



Corporate Manslaughter and Corporate Homicide Act 2007

2007 CHAPTER 19

Application to particular categories of organisation

11 Application to Crown bodies

- (1) An organisation that is a servant or agent of the Crown is not immune from prosecution under this Act for that reason.
- (2) For the purposes of this Act—
 - (a) a department or other body listed in Schedule 1, or
 - (b) a corporation that is a servant or agent of the Crown,is to be treated as owing whatever duties of care it would owe if it were a corporation that was not a servant or agent of the Crown.
- (3) For the purposes of section 2—
 - (a) a person who is—
 - (i) employed by or under the Crown for the purposes of a department or other body listed in Schedule 1, or
 - (ii) employed by a person whose staff constitute a body listed in that Schedule,is to be treated as employed by that department or body;
 - (b) any premises occupied for the purposes of—
 - (i) a department or other body listed in Schedule 1, or
 - (ii) a person whose staff constitute a body listed in that Schedule,are to be treated as occupied by that department or body.
- (4) For the purposes of sections 2 to 7 anything done purportedly by a department or other body listed in Schedule 1, although in law by the Crown or by the holder of a particular office, is to be treated as done by the department or other body itself.

- (5) Subsections (3)(a)(i), (3)(b)(i) and (4) apply in relation to a Northern Ireland department as they apply in relation to a department or other body listed in Schedule 1.

12 Application to armed forces

- (1) In this Act “the armed forces” means any of the naval, military or air forces of the Crown raised under the law of the United Kingdom.
- (2) For the purposes of section 2 a person who is a member of the armed forces is to be treated as employed by the Ministry of Defence.
- (3) A reference in this Act to members of the armed forces includes a reference to—
- (a) members of the reserve forces (within the meaning given by section 1(2) of the Reserve Forces Act 1996 (c. 14)) when in service or undertaking training or duties;
 - (b) persons serving on Her Majesty’s vessels (within the meaning given by section 132(1) of the Naval Discipline Act 1957 (c. 53)).

13 Application to police forces

- (1) In this Act “police force” means—
- (a) a police force within the meaning of—
 - (i) the Police Act 1996 (c. 16), or
 - (ii) the Police (Scotland) Act 1967 (c. 77);
 - (b) the Police Service of Northern Ireland;
 - (c) the Police Service of Northern Ireland Reserve;
 - (d) the British Transport Police Force;
 - (e) the Civil Nuclear Constabulary;
 - (f) the Ministry of Defence Police.
- (2) For the purposes of this Act a police force is to be treated as owing whatever duties of care it would owe if it were a body corporate.
- (3) For the purposes of section 2—
- (a) a member of a police force is to be treated as employed by that force;
 - (b) a special constable appointed for a police area in England and Wales is to be treated as employed by the police force maintained by the police authority for that area;
 - (c) a special constable appointed for a police force mentioned in paragraph (d) or (f) of subsection (1) is to be treated as employed by that force;
 - (d) a police cadet undergoing training with a view to becoming a member of a police force mentioned in paragraph (a) or (d) of subsection (1) is to be treated as employed by that force;
 - (e) a police trainee appointed under section 39 of the Police (Northern Ireland) Act 2000 (c. 32) or a police cadet appointed under section 42 of that Act is to be treated as employed by the Police Service of Northern Ireland;
 - (f) a police reserve trainee appointed under section 40 of that Act is to be treated as employed by the Police Service of Northern Ireland Reserve;

- (g) a member of a police force seconded to the Serious Organised Crime Agency or the National Policing Improvement Agency to serve as a member of its staff is to be treated as employed by that Agency.
- (4) A reference in subsection (3) to a member of a police force is to be read, in the case of a force mentioned in paragraph (a)(ii) of subsection (1), as a reference to a constable of that force.
- (5) For the purposes of section 2 any premises occupied for the purposes of a police force are to be treated as occupied by that force.
- (6) For the purposes of sections 2 to 7 anything that would be regarded as done by a police force if the force were a body corporate is to be so regarded.
- (7) Where—
 - (a) by virtue of subsection (3) a person is treated for the purposes of section 2 as employed by a police force, and
 - (b) by virtue of any other statutory provision (whenever made) he is, or is treated as, employed by another organisation,the person is to be treated for those purposes as employed by both the force and the other organisation.

14 Application to partnerships

- (1) For the purposes of this Act a partnership is to be treated as owing whatever duties of care it would owe if it were a body corporate.
- (2) Proceedings for an offence under this Act alleged to have been committed by a partnership are to be brought in the name of the partnership (and not in that of any of its members).
- (3) A fine imposed on a partnership on its conviction of an offence under this Act is to be paid out of the funds of the partnership.
- (4) This section does not apply to a partnership that is a legal person under the law by which it is governed.