



# Corporate Manslaughter and Corporate Homicide Act 2007

## 2007 CHAPTER 19

### *Gross breach*

#### **8 Factors for jury**

- (1) This section applies where—
  - (a) it is established that an organisation owed a relevant duty of care to a person, and
  - (b) it falls to the jury to decide whether there was a gross breach of that duty.
- (2) The jury must consider whether the evidence shows that the organisation failed to comply with any health and safety legislation that relates to the alleged breach, and if so—
  - (a) how serious that failure was;
  - (b) how much of a risk of death it posed.
- (3) The jury may also—
  - (a) consider the extent to which the evidence shows that there were attitudes, policies, systems or accepted practices within the organisation that were likely to have encouraged any such failure as is mentioned in subsection (2), or to have produced tolerance of it;
  - (b) have regard to any health and safety guidance that relates to the alleged breach.
- (4) This section does not prevent the jury from having regard to any other matters they consider relevant.
- (5) In this section “health and safety guidance” means any code, guidance, manual or similar publication that is concerned with health and safety matters and is made or issued (under a statutory provision or otherwise) by an authority responsible for the enforcement of any health and safety legislation.