

## **Good Samaritan Act Ireland 2011**

The Good Samaritan act was passed into law in 24<sup>th</sup> June 2011 as is part of the CIVIL LAW (MISCELLANEOUS PROVISIONS) ACT 2011.

<http://www.irishstatutebook.ie/pdf/2011/en.act.2011.0023.PDF>

The Good Samaritan law is contained in Part 3 of the act.

### **PART 3**

Good Samaritans, etc.

4.—The Civil Liability Act 1961 is amended by the insertion of the following Part after Part IV:

### **PART IVA**

51A.—(1) In this Part—

'emergency' includes circumstances arising in connection with an actual or apprehended accident;

'good samaritan' means a person who, without expectation of payment or other reward, provides assistance, advice or care to another person in an emergency, but does not include a person who does so as a volunteer;

'negligence' does not include breach of statutory duty;

'voluntary work' means any work or other activity that is carried out for any of the following purposes:

- (a) a charitable purpose within the meaning of the Charities Act 2009;
- (b) without prejudice to the generality of paragraph (a), the purpose of providing assistance, advice or care in an emergency or so as to prevent an emergency;
- (c) the purpose of sport or recreation;

'volunteer' means a person who does voluntary work that is authorised by a volunteer organisation and does so without expectation of payment (other than reasonable reimbursement for expenses) or other reward;

'volunteer organisation' means any body (whether or not incorporated) that is not formed for profit and that authorises the doing of voluntary work whether or not as the principal purpose of the organisation.

(2) A reference in this Part to the provision of assistance, advice or care to a person includes a reference to any of the following activities:

- (a) the administration of first-aid to the person;
- (b) the treatment of the person using an automated external defibrillator;
- (c) the transportation of the person from the scene of an emergency to a hospital or other place for the purposes of ensuring the person receives medical care.

(3) Nothing in subsection (2) shall operate to limit the nature of activities that may constitute assistance, advice or care for the purposes of this Part.

51B.—This Part shall not apply to any cause of action that accrued before the commencement of this Part.

51C.—(1) This Part shall not apply in relation to the negligent use of a mechanically propelled vehicle in a public place.

(2) In this section 'mechanically propelled vehicle' has the same meaning as it has in Part VI of the Road Traffic Act 1961.

51D.—(1) A good samaritan shall not be personally liable in negligence for any act done in an emergency when providing—

- (a) assistance, advice or care to a person who is—
  - I. in serious and imminent danger, or apparently in serious and imminent danger, of being injured or further injured,
  - II. injured or apparently injured, or
  - III. suffering, or apparently suffering, from an illness,

or

- (b) advice by telephone or by another means of communication to a person (whether or not the person is a person referred to in paragraph (a)) who is at the scene of the emergency.

(2) The protection from personal liability conferred on a good samaritan by subsection applies even if the emergency is caused by an act of the good samaritan.

(3) The protection from personal liability conferred on a good samaritan by subsection (1) shall not apply to—

- (a) any act done by the good samaritan in bad faith or with gross negligence, or

(b) any act done by the good Samaritan when providing assistance, advice or care in circumstances where the good samaritan has a duty (whether imposed by or under any enactment or any other rule of law) to provide such assistance, advice or care.

51E.—(1) A volunteer shall not be personally liable in negligence for any act done when carrying out voluntary work.

(2) The protection from personal liability conferred on a volunteer by subsection (1) shall not apply to any act done by the volunteer if—

- (a) the act was done by the volunteer in bad faith or with gross negligence, or
- (b) the volunteer knew or ought reasonably to have known that the act was—
  - (i) outside the scope of the voluntary work authorised by the volunteer organisation concerned, or
  - (ii) contrary to the instructions of the volunteer organisation concerned.

(3) An agreement, undertaking or arrangement has no effect to the extent that it provides for a volunteer to give a volunteer organisation an indemnity against, or to make a contribution to a volunteer organisation in relation to, a liability that—

- (a) the volunteer would incur for his or her negligence but for the operation of subsection (1), and
- (b) the volunteer organisation incurs as a result of its vicarious liability for that negligence.

51F.—The protection from personal liability conferred on a good samaritan by section 51D or a volunteer by section 51E is in addition to any protection from personal liability conferred on the good samaritan or volunteer by or under any other enactment or rule of law.

51G.—(1) This section applies to proceedings relating to the liability of a volunteer organisation for negligence arising from activities carried out by or on behalf of the organisation.

(2) In any proceedings to which this section applies, when determining whether the volunteer organisation owed a duty of care to the plaintiff or any other person, a court shall consider whether it would be just and reasonable to find that the organisation owed such a duty having regard to the social utility of the activities concerned.

(3) Nothing in this section shall operate to limit the matters that a court may consider, in proceedings to which this section applies, when determining whether a volunteer organisation owed a duty of care to a plaintiff or other person.”.