

## **Civil Liability of Good Samaritans and Volunteers**

In 2009, the Commission published a Report on the [Civil Liability of Good Samaritans and Volunteers](#) (LRC 93-2009), which followed the Consultation Paper on the [Civil Liability of Good Samaritans and Volunteers](#) (LRC CP 47-2007). This arose from a request by the Attorney General to consider the civil liability of: (a) those who intervene to assist and help an injured person (“Good Samaritans”) and (b) voluntary rescuers and other volunteers. The Attorney General also asked the Commission to consider whether the law should be reformed to impose a positive duty on citizens, members of the caring professions or members of an Garda Síochána or the Defence Forces (when not engaged in duties in the course of their employment) to intervene to assist an injured person or a person who is at risk of such an injury.

The Commission recommended that legislation be enacted which would include a full defence against a civil liability claim for Good Samaritans and volunteers, unless there is gross negligence, that is, negligence of a very high level and that involves a high degree of risk or likelihood of injury. This gross negligence test is in line with similar laws in place in many countries, including the United States, Canada, Australia and New Zealand. The Commission also recommended that, while volunteering organisations would have to comply with the normal rules of civil liability – to take reasonable care in all the circumstances – they should also be able to argue that liability should not be imposed on them if it would not be just and reasonable in the circumstances to do so. This takes account of the overall policy objectives of encouraging volunteering activity in Ireland. As to a duty to intervene, the Commission recommended that the law should not be amended to impose any general positive duty to intervene to rescue people in danger over and above what already exists in the law (for example under safety and health at work legislation). The Commission’s Report includes a draft *Civil Liability (Good Samaritans and Volunteers) Bill* which contains the Commission’s detailed proposals.