



# Corporate Manslaughter and Corporate Homicide Act 2007

## 2007 CHAPTER 19

### *General and supplemental*

#### **21 Power to extend section 1 to other organisations**

- (1) The Secretary of State may by order amend section 1 so as to extend the categories of organisation to which that section applies.
- (2) An order under this section may make any amendment to this Act that is incidental or supplemental to, or consequential on, an amendment made by virtue of subsection (1).
- (3) An order under this section is subject to affirmative resolution procedure.

#### **Commencement Information**

**II** S. 21 in force at 6.4.2008 by [S.I. 2008/401](#), [art. 2](#)

#### **22 Power to amend Schedule 1**

- (1) The Secretary of State may amend Schedule 1 by order.
- (2) A statutory instrument containing an order under this section is subject to affirmative resolution procedure, unless the only amendments to Schedule 1 that it makes are amendments within subsection (3).

In that case the instrument is subject to negative resolution procedure.

- (3) An amendment is within this subsection if—
  - (a) it is consequential on a department or other body listed in Schedule 1 changing its name,
  - (b) in the case of an amendment adding a department or other body to Schedule 1, it is consequential on the transfer to the department or other body of functions

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all of which were previously exercisable by one or more organisations to which section 1 applies, or

- (c) in the case of an amendment removing a department or other body from Schedule 1, it is consequential on—
  - (i) the abolition of the department or other body, or
  - (ii) the transfer of all the functions of the department or other body to one or more organisations to which section 1 applies.

**Commencement Information**

**I2** S. 22 in force at 6.4.2008 by [S.I. 2008/401](#), [art. 2](#)

**23 Power to extend section 2(2)**

- (1) The Secretary of State may by order amend section 2(2) to make it include any category of person (not already included) who—
  - (a) is required by virtue of a statutory provision to remain or reside on particular premises, or
  - (b) is otherwise subject to a restriction of his liberty.
- (2) An order under this section may make any amendment to this Act that is incidental or supplemental to, or consequential on, an amendment made by virtue of subsection (1).
- (3) An order under this section is subject to affirmative resolution procedure.

**Commencement Information**

**I3** S. 23 in force at 6.4.2008 by [S.I. 2008/401](#), [art. 2](#)

**[<sup>F1</sup>23A Powers of Department of Justice in Northern Ireland**

- (1) The power to make an order under any of the following provisions is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) so far as the power may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).
- (2) The provisions are—
  - (a) section 16(4);
  - (b) section 16(6);
  - (c) section 21;
  - (d) section 22;
  - (e) section 23.
- (3) None of the following applies in relation to a power of the Department of Justice to make an order by virtue of this section—
  - (a) section 16(7);
  - (b) section 21(3);
  - (c) section 22(2);
  - (d) section 23(3).]

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### Textual Amendments

- F1** S. 23A inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1, **Sch. 9 para. 3** (with arts. 28-31)

## 24 Orders

- (1) A power of the Secretary of State to make an order under this Act is exercisable by statutory instrument.
- (2) Where an order under this Act is subject to “negative resolution procedure” the statutory instrument containing the order is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Where an order under this Act is subject to “affirmative resolution procedure” the order may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.
- (4) An order under this Act—
  - (a) may make different provision for different purposes;
  - (b) may make transitional or saving provision.
- <sup>F2</sup>(5) A power of the Department of Justice in Northern Ireland to make an order under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (6) An order made by the Department of Justice under section 15 or 16 is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).
- (7) No order shall be made by the Department of Justice under section 21 or 23 or (subject to subsection (8)) section 22, unless a draft of it has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (8) If the only amendments to Schedule 1 made by an order of the Department of Justice under section 22 are amendments within subsection (3) of that section—
  - (a) subsection (7) of this section does not apply to the making of the order, and
  - (b) the order is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).
- (9) No order shall be made by the Department of Justice under section 27 bringing into force paragraph (d) of section 2(1) unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (10) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsections (7) and (9) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.]

