



Corporate Manslaughter and Corporate Homicide Act 2007

2007 CHAPTER 19

Miscellaneous

16 Transfer of functions

- (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.

Changes to legislation: There are currently no known outstanding effects for the Corporate Manslaughter and Corporate Homicide Act 2007, Section 16. (See end of Document for details)

- (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

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

Changes to legislation:

There are currently no known outstanding effects for the Corporate Manslaughter and Corporate Homicide Act 2007, Section 16.