

First Corporate Manslaughter Case

The first charge of corporate manslaughter since the new Corporate Manslaughter and Corporate Homicide Act 2007 (CMA) came into force last year was recently made against a company based in Gloucestershire.

Under the previous corporate manslaughter legislation, it was very difficult to bring a prosecution for corporate manslaughter, as one had to identify the person(s) responsible for the incident leading to the death. In large organisations, in which responsibility is diffuse, this can be almost impossible.

The CMA changed the position. Now, a company can be found guilty if the way its activities are managed or organised amounts to a gross breach of its duty of care and the result of that breach is the death of a person.

In the case in point, the company has been charged in relation to the death of a geotechnologist who was taking soil samples in a pit when the walls collapsed, crushing him to death. One of the company's directors has also been charged with manslaughter in relation to the incident.

A company convicted of corporate manslaughter can be liable to pay an unlimited fine.

It is wise for organisations to keep their procedures under review, especially those with direct health and safety implications. Successful defences to charges of corporate manslaughter depend on being able to demonstrate that the organisation takes a responsible attitude to health and safety, with appropriate risk management procedures in place that are enforced rigorously.

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