

Corporate Manslaughter and Corporate Homicide Act 2007

The Corporate Manslaughter and Corporate Homicide Act 2007 is a landmark in law. For the first time, companies and organisations can be found guilty of corporate manslaughter as a result of serious management failures resulting in a gross breach of a duty of care.

The Act, which came into force on 6 April 2008, clarifies the criminal liabilities of companies including large organisations where serious failures in the management of health and safety result in a fatality.

- The Ministry of Justice leads on the Act and more information is available on its [Corporate Manslaughter and Corporate Homicide Act 2007 webpage](#).

HSE welcomes and supports the Act. Although the new offence is not part of health and safety law, it will introduce an important new element in the corporate management of health and safety.

Prosecutions will be of the corporate body and not individuals, but the liability of directors, board members or other individuals under health and safety law or general criminal law, will be unaffected. And the corporate body itself and individuals can still be prosecuted for separate health and safety offences.

The Act also largely removes the Crown immunity that applied to the previous common law corporate manslaughter offence. This is welcome, and consistent with Government and HSE policy to secure the eventual removal of Crown immunity for health and safety offences. The Act provides a number of specific exemptions that cover public policy decisions and the exercise of core public functions.

Companies and organisations should keep their health and safety management systems under review, in particular, the way in which their activities are managed and organised by senior management.