UK LEGAL UPDATE

Natalie Puce
Partner, BLM Manchester
Tel: 0161 838 3998
Email: natalie.puce@blmlaw.com
CORPORATE MANSLAUGHTER

- Corporate Manslaughter and Corporate Homicide Act 2007

- Section 1(1)
  - Any such organisation is guilty of an offence if the way in which its activities are managed or organised –
    - (a) causes a person’s death; AND
    - (b) amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased
  - “An organisation is guilty of such an offence under this section only if the ways in which its activities are managed or organised by its senior management is a substantial element in the breach” S.1(3)
CORPORATE MANSLAUGHTER – CASES

- R v PS & JE Ward Ltd
- First acquittal of corporate manslaughter following trial
R v Malcolm Fyfield & MNS Mine Ltd

First charge based on a non-director’s actions
CORPORATE MANSLAUGHTER – CASES

- R v CAV Aerospace
- Largest fine to date
CMCHA 2007 – 7 YEAR ASSESSMENT

- Upwards trend in corporate manslaughter prosecutions – In the 12 years preceding the CMCHA there were only 11 prosecutions of companies for manslaughter and six convictions.

- Prosecutions being brought within a shorter period of time.

- Significant rise in the number of investigations opened.
Discretionary power given to the Court under Section 10 of the 2007 Act

If ordered, the company must publish details of the:
- Conviction;
- Particulars of the offence;
- Level of fine; and
- Any remedial order made.
SENTENCING

- Guidelines
- LASPO
INQUESTS

- Coroners and Justice Act 2009
- The Coroners (Investigation) Regulations 2013
- The Coroners (Inquest) Rules 2013
- The Coroners Allowances, Fees and Expenses Regulations 2013
IMPACT OF THE CJA 2009

- The 2014-2015 Chief Coroner’s Annual Report
DUTY OF CANDOUR

- Openness and honesty when things go wrong

- Health and Social care Act 2008 (Regulated Activities)(Amendment) Regulations 2015
THANK YOU

- Natalie Puce, Partner, BLM
- Email: natalie.puce@blmlaw.com
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