Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2006 No. (N.I.)

NORTHERN IRELAND

The Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006

Made - - - -	*2006*
Coming into operation	*2006*

At the Court at Buckingham Palace, the ** day of ** 2006

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

Introductory

Title, interpretation and commencement

1.—(1) This Order may be cited as the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006.

(2) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(3) This Order comes into operation on the expiration of two months from the day on which it is made.

Physical punishment of children

Physical punishment of children

2.—(1) In relation to any offence specified in paragraph (2), battery of a child cannot be justified on the ground that it constituted reasonable punishment.

(2) The offences referred to in paragraph (1) are—

(a) an offence under section 18 of the Offences against the Person Act 1861 (c. 100) (wounding, or causing grievous bodily harm, with intent);

(b) an offence under section 20 of that Act (malicious wounding or grievous bodily harm);

(c) an offence under section 43 of that Act (aggravated assault);

(d) an offence under section 47 of that Act (assault occasioning actual bodily harm and common assault); and

(e) an offence under section 20(1) of the Children and Young Persons Act (Northern Ireland) 1968 (c. 34) (cruelty to persons under 16).

(3) Battery of a child 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 paragraph (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 20 of the Children and Young Persons Act (Northern Ireland) 1968, subsection (6) is hereby repealed.

Prohibited degrees of relationship

Marriage between certain persons related by affinity not to be void

3.—(1) In Article 18 of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 (NI 14) (prohibited degrees of relationship), the following provisions (which provide that a marriage between a person and the parent of a former spouse or former civil partner or between a person and the former spouse or former civil partner of a child of that person is void unless certain conditions are satisfied) are hereby repealed—

(a) in paragraph (1), Part 3 of the Table; and

(b) paragraphs (2C) and (2D).

(2) In paragraph (3) of that Article—

(a) for ", (2A) or (2C)" there shall be substituted "or (2A)"; and

(b) for "(2B) or (2D)" there shall be substituted "(2B)".

(3) In consequence of paragraph (1), sub-paragraphs (6) and (7) of paragraph 64 of Schedule 29 to the Civil Partnership Act 2004 (c. 33) (which amend the paragraphs mentioned in paragraph (1)(b)) are hereby repealed.

(4) Nothing in this Article shall affect any marriage solemnised before the commencement of this Order.

Corresponding provision for civil partnership

4. Paragraph 3 of Schedule 12 to the Civil Partnership Act 2004 (c. 33) is hereby repealed.