

These notes refer to the Corporate Manslaughter and Corporate Homicide Act 2007 (c.19) which received Royal Assent on 26 July 2007

CORPORATE MANSLAUGHTER AND CORPORATE HOMICIDE ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 14: Application to partnerships

48. Partnerships (other than limited liability partnerships, which are corporate bodies and covered by the new offence as such) are not corporations and so lack a distinct legal personality for the purpose of owing a duty of care in the law of negligence. Section 14 deals with this by providing for a partnership to be treated as though it owed the same duties of care as a corporate body for the purpose of this offence. Similarly, proceedings for the new offence are to be brought in the name of the partnership and any fine imposed on it is to be paid out of the funds of the partnership.
49. These provisions are not required for partnerships that have a legal personality, as they do under (for example) Scots law. Nor are they required for trade unions or employers' associations in light of their quasi-corporate status.