

**THE SOCIAL ACTION, RESPONSIBILITY AND HEROISM BILL**  
**Memorandum prepared by the Ministry of Justice for the Delegated Powers**  
**and Regulatory Reform Committee**

**INTRODUCTION**

1. This Memorandum identifies the provision in the Social Action, Responsibility and Heroism Bill which confers powers to make delegated legislation, and explains why the power has been taken and the nature of, and reason for, the procedure selected. It has been prepared by the Ministry of Justice to assist the Delegated Powers and Regulatory Reform Committee in its consideration of the Bill.

**SUMMARY OF THE BILL**

2. The Bill contains 5 clauses.
  - **Clause 1** provides that the provisions of the Bill apply where a court is determining the steps that a person was required to take to meet a standard of care for the purposes of proceedings in negligence or for breach of statutory duty.
  - **Clauses 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 (clause 2);
    - whether the person, in carrying out the activity giving rise to the claim, demonstrated a generally responsible approach towards protecting the safety or other interests of others (clause 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 and without regard to the person's own safety or other interests (clause 4).
  - **Clause 5** contains provisions about the extent and short title of the Bill and about its commencement.

## **DELEGATED POWER**

### **Clause 5(2) and (3): Commencement**

*Power conferred on:* Secretary of State

*Power exercisable by:* Rules made by statutory instrument

*Parliamentary Procedure:* None

3. The Bill contains, in clause 5(2) and (3) a single, standard, delegated power which enables the Secretary of State, by regulations, to bring the provisions of the Bill into force on an appointed day and to make appropriate transitional provision when doing so. As is usual, orders made under this commencement power are not subject to parliamentary procedure. Parliament has approved the principle of the provisions to be commenced by enacting them and the power enables those provisions to be brought into force at a convenient time and in an orderly manner.