



# Corporate Manslaughter and Corporate Homicide Act 2007

**April 2008 saw the long awaited introduction of the Corporate Manslaughter and Corporate Homicide Act.** The law on Corporate Manslaughter was widely regarded as unsatisfactory with very poor prosecution and conviction rates. During 2006/2007 in excess of 240 people were killed in industrial accidents in the UK with prosecutions and convictions being far fewer.

The old common law of corporate manslaughter has now been repealed (with the exception of any ongoing cases) and a new offence of corporate manslaughter has been introduced. The new offence provides that that an organisation will be guilty if the way in which its activities are managed or organised causes the death of a person and if it also constitutes a gross breach of any duty of care owed to any such person.

So what amounts to a “relevant duty of care”? The Act sets out that the duty will be any duty under the law of negligence such as the duty to provide a safe working environment for example.

For an offence to be committed it must be as a consequence of the manner in which the organisation is managed or organised by senior management and a “substantial element” of the breach must also be related to the way in which senior management actually managed the activities.

Senior management will be those responsible for actually managing activities on the ground and also those who have a significant role in making decisions about how activities are managed or organised and is dependent upon the individual make up

of each organisation.

For a successful prosecution, the Crown Prosecution Service will have to show that there has been a “gross breach” of a relevant duty of care **and** it must be shown that the organisations conduct departed from the standard expected of any reasonable person. The penalties are severe on conviction however imprisonment of individuals is not now part of the Act having been ruled out during the earlier stages. An organisation will however face an unlimited fine, publicity order and/or a remedial order.

Many organisations may think that the Act is intended to prosecute only large corporate clients following rail or sea disasters however, the Act does not discriminate between organisations and all companies would do well to be aware of the implications of the Act to their day to day activities and how these are managed and to review their operational, health and safety policies and processes.

For further information about the Act or guidance about health and safety policies and procedures please contact [Judith Curran](#) on 020 8768 7022 or [Roy Carlo](#) on 020 8768 7031.

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