

These notes refer to the Corporate Manslaughter and Corporate Homicide Act 2007 (c.19) which received Royal Assent on 26 July 2007

CORPORATE MANSLAUGHTER AND CORPORATE HOMICIDE ACT 2007

EXPLANATORY NOTES

SUMMARY

3. The Act makes provision for a new offence of corporate manslaughter (to be called corporate homicide in Scotland) and for this to apply to companies and other incorporated bodies, Government departments and similar bodies, police forces and certain unincorporated associations. The Act has 29 sections and 2 Schedules.
4. [Section 1](#) defines the offence and identifies the sorts of organisation to which it will apply. The effect of sections 2 to 7 is to identify the sort of activities covered by the new offence, and to specify certain functions performed by public authorities in relation to which the offence will not apply. Section 8 outlines factors for the jury to consider when assessing an organisation's culpability. Sections 9 and 10 make provision for remedial orders and publicity orders to be made on conviction.
5. [Sections 11 to 13](#) deal with the application of the offence to the Crown and police forces, where a number of provisions are required to reflect the particular status of Crown bodies and police forces. Section 14 makes provision to accommodate the application of the offence to partnerships. Section 15 makes further supplemental provision to ensure that rules of procedure, evidence and sentencing apply to Crown bodies, police forces and those unincorporated bodies to which the offence applies. Section 16 sets out where liability will fall following machinery of Government changes or other cases where functions are transferred.
6. [Sections 17 to 20](#) deal with a number of ancillary matters. These require the consent of the Director of Public Prosecutions to commence proceedings in England and Wales or Northern Ireland; preclude the prosecution of individuals as secondary participants in the new offence; clarify that convictions under this Act would not preclude conviction under health and safety legislation on the same facts; and abolish the common law offence of manslaughter by gross negligence in so far as it applies to companies and other bodies that are liable to the new offence. Sections 21 to 23 provide powers to extend the offence to other types of organisation, to amend the list of Government departments and other bodies in Schedule 1 and to extend the forms of custody or detention that give rise to relevant duties of care. Sections 24 to 28 deal with general matters including extent and jurisdiction.
7. The Schedules to the Act set out the Government departments and other similar bodies to which the offence will apply and make a number of minor and consequential amendments.