan drais yn erbyn menywod a phlant a thrais domestig a rhywiol arall.’.

Jocelyn Davies

10

Section 2, page 1, line 30, leave out ‘date on which the first general election is held following the commencement of this section’ and insert ‘day on which this Act receives Royal Assent’.

Adran 2, tudalen 1, llinell 31, hepgorer ‘dyddiad cynnal yr etholiad cyffredinol cyntaf ar ôl cychwyn yr adran hon’ a mewnosoder ‘y diwrnod y caiff y Ddeddf hon Gydsyniad Brenhinol’.

Jocelyn Davies **11**

Section 11, page 5, after line 33, insert –

- (e) a Police and Crime Commissioner in Wales;
- (f) the National Probation Service;
- (g) any provider of probation services in Wales appointed by the Secretary of State under section 3(2) of the Offender Management Act 2007.’.

Adran 11, tudalen 5, ar ôl llinell 36, mewnosoder –

- (e) Comisiynydd Heddlu a Throseddau yng Nghymru;
- (f) y Gwasanaeth Prawf Cenedlaethol;
- (g) unrhyw ddarparwr gwasanaethau prawf yng Nghymru a benodir gan yr Ysgrifennydd Gwladol o dan adran 3(2) o Ddeddf Rheoli Troseddau 2007.’.

Jocelyn Davies **12**

Page 7, line 6, leave out section 14 and insert –

[] Duty to have regard to statutory guidance

A relevant authority must have regard to guidance issued to it in accordance with this Act when exercising a power or duty (including a power or duty that is contingent upon the opinion of the authority concerned).’.

Tudalen 7, llinell 7, hepgorer adran 14 a mewnosoder –

[] Dyletswydd i roi sylw i ganllawiau statudol

Rhaid i awdurdod perthnasol roi sylw i ganllawiau a ddyroddir iddo yn unol â'r Ddeddf hon wrth arfer pŵer neu ddyletswydd (gan gynnwys pŵer neu ddyletswydd sy'n amodol ar farn yr awdurdod dan sylw).’.

Jocelyn Davies **13**

Page 7, line 27, leave out section 15.

Tudalen 7, llinell 30, hepgorer adran 15.

Jocelyn Davies **14**

Page 8, line 6, leave out section 16.

Tudalen 8, llinell 6, hepgorer adran 16.

Jocelyn Davies 15

Section 17, page 8, line 24, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 17, tudalen 8, llinell 25, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies 16

Section 17, page 8, line 25, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 17, tudalen 8, llinell 26, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies 17

Section 17, page 8, line 26, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 17, tudalen 8, llinell 27, hepgorer 'Gynghorydd Gweinidogol' a mewnosoder 'gynghorydd'.

Jocelyn Davies 18

Section 17, page 8, after line 27, insert—

'() The adviser is not to be a member of the civil service of the State.'

Adran 17, tudalen 8, ar ôl llinell 28, mewnosoder—

'() Nid yw'r cynghorydd i fod yn aelod o wasanaeth sifil y Wladwriaeth.'

Jocelyn Davies 19

Section 17, page 8, line 29, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 17, tudalen 8, llinell 30, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies 20

Section 17, page 8, line 31, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 17, tudalen 8, llinell 32, hepgorer 'Gynghorydd Gweinidogol' a mewnosoder 'gynghorydd'.

Jocelyn Davies 21

Section 17, page 8, line 33, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 17, tudalen 8, llinell 34, hepgorer 'Gynghorydd Gweinidogol' a mewnosoder 'gynghorydd'.

Jocelyn Davies 22

Section 17, page 8, line 34, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 17, tudalen 8, llinell 35, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies **23**

Section 17, page 9, line 1, leave out 'Ministerial Adviser's' and insert 'adviser's'.

Adran 17, tudalen 9, llinell 2, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies **24**

Section 18, page 9, line 4, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 18, tudalen 9, llinell 4, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies **25**

Section 18, page 9, line 14, leave out ', with the agreement of the Welsh Ministers,'.

Adran 18, tudalen 9, llinell 15, hepgorer ', gyda cydsyniad Gweinidogion Cymru,'.

Jocelyn Davies **26**

Section 18, page 9, line 19, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 18, tudalen 9, llinell 21, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies **27**

Section 18, page 9, line 22, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 18, tudalen 9, llinell 24, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies **28**

Section 18, page 9, line 28, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 18, tudalen 9, llinell 31, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies **29**

Section 19, page 9, line 30, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 19, tudalen 9, llinell 34, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies **30**

Section 19, page 9, line 31, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 19, tudalen 9, llinell 35, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies **31**

Section 19, page 9, line 32, leave out 'Ministerial Adviser's' and insert 'adviser's'.

