



# 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.

*Status: Point in time view as at 16/01/2012.**Changes to legislation: There are currently no known outstanding effects for the Corporate Manslaughter and Corporate Homicide Act 2007, Cross Heading: Application to particular categories of organisation. (See end of Document for details)*

- (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.

**Commencement Information**

**II** S. 11 in force at 6.4.2008 by S.I. 2008/401, art. 2

**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)).

**Commencement Information**

**II** S. 12 in force at 6.4.2008 by S.I. 2008/401, art. 2

**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 [F1local policing body] 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;

*Status: Point in time view as at 16/01/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Corporate Manslaughter and Corporate Homicide Act 2007, Cross Heading: Application to particular categories of organisation. (See end of Document for details)*

- (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.

#### Textual Amendments

**F1** Words in s. 13(3)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 365](#); S.I. 2011/3019, art. 3, Sch. 1

#### Commencement Information

**I3** S. 13 in force at 6.4.2008 by [S.I. 2008/401](#), art. 2

## 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.

---

**Status:** Point in time view as at 16/01/2012.

**Changes to legislation:** There are currently no known outstanding effects for the Corporate Manslaughter and Corporate Homicide Act 2007, Cross Heading: Application to particular categories of organisation. (See end of Document for details)

---

---

**Commencement Information**

**I4** [S. 14](#) in force at 6.4.2008 by [S.I. 2008/401](#), [art. 2](#)

**Status:**

Point in time view as at 16/01/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the Corporate Manslaughter and Corporate Homicide Act 2007, Cross Heading: Application to particular categories of organisation.