

UK LEGAL UPDATE

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- ▶ Corporate Manslaughter and Corporate Homicide Act 2007

- ▶ Section 1(1)
 - ▶ Any such organisation is guilty of an offence if the way in which its activities are managed or organised –
 - ▶ (a) causes a person's death; AND
 - ▶ (b) amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased
 - ▶ "An organisation is guilty of such an offence under this section only if the ways in which **its activities are managed or organised by its senior management is a substantial element in the breach**" S.1(3)

- ▶ R v PS & JE Ward Ltd
- ▶ First acquittal of corporate manslaughter following trial

- ▶ R v Malcolm Fyfield & MNS Mine Ltd
- ▶ First charge based on a non-director's actions

- ▶ R v CAV Aerospace
- ▶ Largest fine to date

- ▶ Upwards trend in corporate manslaughter prosecutions – In the 12 years preceding the CMCHA there were only 11 prosecutions of companies for manslaughter and six convictions.
- ▶ Prosecutions being brought within a shorter period of time.
- ▶ Significant rise in the number of investigations opened.

- ▶ Discretionary power given to the Court under Section 10 of the 2007 Act
- ▶ If ordered, the company must publish details of the:
 - ▶ Conviction;
 - ▶ Particulars of the offence;
 - ▶ Level of fine; and
 - ▶ Any remedial order made.

SENTENCING



- ▶ Guidelines
- ▶ LASPO

- ▶ Coroners and Justice Act 2009
- ▶ The Coroners (Investigation) Regulations 2013
- ▶ The Coroners (Inquest) Rules 2013
- ▶ The Coroners Allowances, Fees and Expenses Regulations 2013

- ▶ The 2014-2015 Chief Coroner's Annual Report

- ▶ Openness and honesty when things go wrong
- ▶ Health and Social care Act 2008 (Regulated Activities)(Amendment) Regulations 2015

THANK YOU



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