

These notes refer to the Lords Amendments to the Social Action, Responsibility and Heroism Bill [Bill 148] as brought from the House of Lords on 7 January 2015

SOCIAL ACTION, RESPONSIBILITY AND HEROISM BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

INTRODUCTION

1. These explanatory notes relate to the Lords Amendments to the Social Action, Responsibility and Heroism Bill as brought from the House of Lords on 6 January 2015. They have been prepared by the Ministry of Justice in order to assist the reader of the Bill and to help inform debate on the Lords Amendments. They do not form part of the Bill and have not been endorsed by Parliament.
2. These notes, like the Lords Amendments themselves, refer to HL Bill 47, the Bill as first printed for the Lords.
3. These notes need to be read in conjunction with the Lords Amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the effect of the Lords Amendments.
4. Both the Lords Amendments were in the name of the Minister.

COMMENTARY ON LORDS AMENDMENTS

Lords Amendment 1

Lords Amendment 1 would replace the word “generally” with the word “predominantly” in clause 3 of the Bill, so that the courts would be required to have regard to whether the defendant demonstrated a “predominantly” responsible approach towards protecting the safety or other interests of others in carrying out the activity in the course of which the alleged negligence or breach of statutory duty occurred. This is a drafting amendment to clarify the policy intention underlying the clause.

Lords Amendment 2

5. Lords Amendment 2 would remove the words “and without regard to the person’s own safety or other interests” from clause 4 of the Bill, so that the clause would read “The court must have regard to whether the alleged negligence or breach of statutory duty occurred when the person was acting heroically by intervening in an emergency to assist an individual in danger”. The amendment would clarify that the clause is intended to apply in a case where a person assesses the risks to their safety or other interests before intervening (as well as in a case where a person intervenes without doing so).