

VOLUNTEER LIABILITY ACT 2000



**BERMUDA
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VOLUNTEER LIABILITY ACT 2000

[Date of Assent 26 July 2000]

[Operative Date 1 October 2000]

ARRANGEMENT OF SECTIONS

1	Citation	5	Proceedings to be based on gross negligence
2	Interpretation	6	Liability of donor or distributor of food
3	Emergency services or assistance to person	7	Commencement
4	Services or assistance respecting endangered property		

WHEREAS it is expedient to provide protection from liability to persons who provide emergency assistance or who donate or distribute food to persons in need.

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:—

Citation

1 This Act may be cited as the Volunteer Liability Act 2000.

VOLUNTEER LIABILITY ACT 2000

Interpretation

2 (1) In this Act—

"volunteer" means an individual who—

- (a) renders services or assistance; and
- (b) does not receive fees, wages or salary therefor,

whether or not—

- (c) the individual has special training to render the service;
or
- (d) the service or assistance is rendered by the individual
alone or in conjunction with others.

(2) A person who is a volunteer fire officer is not, for the purpose of subsection (1)(b), in receipt of fees, wages or salary by reason only of receiving a payment, not made as a result of an employer to employee relationship, in recognition of services performed by that person as a fire officer or for performing services customarily rendered by a volunteer fire officer.

Emergency services or assistance to person

3 Where, in respect of a person who is ill, injured or unconscious as a result of an accident or other emergency, a volunteer renders services or assistance at any place, the volunteer is not liable for damages for injuries to, or the death of, that person alleged to have been caused by an act on the part of the volunteer while rendering services or assistance, unless it is established that the injuries or death were caused by gross negligence on the part of the volunteer.

Services or assistance respecting endangered property

4 Where, in respect of real or personal property in danger, a volunteer renders services or assistance to protect or preserve the endangered property, the volunteer is not liable for damage resulting to the property alleged to have been caused by an act on the part of the volunteer while rendering services or assistance, unless it is established that the damage was caused by gross negligence on the part of the volunteer.

Proceedings to be based on gross negligence

5 No proceedings shall be commenced against a volunteer in relation to the rendering of services or assistance under section 3 or 4 unless based upon an allegation of gross negligence.

VOLUNTEER LIABILITY ACT 2000

Liability of donor or distributor of food

6 A person who donates food or who distributes donated food to another person is not liable for damages resulting from injury, illness or death caused by the consumption of the food unless—

- (a) the food was contaminated or otherwise unfit for human consumption; and
- (b) at the time of donation or distribution of the food, the person knew that the food was contaminated or otherwise unfit for human consumption or acted with reckless disregard for the safety of the consumer of the food.

Commencement

7 This Act comes into force on such day as the Minister responsible for health may appoint by notice published in the Gazette.