



# Corporate Manslaughter and Corporate Homicide Act 2007

## 2007 CHAPTER 19

### *Relevant duty of care*

#### **6 Emergencies**

- (1) Any duty of care owed by an organisation within subsection (2) in respect of the way in which it responds to emergency circumstances is not a “relevant duty of care” unless it falls within section 2(1)(a) or (b).
- (2) The organisations within this subsection are—
  - (a) a fire and rescue authority in England and Wales;
  - [<sup>F1</sup>(b) the Scottish Fire and Rescue Service;]
  - (c) the Northern Ireland Fire and Rescue Service Board;
  - (d) any other organisation providing a service of responding to emergency circumstances either—
    - (i) in pursuance of arrangements made with an organisation within paragraph (a), (b) or (c), or
    - (ii) (if not in pursuance of such arrangements) otherwise than on a commercial basis;
  - (e) a relevant NHS body;
  - (f) an organisation providing ambulance services in pursuance of arrangements—
    - (i) made by, or at the request of, a relevant NHS body, or
    - (ii) made with the Secretary of State or with the Welsh Ministers;
  - (g) an organisation providing services for the transport of organs, blood, equipment or personnel in pursuance of arrangements of the kind mentioned in paragraph (f);
  - (h) an organisation providing a rescue service;
  - (i) the armed forces.

*Status: Point in time view as at 01/07/2022.*

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- (3) For the purposes of subsection (1), the way in which an organisation responds to emergency circumstances does not include the way in which—
- (a) medical treatment is carried out, or
  - (b) decisions within subsection (4) are made.
- (4) The decisions within this subsection are decisions as to the carrying out of medical treatment, other than decisions as to the order in which persons are to be given such treatment.
- (5) Any duty of care owed in respect of the carrying out, or attempted carrying out, of a rescue operation at sea in emergency circumstances is not a “relevant duty of care” unless it falls within section 2(1)(a) or (b).
- (6) Any duty of care owed in respect of action taken—
- (a) in order to comply with a direction under Schedule 3A to the Merchant Shipping Act 1995 (c. 21) (safety directions), or
  - (b) by virtue of paragraph 4 of that Schedule (action in lieu of direction),
- is not a “relevant duty of care” unless it falls within section 2(1)(a) or (b).
- (7) In this section—
- “emergency circumstances” means circumstances that are present or imminent and—
- (a) are causing, or are likely to cause, serious harm or a worsening of such harm, or
  - (b) are likely to cause the death of a person;
- “medical treatment” includes any treatment or procedure of a medical or similar nature;
- “relevant NHS body” means—
- (za) [<sup>F2</sup>NHS England];
  - (a) [<sup>F3</sup>an integrated care board,]<sup>F4</sup>... <sup>F5</sup>... NHS trust, Special Health Authority or NHS foundation trust in England;
  - (b) a Local Health Board, NHS trust or Special Health Authority in Wales;
  - (c) a Health Board or Special Health Board in Scotland, or the Common Services Agency for the Scottish Health Service;
  - (d) a [<sup>F6</sup>Health and Social Care trust] in Northern Ireland;
- “serious harm” means—
- (a) serious injury to or the serious illness (including mental illness) of a person;
  - (b) serious harm to the environment (including the life and health of plants and animals);
  - (c) serious harm to any building or other property.
- (8) A reference in this section to emergency circumstances includes a reference to circumstances that are believed to be emergency circumstances.

#### Textual Amendments

- F1** S. 6(2)(b) substituted (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 71](#); [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#)) and

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substituted (E.W.N.I) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 1 para. 9**

- F2** Words in s. 6 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** Words in s. 6(7) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 151**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F4** Words in s. 6(7) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 147(b)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** Words in s. 6(7) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 147(b)(iii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** Words in s. 6(7) substituted (N.I.) (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 213**; S.R. 2022/102, **art. 2(b)**; and (E.W.S.) (30.11.2022) by The Health and Social Care Act (Northern Ireland) 2022 (Consequential Amendments) Order 2022 (S.I. 2022/1174), arts. 1(2), **18**

#### Commencement Information

- I1** S. 6 in force at 6.4.2008 by S.I. 2008/401, **art. 2**

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