



# Corporate Manslaughter and Corporate Homicide Act 2007

## 2007 CHAPTER 19

### *Miscellaneous*

#### **15 Procedure, evidence and sentencing**

- (1) Any statutory provision (whenever made) about criminal proceedings applies, subject to any prescribed adaptations or modifications, in relation to proceedings under this Act against—
- (a) a department or other body listed in Schedule 1,
  - (b) a police force,
  - (c) a partnership,
  - (d) a trade union, or
  - (e) an employers' association that is not a corporation,
- as it applies in relation to proceedings against a corporation.
- (2) In this section—
- “prescribed” means [<sup>F1</sup>—
- (a) in relation to proceedings under this Act in England and Wales, prescribed by an order made by the Secretary of State;
  - (b) in relation to proceedings under this Act in Northern Ireland, prescribed by an order made by the Department of Justice in Northern Ireland;]

“provision about criminal proceedings” includes—

    - (a) provision about procedure in or in connection with criminal proceedings;
    - (b) provision about evidence in such proceedings;
    - (c) provision about sentencing, or otherwise dealing with, persons convicted of offences;

“statutory” means contained in, or in an instrument made under, any Act or any Northern Ireland legislation.

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

- (3) A reference in this section to proceedings [<sup>F2</sup>(except in the definition of “prescribed” in subsection (2))] is to proceedings in England and Wales or Northern Ireland.
- (4) An order [<sup>F3</sup>of the Secretary of State] under this section is subject to negative resolution procedure.

#### Textual Amendments

- F1** Words in s. 15(2) substituted (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. 2(2)** (with arts. 28-31)
- F2** Words in s. 15(3) 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. 2(3)** (with arts. 28-31)
- F3** Words in s. 15(4) 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. 2(4)** (with arts. 28-31)

#### Commencement Information

- I1** S. 15 in force at 6.4.2008 by [S.I. 2008/401](#), art. 2

## 16 Transfer of functions

- (1) This section applies where—
- a person's death has occurred, or is alleged to have occurred, in connection with the carrying out of functions by a relevant public organisation, and
  - subsequently there is a transfer of those functions, with the result that they are still carried out but no longer by that organisation.
- (2) In this section “relevant public organisation” means—
- a department or other body listed in Schedule 1;
  - a corporation that is a servant or agent of the Crown;
  - a police force.
- (3) Any proceedings instituted against a relevant public organisation after the transfer for an offence under this Act in respect of the person's death are to be instituted against—
- the relevant public organisation, if any, by which the functions mentioned in subsection (1) are currently carried out;
  - if no such organisation currently carries out the functions, the relevant public organisation by which the functions were last carried out.
- This is subject to subsection (4).
- (4) If an order made by the Secretary of State so provides in relation to a particular transfer of functions, the proceedings referred to in subsection (3) may be instituted, or (if they have already been instituted) may be continued, against—
- the organisation mentioned in subsection (1), or
  - such relevant public organisation (other than the one mentioned in subsection (1) or the one mentioned in subsection (3)(a) or (b)) as may be specified in the order.
- (5) If the transfer occurs while proceedings for an offence under this Act in respect of the person's death are in progress against a relevant public organisation, the proceedings are to be continued against—

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- (a) the relevant public organisation, if any, by which the functions mentioned in subsection (1) are carried out as a result of the transfer;
- (b) if as a result of the transfer no such organisation carries out the functions, the same organisation as before.

This is subject to subsection (6).

- (6) If an order made by the Secretary of State so provides in relation to a particular transfer of functions, the proceedings referred to in subsection (5) may be continued against—
  - (a) the organisation mentioned in subsection (1), or
  - (b) such relevant public organisation (other than the one mentioned in subsection (1) or the one mentioned in subsection (5)(a) or (b)) as may be specified in the order.
- (7) An order under subsection (4) or (6) is subject to negative resolution procedure.

#### Commencement Information

**I2** S. 16 in force at 6.4.2008 by S.I. 2008/401, art. 2

### 17 DPP's consent required for proceedings

Proceedings for an offence of corporate manslaughter—

- (a) may not be instituted in England and Wales without the consent of the Director of Public Prosecutions;
- (b) may not be instituted in Northern Ireland without the consent of the Director of Public Prosecutions for Northern Ireland.

#### Commencement Information

**I3** S. 17 in force at 6.4.2008 by S.I. 2008/401, art. 2

### 18 No individual liability

- (1) An individual cannot be guilty of aiding, abetting, counselling or procuring the commission of an offence of corporate manslaughter.

[<sup>F4</sup>(1A) An individual cannot be guilty of an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) by reference to an offence of corporate manslaughter.]

- (2) An individual cannot be guilty of aiding, abetting, counselling or procuring, or being art and part in, the commission of an offence of corporate homicide.

#### Textual Amendments

**F4** S. 18(1A) inserted (E.W.N.I) (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 62, 94(1) (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

#### Commencement Information

**I4** S. 18 in force at 6.4.2008 by S.I. 2008/401, art. 2

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## **19 Convictions under this Act and under health and safety legislation**

- (1) Where in the same proceedings there is—
- (a) a charge of corporate manslaughter or corporate homicide arising out of a particular set of circumstances, and
  - (b) a charge against the same defendant of a health and safety offence arising out of some or all of those circumstances,
- the jury may, if the interests of justice so require, be invited to return a verdict on each charge.
- (2) An organisation that has been convicted of corporate manslaughter or corporate homicide arising out of a particular set of circumstances may, if the interests of justice so require, be charged with a health and safety offence arising out of some or all of those circumstances.
- (3) In this section “health and safety offence” means an offence under any health and safety legislation.

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### **Commencement Information**

**I5** [S. 19](#) in force at 6.4.2008 by [S.I. 2008/401](#), [art. 2](#)

## **20 Abolition of liability of corporations for manslaughter at common law**

The common law offence of manslaughter by gross negligence is abolished in its application to corporations, and in any application it has to other organisations to which section 1 applies.

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### **Commencement Information**

**I6** [S. 20](#) in force at 6.4.2008 by [S.I. 2008/401](#), [art. 2](#) (with [art. 2\(3\)\(a\)](#))

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**Changes to legislation:**

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