



**AN BILLE UM DHLITEANAS SIBHIALTA (SAMÁRAIGH
MHAITHE AGUS SAORÁLAITHE) 2009
CIVIL LIABILITY (GOOD SAMARITANS AND
VOLUNTEERS) BILL 2009**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement.
 2. Definitions.
 3. Civil liability of good samaritans.
 4. Civil liability of volunteers.
 5. Civil liability of volunteer undertakings.
 6. Effect on common law and statutory duties.
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ACTS REFERRED TO

Charities Act 2009

2009, No. 6

Civil Defence Act 2002

2002, No. 22



**AN BILLE UM DHLITEANAS SIBHIALTA (SAMÁRAIGH
MHAITHE AGUS SAORÁLAITHE) 2009**
**CIVIL LIABILITY (GOOD SAMARITANS AND
VOLUNTEERS) BILL 2009**

BILL

5

entitled

AN ACT TO PROVIDE FOR THE EXTENT OF THE CIVIL
LIABILITY OF GOOD SAMARITANS, VOLUNTEERS
AND VOLUNTEER UNDERTAKINGS.

10 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) This Act may be cited as the Civil Liability (Good Samaritans and Volunteers) Act 2009. Short title and commencement.

(2) This Act comes into operation within one month of its passing.

2.—In this Act, unless the context otherwise requires— Definitions.

15 “assistance, advice or care” includes administering first-aid and, or alternatively, using an automated external defibrillator;

“damage” includes death of or personal injury to any person;

“gross negligence” means—

- (a) the individual was, by ordinary standards, negligent,
- 20 (b) the negligence caused the injury at issue,
- (c) the negligence was of a very high degree,
- (d) the negligence involved a high degree of risk or likelihood of substantial personal injury to others, and
- 25 (e) the individual was capable of appreciating the risk or meeting the expected standard at the time of the alleged gross negligence;

“personal injury” includes any injury or illness;

“purpose that is of benefit to the community” includes the instances referred to in section 3(11) of the Charities Act 2009;

“volunteer undertaking” means an unincorporated or incorporated body formed for the purpose of giving assistance, advice or care to individuals and that is of benefit to the community and is not formed for profit.

Civil liability of good samaritans.

3.—(1) A good samaritan shall not be held liable in any civil proceedings for damage caused to another person in the circumstances referred to in *subsection (2)*, unless the damage is caused by the gross negligence of the good samaritan. 5

(2) The circumstances are that the good samaritan provides assistance, advice or care to another person who has been injured in an accident or in an emergency or other circumstance of serious and imminent danger. 10

(3) In this Act a “good samaritan” is an individual who provides assistance, advice or care in the circumstances referred to in *subsection (2)* without any expectation of payment or other financial reward. 15

Civil liability of volunteers.

4.—(1) A volunteer shall not be held liable in any civil proceedings for damage caused to another person in the circumstances referred to in *subsection (2)*, unless the damage is caused by the gross negligence of the volunteer. 20

(2) The circumstances are that the volunteer—

(a) agrees to provide his or her services with a view to giving assistance, advice or care to another person, and

(b) does so for a purpose that is of benefit to the community.

(3) In this Act a “volunteer” is an individual who, without any expectation of payment or other financial reward, agrees to provide assistance, advice or care in the circumstances referred to in *subsection (2)*, and includes an individual who does so under the auspices of a volunteer undertaking (including as a volunteer member of the civil defence within the meaning of the Civil Defence Act 2002). 25 30

Civil liability of volunteer undertakings.

5.—(1) Subject to *subsection (4)*, a volunteer undertaking is liable in civil proceedings for damage caused to a natural person in the circumstances referred to in *subsection (2)* where the damage is caused by the failure of the volunteer undertaking to take such care as is reasonable to expect. 35

(2) The circumstances are that the volunteer undertaking—

(a) is engaged in activities that involve giving assistance, advice or care to individuals, and

(b) is for a purpose that is of benefit to the community.

(3) Notwithstanding *section 4*, a volunteer undertaking is liable for the negligence of a volunteer. 40

(4) A volunteer undertaking shall not be held liable in civil proceedings under this section where, having regard to the benefit to the community of its activities, it would not be just and reasonable to impose liability. 45

6.—(1) Subject to *subsection (3)*, any duty or liability provided for by this Act is in place of any common law duty or liability that applied to a good samaritan, a volunteer or a volunteer undertaking prior to the coming into force of this Act. Effect on common law and statutory duties.

5 (2) This Act does not apply to a cause of action which accrued before the commencement of this Act.

(3) Nothing in this Act shall be construed as affecting any civil liability that arises as a result of any statutory duty or duties (other than the duties in this Act).