Adran 19, tudalen 9, llinell 36, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

- Jocelyn Davies** 32
Section 19, page 10, line 1, leave out 'Ministerial Adviser's' and insert 'adviser's'.
Adran 19, tudalen 10, llinell 1, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.
- Jocelyn Davies** 33
Section 19, page 10, line 3, leave out 'Ministerial Adviser' and insert 'adviser'.
Adran 19, tudalen 10, llinell 3, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.
- Jocelyn Davies** 34
Section 19, page 10, line 5, leave out 'Ministerial Adviser' and insert 'adviser'.
Adran 19, tudalen 10, llinell 5, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.
- Jocelyn Davies** 35
Section 19, page 10, line 6, leave out 'Ministerial Adviser's' and insert 'adviser's'.
Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version.
- Jocelyn Davies** 36
Section 19, page 10, line 7, leave out 'Ministerial Adviser' and insert 'adviser'.
Adran 19, tudalen 10, llinell 7, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.
- Jocelyn Davies** 37
Section 19, page 10, line 9, leave out 'Ministerial Adviser' and insert 'adviser'.
Adran 19, tudalen 10, llinell 10, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.
- Jocelyn Davies** 38
Section 19, page 10, line 10, leave out 'Ministerial Adviser' and insert 'adviser'.
Adran 19, tudalen 10, llinell 11, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.
- Jocelyn Davies** 39
Section 19, page 10, line 14, leave out 'Ministerial Adviser's' and insert 'adviser's'.
Adran 19, tudalen 10, llinell 15, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies 40

Section 19, page 10, line 16, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 19, tudalen 10, llinell 17, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies 41

Section 19, page 10, line 18, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 19, tudalen 10, llinell 19, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies 42

Section 19, page 10, line 19, leave out 'Ministerial Adviser's' and insert 'adviser's'.

Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version.

Jocelyn Davies 43

Section 20, page 10, line 22, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 20, tudalen 10, llinell 24, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies 44

Section 20, page 10, line 24, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 20, tudalen 10, llinell 25, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies 45

Section 20, page 10, line 26, leave out 'Ministerial Adviser' and insert 'adviser'.

Adran 20, tudalen 10, llinell 27, hepgorer 'Cynghorydd Gweinidogol' a mewnosoder 'cynghorydd'.

Jocelyn Davies 46

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;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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).”.

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;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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

(b) the battery took place in Wales (whether or not it caused actual bodily harm).”.

Jocelyn Davies

47

To insert a new section –

‘Amendment to the Children Act 2004

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- (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;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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).”.
- (4) This section comes into force on 1 January 2017.’.

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;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm).”.
- (4) Daw’r adran hon i rym ar 1 Ionawr 2017.’.

Jocelyn Davies

48

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;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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).”.
- (4) This section comes into force on 1 January 2018.’.

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;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm).”.
- (4) Daw’r adran hon i rym ar 1 Ionawr 2018.’.

Jocelyn Davies

49

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;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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).”.
- (4) This section comes into force on 1 January 2019.’.

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;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm).”.
- (4) Daw'r adran hon i rym ar 1 Ionawr 2019.’.

Jocelyn Davies

50

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;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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).”.

- (4) If this section has not been brought into force by 1 January 2020, it comes into force on that date.’.

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;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm).”.
- (4) Os nad yw’r adran hon wedi dod i rym erbyn 1 Ionawr 2020, daw i rym ar y dyddiad hwnnw.’.

Jocelyn Davies

51

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 child was under the age of 17 years when the offence took place and the offence was

committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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 the child was under the age of 17 years when the battery took place.”.

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 child was under the age of 17 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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

(b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 17 years when the battery took place.”.

Jocelyn Davies

52

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 child was under the age of 16 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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 the child was under the age of 16 years when the battery took place.”.

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 child was under the age of 16 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 16 years when the battery took place.”.

Jocelyn Davies

53

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 child was under the age of 15 years when the offence took place and the offence was committed in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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 the child was under the age of 15 years when the battery took place.”.

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 child was under the age of 15 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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

(b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 15 years when the battery took place.”.

Jocelyn Davies

54

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 child was under the age of 14 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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 the child was under the age of 14 years when the battery took place.”.

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 child was under the age of 14 years when the offence took place and the offence was committed in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 14 years when the battery took place.”.

Jocelyn Davies

55

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 child was under the age of 13 years when the offence took place and the offence was committed in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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 the child was under the age of 13 years when the battery took place.”.

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 child was under the age of 13 years when the offence took place and the offence was committed in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 13 years when the battery took place.”.

Jocelyn Davies

56

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 child was under the age of 12 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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 the child was under the age of 12 years when the battery took place.”.

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 child was under the age of 12 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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

(b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 12 years when the battery took place.”.

Jocelyn Davies

57

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 child was under the age of 11 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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 the child was under the age of 11 years when the battery took place.”.

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 child was under the age of 11 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 11 years when the battery took place.”.

Jocelyn Davies

58

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 child was under the age of 10 years when the offence took place and the offence was committed in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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 the child was under the age of 10 years when the battery took place.”.

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 child was under the age of 10 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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

(b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 10 years when the battery took place.”.

