

## Corporate Manslaughter & Corporate Homicide Act 2007



The Corporate Manslaughter and Corporate Homicide Act 2007 was given Royal Assent on 26th July and will come into force on 6th April 2008. The main points to note are:-

- The offence will be corporate manslaughter in England and corporate homicide in Scotland.
- An organisation will be guilty of an offence if the way in which its activities are managed or organised caused a person's death and amounted to a gross breach of a duty of care owed by the organisation. A "gross breach" is defined as a breach of duty which falls far below what can reasonably be expected of the organisation in the circumstances. The relevant duties of care include those owed by the organisation as an employer and as an occupier of premises.
- An organisation includes companies, partnerships and certain government agencies.
- The offence cannot be committed by an individual.

- An organisation convicted of corporate manslaughter or corporate homicide will face an unlimited fine.
- In addition to a fine, a court will have the power to issue two separate orders to the organisation:-
  - Remedial Orders which require an organisation to take specific steps to remedy the breach, including addressing deficiencies in the organisation's health and safety policies
  - Publicity Orders which will require an organisation to publish certain information about the offence

The Act whilst not imposing penalties on individuals with responsibilities does focus on the way in which an organisation's activities are managed and operated by senior management. It must be remembered that management do have responsibilities under existing health and safety legislation and can be found personally responsible for breaches of duties under the existing legal framework.

A more detailed bulletin will be issued shortly before the Act comes into force, but if you have any questions please do not hesitate to contact a member of our Health and Safety Unit.

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