### Textual Amendments

- F2** S. 24(5)-(10) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 9 para. 4(2)** (with arts. 28-31)

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In this Act—

“armed forces” has the meaning given by section 12(1);

“corporation” does not include a corporation sole but includes any body corporate wherever incorporated;

“employee” means an individual who works under a contract of employment or apprenticeship (whether express or implied and, if express, whether oral or in writing), and related expressions are to be construed accordingly; see also sections 11(3)(a), 12(2) and 13(3) (which apply for the purposes of section 2);

“employers' association” has the meaning given by section 122 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) or Article 4 of the Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5));

“enforcement authority” means an authority responsible for the enforcement of any health and safety legislation;

“health and safety legislation” means any statutory provision dealing with health and safety matters, including in particular provision contained in the Health and Safety at Work etc. Act 1974 (c. 37) or the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9));

“member”, in relation to the armed forces, is to be read in accordance with section 12(3);

“partnership” means—

- (a) a partnership within the Partnership Act 1890 (c. 39), or
- (b) a limited partnership registered under the Limited Partnerships Act 1907 (c. 24),

or a firm or entity of a similar character formed under the law of a country or territory outside the United Kingdom;

“police force” has the meaning given by section 13(1);

“premises” includes land, buildings and moveable structures;

“public authority” has the same meaning as in section 6 of the Human Rights Act 1998 (c. 42) (disregarding subsections (3)(a) and (4) of that section);

“publicity order” means an order under section 10(1);

“remedial order” means an order under section 9(1);

“statutory provision”, except in section 15, means provision contained in, or in an instrument made under, any Act, any Act of the Scottish Parliament or any Northern Ireland legislation;

“trade union” has the meaning given by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) or Article 3 of the Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5)).

**Commencement Information****15** S. 25 in force at 6.4.2008 by [S.I. 2008/401](#), [art. 2](#)

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## 26 Minor and consequential amendments

Schedule 2 (minor and consequential amendments) has effect.

### Commencement Information

**I6** S. 26 in force at 6.4.2008 by [S.I. 2008/401](#), [art. 2](#)

## 27 Commencement and savings

- (1) The preceding provisions of this Act come into force in accordance with provision made by order by the Secretary of State [<sup>F3</sup>(subject to subsection (1A))].
- [<sup>F4</sup>(1A) The power in subsection (1) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) for the purposes of the law of Northern Ireland.]
- (2) An order [<sup>F5</sup>of the Secretary of State] bringing into force paragraph (d) of section 2(1) is subject to affirmative resolution procedure.
- (3) Section 1 does not apply in relation to anything done or omitted before the commencement of that section.
- (4) Section 20 does not affect any liability, investigation, legal proceeding or penalty for or in respect of an offence committed wholly or partly before the commencement of that section.
- (5) For the purposes of subsection (4) an offence is committed wholly or partly before the commencement of section 20 if any of the conduct or events alleged to constitute the offence occurred before that commencement.

### Textual Amendments

- F3** Words in s. 27(1) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1, [Sch. 9 para. 5\(2\)](#) (with arts. 28-31)
- F4** S. 27(1A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1, [Sch. 9 para. 5\(3\)](#) (with arts. 28-31)
- F5** Words in s. 27(2) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1, [Sch. 9 para. 5\(4\)](#) (with arts. 28-31)

## 28 Extent and territorial application

- (1) Subject to subsection (2), this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) An amendment made by this Act extends to the same part or parts of the United Kingdom as the provision to which it relates.
- (3) Section 1 applies if the harm resulting in death is sustained in the United Kingdom or—
  - (a) within the seaward limits of the territorial sea adjacent to the United Kingdom;
  - (b) on a ship registered under Part 2 of the Merchant Shipping Act 1995 (c. 21);
  - (c) on a British-controlled aircraft as defined in section 92 of the Civil Aviation Act 1982 (c. 16);

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- (d) on a British-controlled hovercraft within the meaning of that section as applied in relation to hovercraft by virtue of provision made under the Hovercraft Act 1968 (c. 59);
  - (e) in any place to which an Order in Council under section 10(1) of the Petroleum Act 1998 (c. 17) applies (criminal jurisdiction in relation to offshore activities).
- (4) For the purposes of subsection (3)(b) to (d) harm sustained on a ship, aircraft or hovercraft includes harm sustained by a person who—
- (a) is then no longer on board the ship, aircraft or hovercraft in consequence of the wrecking of it or of some other mishap affecting it or occurring on it, and
  - (b) sustains the harm in consequence of that event.

## **29 Short title**

This Act may be cited as the Corporate Manslaughter and Corporate Homicide Act 2007.

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