



Corporate Manslaughter and Corporate Homicide Act 2007

2007 CHAPTER 19

Remedial orders and publicity orders

9 Power to order breach etc to be remedied

- (1) A court before which an organisation is convicted of corporate manslaughter or corporate homicide may make an order (a “remedial order”) requiring the organisation to take specified steps to remedy—
- the breach mentioned in section 1(1) (“the relevant breach”);
 - any matter that appears to the court to have resulted from the relevant breach and to have been a cause of the death;
 - any deficiency, as regards health and safety matters, in the organisation’s policies, systems or practices of which the relevant breach appears to the court to be an indication.

- (2) A remedial order may be made only on an application by the prosecution specifying the terms of the proposed order.

Any such order must be on such terms (whether those proposed or others) as the court considers appropriate having regard to any representations made, and any evidence adduced, in relation to that matter by the prosecution or on behalf of the organisation.

- (3) Before making an application for a remedial order the prosecution must consult such enforcement authority or authorities as it considers appropriate having regard to the nature of the relevant breach.
- (4) A remedial order—
- must specify a period within which the steps referred to in subsection (1) are to be taken;
 - may require the organisation to supply to an enforcement authority consulted under subsection (3), within a specified period, evidence that those steps have been taken.

A period specified under this subsection may be extended or further extended by order of the court on an application made before the end of that period or extended period.

- (5) An organisation that fails to comply with a remedial order is guilty of an offence, and liable on conviction on indictment to a fine.

10 Power to order conviction etc to be publicised

- (1) A court before which an organisation is convicted of corporate manslaughter or corporate homicide may make an order (a “publicity order”) requiring the organisation to publicise in a specified manner—
- (a) the fact that it has been convicted of the offence;
 - (b) specified particulars of the offence;
 - (c) the amount of any fine imposed;
 - (d) the terms of any remedial order made.
- (2) In deciding on the terms of a publicity order that it is proposing to make, the court must—
- (a) ascertain the views of such enforcement authority or authorities (if any) as it considers appropriate, and
 - (b) have regard to any representations made by the prosecution or on behalf of the organisation.
- (3) A publicity order—
- (a) must specify a period within which the requirements referred to in subsection (1) are to be complied with;
 - (b) may require the organisation to supply to any enforcement authority whose views have been ascertained under subsection (2), within a specified period, evidence that those requirements have been complied with.
- (4) An organisation that fails to comply with a publicity order is guilty of an offence, and liable on conviction on indictment to a fine.