# Corporate Manslaughter and Corporate Homicide Act 2007

**2007 CHAPTER 19**

*Miscellaneous*

**15 Procedure, evidence and sentencing** U.K.

(1) Any statutory provision (whenever made) about criminal proceedings applies, subject to any prescribed adaptations or modifications, in relation to proceedings under this Act against—

(a) a department or other body listed in Schedule 1,

(b) a police force,

(c) a partnership,

(d) a trade union, or

(e) an employers' association that is not a corporation,

as it applies in relation to proceedings against a corporation.

(2) In this section—

"prescribed" means **[**[F1]—

(a) in relation to proceedings under this Act in England and Wales, prescribed by an order made by the Secretary of State;

(b) in relation to proceedings under this Act in Northern Ireland, prescribed by an order made by the Department of Justice in Northern Ireland;**]**

"provision about criminal proceedings" includes—

(a) provision about procedure in or in connection with criminal proceedings;

(b) provision about evidence in such proceedings;

(c) provision about sentencing, or otherwise dealing with, persons convicted of offences;

"statutory" means contained in, or in an instrument made under, any Act or any Northern Ireland legislation.

(3) A reference in this section to proceedings **[**[F2](except in the definition of "prescribed" in subsection (2))**]** is to proceedings in England and Wales or Northern Ireland.

(4) An order **[**[F3]of the Secretary of State**]** under this section is subject to negative resolution procedure.

**Textual Amendments**

**F1** Words in s. 15(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1, **Sch. 9 para. 2(2)** (with arts. 28-31)

**F2** Words in s. 15(3) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1, **Sch. 9 para. 2(3)** (with arts. 28-31)

**F3** Words in s. 15(4) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1, **Sch. 9 para. 2(4)** (with arts. 28-31)

**Commencement Information**

**I1** S. 15 in force at 6.4.2008 by S.I. 2008/401, **art. 2**

## 16 Transfer of functions U.K.

(1) This section applies where—

(a) a person's death has occurred, or is alleged to have occurred, in connection with the carrying out of functions by a relevant public organisation, and

(b) subsequently there is a transfer of those functions, with the result that they are still carried out but no longer by that organisation.

(2) In this section "relevant public organisation" means—

(a) a department or other body listed in Schedule 1;

(b) a corporation that is a servant or agent of the Crown;

(c) a police force.

(3) Any proceedings instituted against a relevant public organisation after the transfer for an offence under this Act in respect of the person's death are to be instituted against—

(a) the relevant public organisation, if any, by which the functions mentioned in subsection (1) are currently carried out;

(b) if no such organisation currently carries out the functions, the relevant public organisation by which the functions were last carried out.

This is subject to subsection (4).

(4) If an order made by the Secretary of State so provides in relation to a particular transfer of functions, the proceedings referred to in subsection (3) may be instituted, or (if they have already been instituted) may be continued, against—

(a) the organisation mentioned in subsection (1), or

(b) such relevant public organisation (other than the one mentioned in subsection (1) or the one mentioned in subsection (3)(a) or (b)) as may be specified in the order.

(5) If the transfer occurs while proceedings for an offence under this Act in respect of the person's death are in progress against a relevant public organisation, the proceedings are to be continued against—

(a) the relevant public organisation, if any, by which the functions mentioned in subsection (1) are carried out as a result of the transfer;

(b) if as a result of the transfer no such organisation carries out the functions, the same organisation as before.

This is subject to subsection (6).

(6) If an order made by the Secretary of State so provides in relation to a particular transfer of functions, the proceedings referred to in subsection (5) may be continued against—

(a) the organisation mentioned in subsection (1), or

(b) such relevant public organisation (other than the one mentioned in subsection (1) or the one mentioned in subsection (5)(a) or (b)) as may be specified in the order.

(7) An order under subsection (4) or (6) is subject to negative resolution procedure.

**Commencement Information**

**I2** S. 16 in force at 6.4.2008 by S.I. 2008/401, **art. 2**

## 17 DPP's consent required for proceedings U.K.

Proceedings for an offence of corporate manslaughter—

(a) may not be instituted in England and Wales without the consent of the Director of Public Prosecutions;

(b) may not be instituted in Northern Ireland without the consent of the Director of Public Prosecutions for Northern Ireland.

**Commencement Information**

**I3** S. 17 in force at 6.4.2008 by S.I. 2008/401, **art. 2**

## 18 No individual liability U.K.

(1) An individual cannot be guilty of aiding, abetting, counselling or procuring the commission of an offence of corporate manslaughter.

**[**[F4](1A) An individual cannot be guilty of an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) by reference to an offence of corporate manslaughter.**]**

(2) An individual cannot be guilty of aiding, abetting, counselling or procuring, or being art and part in, the commission of an offence of corporate homicide.

**Textual Amendments**

**F4** S. 18(1A) inserted (E.W.N.I) (1.10.2008) by Serious Crime Act 2007 (c. 27), **ss. 62**, 94(1) (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

**Commencement Information**

**I4** S. 18 in force at 6.4.2008 by S.I. 2008/401, **art. 2**

## 19 Convictions under this Act and under health and safety legislation U.K.

(1) Where in the same proceedings there is—

(a) a charge of corporate manslaughter or corporate homicide arising out of a particular set of circumstances, and

(b) a charge against the same defendant of a health and safety offence arising out of some or all of those circumstances,

the jury may, if the interests of justice so require, be invited to return a verdict on each charge.

(2) An organisation that has been convicted of corporate manslaughter or corporate homicide arising out of a particular set of circumstances may, if the interests of justice so require, be charged with a health and safety offence arising out of some or all of those circumstances.

(3) In this section "health and safety offence" means an offence under any health and safety legislation.

**Commencement Information**

**I5** S. 19 in force at 6.4.2008 by S.I. 2008/401, **art. 2**

## 20 Abolition of liability of corporations for manslaughter at common law U.K.

The common law offence of manslaughter by gross negligence is abolished in its application to corporations, and in any application it has to other organisations to which section 1 applies.

**Commencement Information**

**I6** S. 20 in force at 6.4.2008 by S.I. 2008/401, **art. 2** (with art. 2(3)(a))

**Changes to legislation:**
There are currently no known outstanding effects for the Corporate Manslaughter and Corporate Homicide Act 2007, Cross Heading: Miscellaneous.