

Insurance lawyers call for more 'robust' heroism bill

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Insurance lawyers have warned that government plans to prevent responsible businesses and volunteers from being sued may have little effect in practice.

David Johnson (pictured), president of the Forum of Insurance Lawyers, appeared yesterday at the House of Commons public bill committee to give his verdict on the [Social Action, Heroism and Responsibility Bill](#).



The legislation seeks to reassure people involved in rescues or business owners that courts will consider the context of their actions if they are sued for negligence.

Johnson said the bill was well-intentioned but adds little to the Compensation Act 2006, which already requires courts to 'have regard to' what prompted an individual's actions.

Johnson said the bill, which had its second reading in the House of Commons in July, needs 'more robust' wording and definitions of subjective terms which are too open to interpretation.

Johnson said: 'It needs to be recognised that very few activities in life are entirely risk free, and that the promotion of health and safety standard must be balanced with maintaining the personal freedoms that enable individuals and organisations to engage in activities of social worth. The thinking behind SARAH is laudable, but in practice it may ultimately be ineffective in its current form.'

While insurance lawyers oppose the bill in its present form, claimant solicitors have suggested the legislation is at best unnecessary and at worse potentially damaging.

Fraser Whitehead, head of group litigation at national firm Slater & Gordon, warned committee members the bill could have far-ranging consequences hindering access to justice.

'This bill is in need of very substantial redrafting - it is beyond amendment.', said Whitehead.

'Without this it will produce highly undesirable consequences. If government acts in haste we all might regret at length. It could lower the standing of our law and of law making.'

John Spencer, president of the Association of Personal Injury Lawyers, accused the government of creating an 'ill-thought-through, populist' piece of legislation, which could encourage unsafe and reckless behaviour.

He added: 'None of us would want to send our child off on a school trip and have them injured, and likewise we don't want them to be prevented from going on the trip because of a fear of litigation. But the fear is based on perception and we need education, not legislation, to address that.'

The committee will report its findings on the proposed bill to the House of Commons on 14 October.

<http://www.lawgazette.co.uk/law/insurance-lawyers-call-for-more-robust-heroism-bill/5042925.article>