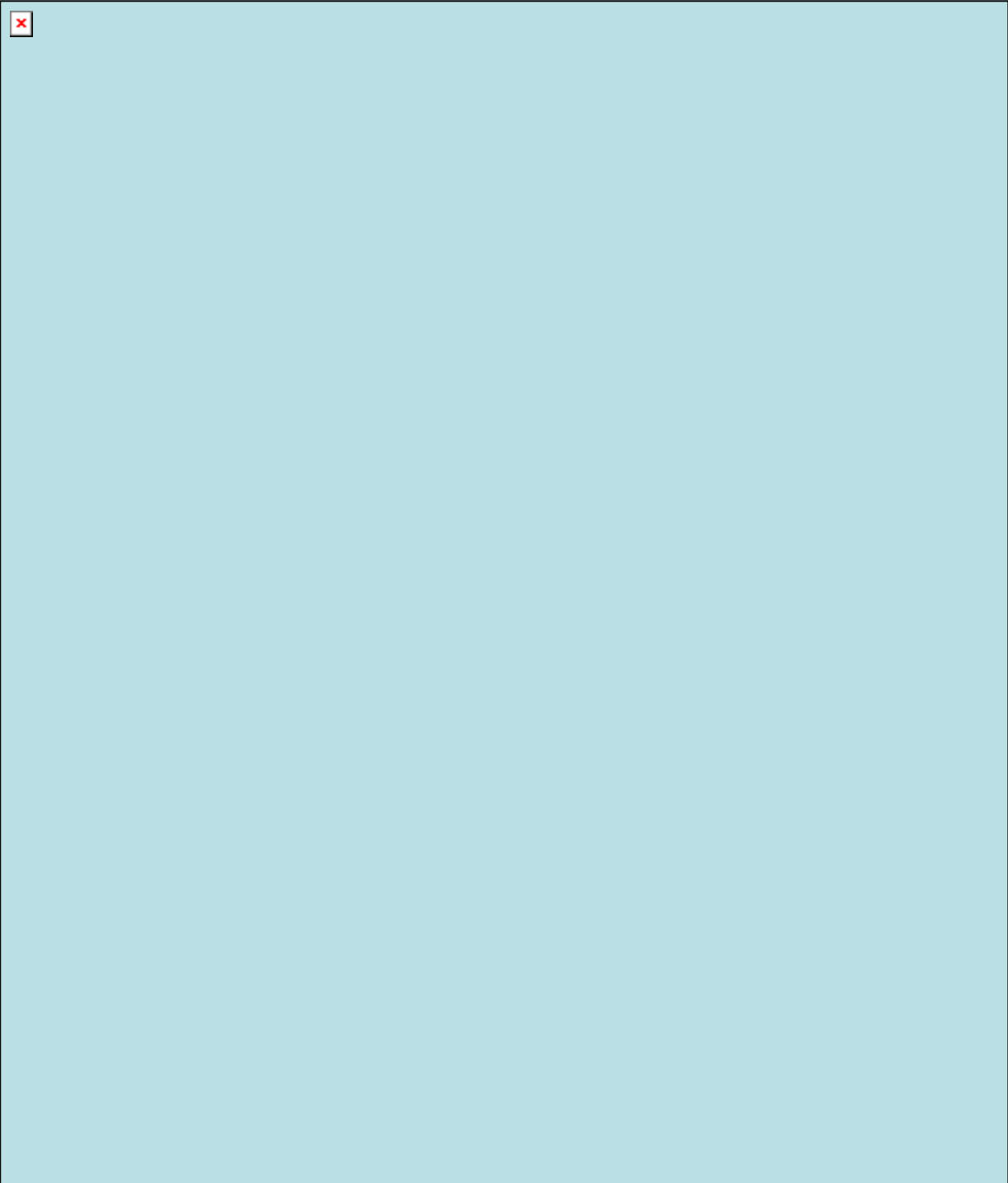


# **Corporate Manslaughter & Corporate Homicide Act 2007**

**Presented by Nick Philp  
HSOG**

## **Geotechnical firm first to be charged with corporate manslaughter**

- **The Geotechnical firm which employed a man killed when taking soil samples from a building site last year has become the first to be charged under corporate manslaughter laws.**
- **Alexander Wright was taking soil samples from a development site near Stroud, in Gloucestershire, when the pit he was working in collapsed, killing him.**



## **Geotechnical firm first to be charged with corporate manslaughter**

- **The prosecution is the first brought under the 2007 Corporate Manslaughter Act, which aimed to make it easier for firms to be brought to justice over the death of their employees.**
- **Cotswold Geotechnical Holdings is accused of gross negligence which led to the death of a 27-year-old junior geologist in September.**
- **Under the Act the company could face an unlimited fine.**
- **Director Peter Eaton, who has also been charged with gross negligence manslaughter, could face life imprisonment.**

# THE OFFENCE

- **An organisation will be guilty of an offence if a death to a person to whom a duty of care was owed results from the way the organisation's activities were managed or organised by senior management and there was a gross breach of the duty of care.**

# SENIOR MANAGEMENT

- **“persons who play significant roles in making decisions about how the whole or substantial part of the organisations activities are managed”**
- **“persons who actually manage the whole or a significant part of the organisations activities”**
- **Chief Executive, Director, Operations Manager will constitute Senior Management**
- **The concept of Vicarious Liability is included**

# **KEY ELEMENTS TO SUCCESSFUL PROSECUTION**

- **Was a duty of care owed ?**
- **Was there a gross breach of that duty ?**
- **Was there a serious failure to comply with Health & Safety Legislation ?**
- **Did that failure pose a risk of death ?**
- **Have attitudes, policies systems and practices within contributed to the death ?**
- **Is there Health & Safety Guidance that relates to the gross breach of duty ?**

# **PENALTIES**

- **Unlimited fines as with HSWA**
- **Fines are likely to be greater than under HSWA**
- **Greater adverse publicity is likely to be generated**
- **Remedial Orders and Publicity Orders may also be imposed**
- **Non – compliance with an above order will lead to increased fines**

# **ADVICE TO ORGANISATIONS & MANAGERS**

- **Review safety management systems**
- **Review safety management practices**
- **Be able to demonstrate a good health and safety culture**
- **Obtain 4 leaf clover, rabbits foot and keep fingers crossed.**

