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**An Bille um Dhliteanas Sibhialta (Scoileanna), 2019**  
**Civil Liability (Schools) Bill 2019**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM DHLITEANAS SIBHIALTA (SCOILEANNA), 2019  
CIVIL LIABILITY (SCHOOLS) BILL 2019**

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*Mar a tionscnaíodh*

*As initiated*

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CONTENTS

Section

1. Amendment of Part IV of Civil Liability Act 1961
2. Short title and citation

ACTS REFERRED TO

Civil Liability Act 1961 (No. 41)

Education Act 1998 (No. 51)



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AN BILLE UM DHLITEANAS SIBHIALTA (SCOILEANNA), 2019  
CIVIL LIABILITY (SCHOOLS) BILL 2019

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# Bill

*entitled*

An Act to amend the law related to civil liability for schools. 5

**Be it enacted by the Oireachtas as follows:**

## **Amendment of Part IV of Civil Liability Act 1961**

1. The Civil Liability Act 1961 is amended by the insertion of the following Part after Part IVB:

“PART IVC 10

### LIABILITY FOR NEGLIGENCE OF SCHOOLS

#### **Interpretation (Part IVC)**

**51P.** In this Part—

‘negligence’ does not include breach of a statutory duty;

‘Principal’ has the meaning assigned to it by the Education Act 1998; 15

‘school’ has the meaning assigned to it by the Education Act 1998;

‘student’ has the meaning assigned to it by the Education Act 1998;

‘teacher’ includes a volunteer, an agent, the Principal, and any other staff of a school;

‘volunteer’ means a person who is authorised by the school to assume any duties or engage in any work and does so without expectation of payment (other than reasonable reimbursement for expenses) or other reward. 20

#### **Protection of schools from liability for negligence**

**51Q.** (1) A school shall not be liable in negligence for injury to a student arising from an accident occurring on premises occupied by the school, provided that at the time and in the place of such accident the school operates a system of supervision by teachers which is appropriate with regard to— 25

- (a) the age of the students,

- (b) the number of students who may be present in that place at any one time,
  - (c) the size and layout of that place,
  - (d) any other factors particular to that school of which the Principal was aware or ought to have been aware, and 5
- the school is in compliance with the health, safety and building standards as are determined by law and any such further standards as are determined from time to time by the Minister for Education and Skills in respect of that place.
- (2) A school shall not be liable in negligence for any act done by a teacher when providing assistance, advice or care to a student who is— 10
    - (a) in serious and imminent danger, or apparently in serious and imminent danger, of being injured or further injured,
    - (b) injured or apparently injured, or
    - (c) suffering or apparently suffering from an illness. 15
  - (3) The assistance, advice or care to a student referred to in subsection (2) includes any reference to any of the following activities:
    - (a) the administration of first-aid to a student;
    - (b) the transportation of a student to a hospital or other place for the purposes of ensuring the student receives medical care. 20
  - (4) Nothing in subsection (3) shall operate to limit the nature of activities that may constitute assistance, advice or care for the purposes of this Part.
  - (5) The standard of care which shall apply to teachers shall not exceed that of a prudent, responsible and reasonable parent acting in equivalent circumstances. 25
  - (6) The protection from liability conferred on a school under this Part shall not apply to any act done or omission by a teacher in bad faith or with gross negligence.”.

**Short title and citation** 30

2. This Act may be cited as the Civil Liability (Schools) Act 2019.



An Bille um Dhliteanas Sibhialta  
(Scoileanna), 2019

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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do leasú an dlí a bhaineann le dliteanas  
sibhialta i leith scoileanna.

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*Na Seanadóirí Rónán Mullen, Victor Boyhan agus  
Gearóid Ó Creachmhaoil a thug isteach,*

*11 Nollaig, 2019*

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Civil Liability (Schools) Bill 2019

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# BILL

*(as initiated)*

*entitled*

An Act to amend the law related to civil liability for  
schools.

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*Introduced by Senators Rónán Mullen, Victor  
Boyhan and Gerard P. Craughwell,*

*11th December, 2019*

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