



EXPLANATORY NOTES

Social Action, Responsibility and Heroism Act 2015

Chapter 3

£4.25

SOCIAL ACTION, RESPONSIBILITY AND HEROISM ACT 2015

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the Social Action, Responsibility and Heroism Act 2015 which received Royal Assent on 12 February 2015. They have been prepared by the Ministry of Justice in order to assist the reader of the Act. These explanatory notes do not form part of the Act and have not been endorsed by Parliament.

2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

SUMMARY AND BACKGROUND

3. The Act contains 5 sections.

4. The Act makes provision about civil liability for negligence and for certain breaches of a statutory duty. It is general in its application so could apply to claims against individuals or organisations (including employers). At present a court considering a claim in negligence must determine whether the defendant acted reasonably, taking into account all the circumstances of the case. A court will also take into account all the relevant circumstances in determining whether a defendant was in breach of a duty of care imposed by statute. A substantial body of case law has established the kinds of factors which might be relevant to such determinations. In addition section 1 of the Compensation Act 2006 confirms that, in considering what was necessary to meet a standard of care in a particular case, the court can look at whether a particular requirement might prevent a desirable activity being carried out to any extent or discourage people from undertaking functions in relation to such an activity.

5. The provisions of the Act do not change this overarching framework but require a court which is determining what was required to meet the standard of care in a specific case to have regard to the matters mentioned in sections 2 to 4 of the Act. The Act does not preclude the court from having regard to any other relevant factors or from deciding what weight to give to each of the relevant matters in determining whether the standard of care has been met.

6. There is some evidence that people are deterred from participating in socially useful activities due to worries about risk or liability. For example, “Helping Out: A national survey of volunteering and charitable giving” in 2006/2007¹ found this was one of the main reasons² cited by respondents to the survey who did not currently volunteer. The Act forms part of the Coalition Government’s wider programme to encourage participation in civil society and the Coalition Agreement contained a specific commitment to “take a range of measures to encourage volunteering and involvement in social action”.³

TERRITORIAL EXTENT AND APPLICATION

7. The Act’s provisions extend to England and Wales only.

8. The provisions in the Act relate to non-devolved matters in Wales and do not affect the powers and responsibilities of Welsh Ministers.

COMMENTARY ON SECTIONS

Section 1 – When this Act applies

9. Section 1 establishes the application of sections 2 to 4; it provides that they apply where a court considering a claim in negligence or breach of statutory duty is determining what was necessary to meet the applicable standard of care.

Sections 2 to 4 – Social Action, Responsibility and Heroism

10. Sections 2 to 4 provide that the court making such a determination must have regard to the following matters;

- whether the alleged negligence or breach of statutory duty occurred when the person was acting for the benefit of society or any of its members (section 2);
- whether the person, in carrying out the activity giving rise to the claim, demonstrated a predominantly responsible approach towards protecting the safety or other interests of others (section 3);
- 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 (section 4).

¹ Helping Out: A national survey of volunteering and charitable giving, September 2007 - <http://www.ivr.org.uk/component/ivr/helping-out-a-national-survey-of-volunteering-and-charitable-giving>.

² Overall, 47% of just under 300 respondents felt the worry about risk/liability was a reason for not volunteering.

³ “The Coalition: our programme for Government” (May 2010): <https://www.gov.uk/government/publications/the-coalition-documentation>.

COMMENCEMENT

- 11. The Act, apart from section 5, will come into force on such day as the Secretary of State may appoint by regulations made by statutory instrument.
- 12. Section 5 came into force on the day the Act was passed.

HANSARD REFERENCES

13. The following table sets out the dates and Hansard references for each stage of the Act’s passage through Parliament.

Stage	Date	Hansard Reference
<i>Commons Stages</i>		
Introduction	12 June 2014	Vol. 582 Column 725
Second Reading	21 July 2014	Vol. 584 Cols. 1187 - 1214
Committee	4 September 2014 4 September 2014 9 September 2014	Public Bill Committee on the Social Action, Responsibility and Heroism Bill
Report and Third Reading	20 October 2014	Vol. 586 Cols. 682 – 705
<i>Lords Stages</i>		
Introduction	21 October 2014	Vol. 756 Col. 556
Second Reading	4 November 2014	Vol. 756 Cols. 1545 – 1578
Committee	18 November 2014	Vol. 757 Cols. 377 – 421
Report	15 December 2014	Vol. 758 Cols.13 - 48
Third Reading	6 January 2015	Vol. 758 Cols. 252 - 262
<i>Ping pong</i>		
Commons consideration of Lords Amendments	2 February 2015	Vol. 592 Cols. 76 – 81
Royal Assent	12 February 2015	Vol. 592 Col. 1000 Vol. 749 Col. 1353

Published by TSO (The Stationery Office) and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Fax orders: 0870 600 5533

E-mail: customer.services@tso.co.uk

Textphone: 0870 240 3701

The Houses of Parliament Shop

12 Bridge Street, Parliament Square

London SW1A 2JX

Telephone orders/General enquiries: 020 7219 3890

Fax orders: 020 7219 3866

Email: shop@parliament.uk

Internet: <http://www.shop.parliament.uk>

TSO@Blackwell and other Accredited Agents

ISBN 978-0-10-560315-3



9 780105 603153