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The Corporate Manslaughter and Corporate Homicide Bill

Bill 220 of 2005-06

This paper discusses the *Corporate Manslaughter and Corporate Homicide Bill 2005-06* which had its first reading in the House of Commons on 20 July 2006 and is due to be debated on its second reading on 10 October 2006.

The Bill seeks to create a new statutory offence of corporate manslaughter which will replace the common law offence of manslaughter by gross negligence where corporations are concerned. In Scotland the new offence will be called corporate homicide. An organisation will have committed the new offence if it owes a duty of care to another person in certain circumstances and there is a management failure by its senior managers which amounts to a gross breach of that duty has resulted in a person's death. The offence will be punishable by an unlimited fine and the courts will be able to make remedial orders requiring organisations to take steps to remedy the management failure concerned. The new offence will not create any individual liability. Crown immunity will not apply to the offence, although a number of public bodies and functions will be exempt from it.

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