Jocelyn Davies

59

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 child was under the age of 9 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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 the child was under the age of 9 years when the battery took place.”.

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 child was under the age of 9 years when the offence took place and the offence was committed in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 9 years when the battery took place.”.

Jocelyn Davies

60

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 child was under the age of 8 years when the offence took place and the offence was committed in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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 the child was under the age of 8 years when the battery took place.”.

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 child was under the age of 8 years when the offence took place and the offence was committed in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 8 years when the battery took place.”.

Jocelyn Davies

61

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 child was under the age of 7 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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 the child was under the age of 7 years when the battery took place.”.

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 child was under the age of 7 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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

(b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 7 years when the battery took place.”.

Jocelyn Davies

62

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 child was under the age of 6 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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 the child was under the age of 6 years when the battery took place.”.

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 child was under the age of 6 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 6 years when the battery took place.”.

Jocelyn Davies

63

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 child was under the age of 5 years when the offence took place and the offence was committed in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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 the child was under the age of 5 years when the battery took place.”.

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 child was under the age of 5 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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

(b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 5 years when the battery took place.”.

Jocelyn Davies

64

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 child was under the age of 4 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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 the child was under the age of 4 years when the battery took place.”.

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 child was under the age of 4 years when the offence took place and the offence was committed in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 4 years when the battery took place.”.

Jocelyn Davies

65

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 child was under the age of 3 years when the offence took place and the offence was committed in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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 the child was under the age of 3 years when the battery took place.”.

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 child was under the age of 3 years when the offence took place and the offence was committed in Wales;
 - (e) any offence involving battery of a child where the battery is committed in Wales.”.
- (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
 - (b) the battery took place in Wales (whether or not it caused actual bodily harm) and the child was under the age of 3 years when the battery took place.”.

Jocelyn Davies

66

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 child was under the age of 2 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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 the child was under the age of 2 years when the battery took place.”.

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 child was under the age of 2 years when the offence took place and the offence was committed in Wales;

(e) any offence involving battery of a child where the battery is committed in Wales.”.

(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 –

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Jocelyn Davies

67

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- “(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 the child was under the age of 12 months when the battery took place.”’.

Jocelyn Davies

68

Section 21, page 10, line 36, leave out ‘physical, sexual, psychological, emotional or financial abuse’ and insert –

‘ –

- (a) any controlling or coercive behaviour and includes physical, sexual, psychological, emotional or financial abuse, and
 - (b) any threatening behaviour including threats to other people, property or to domestic pets’.
- d

Adran 21, tudalen 11, llinell 7, hepgorer ‘cam-drin corfforol, rhywiol, seicolegol, emosiynol neu ariannol’ a mewnosoder –

‘ –

- (a) unrhyw ymddygiad sy’n rheoli neu orfodi, gan gynnwys cam-drin corfforol, rhywiol, seicolegol, emosiynol neu ariannol, a
- (b) unrhyw ymddygiad bygythiol, gan gynnwys bygythiadau i bobl eraill, eiddo neu i anifeiliaid anwes domestig’.

Jocelyn Davies

69

Section 21, page 11, after line 31, insert –

- ‘() they live or have lived in close proximity to one another (whether or not in the same household);’.

Adran 21, tudalen 11, ar ôl llinell 32, mewnosoder –

- ‘() maent yn byw neu wedi byw yn agos iawn at ei gilydd (pa un ai ar yr un aelwyd ai peidio);’.

Jocelyn Davies

70

Section 21, page 13, after line 10, insert –

- ‘(e) being prevented from accessing banking facilities.’.

Adran 21, tudalen 13, ar ôl llinell 6, mewnosoder –

‘(e) bod rhywun yn cael ei rwystro rhag cael mynediad at gyfleusterau bancio.’

Jocelyn Davies

71

To insert a new section –

[] Children and financial abuse

Nothing in this Act prevents a parent or a person with parental responsibility for a child from taking reasonable steps to manage the child’s financial affairs.’

I fewnosod adran newydd –

[] Cam-drin plant a cham-drin ariannol

Nid oes dim yn y Ddeddf hon yn atal rhiant neu berson â chyfrifoldeb rhiant am blentyn rhag cymryd camau rhesymol i reoli materion ariannol y plentyn.’

Jocelyn Davies

72

Section 22, page 14, after line 6, insert –

‘(5) Subsection (3) is subject to any express provision of this Act as to commencement.’

Adran 22, tudalen 14, ar ôl llinell 6, mewnosoder –

‘(5) Mae is-adran (3) yn ddarostyngedig i unrhyw ddarpariaeth ddatganedig yn y Ddeddf hon o ran cychwyn.’

Jocelyn Davies

73

Section 23, page 14, line 8, leave out ‘Gender-based Violence’ and insert ‘Violence against Women and Children’.

Adran 23, tudalen 14, llinell 8, hepgorer ‘ar sail Rhywedd’ a mewnosoder ‘yn erbyn Menywod a Phlant’.