

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE PROTECTION OF PERSONS WHO RENDER REASONABLE ASSISTANCE DURING EMERGENCY SITUATIONS OCCURRING AT PLACES WITHIN FEDERAL JURISDICTION AND TO SERVE AS A MODEL TO BE ADOPTED BY THE STATES OF THE FEDERATION AND FOR RELATED MATTERS

*Sponsored by Hon. Babajimi Benson*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1           1.-(1) Notwithstanding the provisions of any other enactment or  
2 principles of law, a person who, without demanding and or receiving any  
3 form of pecuniary compensation or reward, provides assistance, whether  
4 medical or otherwise, to a consenting person at the scene of an emergency,  
5 shall not be liable for any damages as a result of his acts or omissions while  
6 rendering the assistance, unless he acts in an unreasonable manner in  
7 providing the assistance or his acts or omissions constitute gross, willful,  
8 wanton or reckless negligence or misconduct.

General  
Immunity from  
Liability

9           (2) Nothing contained in this Act shall alter existing law with  
10 respect to the liability of a person rendering assistance during the ordinary  
11 course of his practice or employment.

12           (3) Sub-section (1) shall not apply to a person that receives  
13 pecuniary compensation for rendering the assistance.

14           (4) Immunity from liability under Sub-section (1) shall not extend  
15 to a person or persons who intentionally cause or exacerbates the  
16 emergency.

17           (5) For the purposes of this Act, the scene of an emergency is an  
18 area outside the confines of a hospital or other facility having appropriate

1 healthcare facilities and equipment, including the office of a person licensed to  
2 practice medicine. However, the scene of an emergency shall include the  
3 places referred to in Section 3 of this Act.

Application

4 2. The provisions of this Act shall be limited to emergencies and  
5 incidents occurring:

6 (a) on federal highways;

7 (b) at national parks;

8 (c) at Airports and on aircrafts;

9 (d) within Nigerian airspace;

10 (f) at railway stations, on rail tracks and on trains;

11 (g) at such ports as may be declared by the National Assembly to be  
12 federal ports;

13 (h) at mines and oil fields;

14 (i) on Nigerian territorial waters;

15 (j) on such inland waterways as may be designated by the National  
16 Assembly to be an international waterway or an inter- state waterway; and

17 (k) the Federal Capital Territory, Abuja.

Consent

18 3.-(1) Presumption of Consent:

19 Where any person to whom emergency assistance has been given was in a  
20 condition that made him unable to give consent or in an unconsciousness state  
21 at the time of the emergency, it shall be presumed that he consented to the  
22 assistance.

23 (2) Consent of Minors:

24 Consent shall not be required in the case of a person under the age of eighteen  
25 who is in reasonable need of emergency assistance.

Interpretation

26 4.-(1) In this Act, unless otherwise provided:

27 (a) "Assistance" means "the action of aiding a person at the scene of  
28 an Emergency by providing resources, care, treatment, information, advice or  
29 any other form of aid";

30 (b) "Emergency" means "a serious, unexpected and dangerous

1 situation requiring immediate action<sup>7</sup>.

2 5. This Bill may be cited as the Good Samaritans' Bill, 2019.

Citation

EXPLANATORY MEMORANDUM

The Bill seeks to provide a legal framework for the protection of any person who renders assistance to others during emergency situations.