

LORDS AMENDMENTS TO THE  
CORPORATE MANSLAUGHTER AND CORPORATE HOMICIDE BILL

*[The page and line references are to HL Bill 19, the bill as first printed for the Lords.]*

**Clause 1**

- 1** Page 1, line 11, leave out from “force” to end of line 13 and insert—  
“( ) a partnership, or a trade union or employers’ association, that is an employer.”

**Clause 2**

- 2** Page 2, line 29, at end insert—  
“(d) a duty owed to anyone held in custody.”
- 3** Page 3, line 12, at end insert—  
““custody” includes being held in prison, secure mental healthcare facilities, secure children’s homes, secure training centres, immigration removal centres, court cells and police cells, and being subject to supervision by court, prisoner and detainee escort services;”
- 4** Page 3, leave out lines 26 to 28

**Clause 3**

- 5** Page 3, line 37, leave out “or (b)” and insert “, (b) or (d)”
- 6** Page 3, line 40, leave out “or (b)” and insert “, (b) or (d)”
- 7** Page 4, leave out lines 1 to 3
- 8** Page 4, leave out lines 6 to 8

**Clause 4**

- 9** Page 4, leave out lines 26 to 28

**Clause 5**

- 10** Page 5, line 8, leave out “or (b)” and insert “, (b) or (d)”

11 Page 5, leave out lines 23 to 25

#### Clause 6

12 Page 5, line 42, at end insert “, or  
(ii) made with the Secretary of State or with the Welsh Ministers;”

13 Page 5, line 44, leave out from “arrangements” to end of line 45 and insert “of the kind mentioned in paragraph (f)”

14 Page 6, leave out line 17

15 Page 6, line 26, leave out paragraph (a) and insert –  
“( ) a Strategic Health Authority, Primary Care Trust, NHS trust, Special Health Authority or NHS foundation trust in England;  
( ) a Local Health Board, NHS trust or Special Health Authority in Wales;”

#### Clause 7

16 Page 7, line 13, leave out subsection (4)

#### Clause 8

17 Page 7, leave out lines 38 to 42

18 Page 8, leave out lines 3 to 5

#### Clause 9

19 Page 8, line 9, leave out “order it” and insert “make an order (a “remedial order”) requiring the organisation”

20 Page 8, line 16, leave out “An order under subsection (1)” and insert “A remedial order”

21 Page 8, line 22, leave out “an order under subsection (1)” and insert “a remedial order”

22 Page 8, line 25, leave out subsection (4) and insert –

- “(4) A remedial order –
- (a) must specify a period within which the steps referred to in subsection (1) are to be taken;
  - (b) may require the organisation to supply to an enforcement authority consulted under subsection (3), within a specified period, evidence that those steps have been taken.

A period specified under this subsection may be extended or further extended by order of the court on an application made before the end of that period or extended period.”

23 Page 8, line 29, leave out “an order under this section” and insert “a remedial order”

24 Page 8, line 31, leave out subsection (6)

**After Clause 9**

25 Insert the following new Clause –

**“Power to order conviction etc to be publicised**

- (1) A court before which an organisation is convicted of corporate manslaughter or corporate homicide may make an order (a “publicity order”) requiring the organisation to publicise in a specified manner –
  - (a) the fact that it has been convicted of the offence;
  - (b) specified particulars of the offence;
  - (c) the amount of any fine imposed;
  - (d) the terms of any remedial order made.
- (2) In deciding on the terms of a publicity order that it is proposing to make, the court must –
  - (a) ascertain the views of such enforcement authority or authorities (if any) as it considers appropriate, and
  - (b) have regard to any representations made by the prosecution or on behalf of the organisation.
- (3) A publicity order –
  - (a) must specify a period within which the requirements referred to in subsection (1) are to be complied with;
  - (b) may require the organisation to supply to any enforcement authority whose views have been ascertained under subsection (2), within a specified period, evidence that those requirements have been complied with.
- (4) An organisation that fails to comply with a publicity order is guilty of an offence, and liable on conviction on indictment to a fine.”

**Clause 12**

26 Page 10, line 28, leave out “this Act” and insert “section 2”

27 Page 10, line 34, leave out subsection (8)

**After Clause 12**

28 Insert the following new Clause –

**“Application to partnerships**

- (1) For the purposes of this Act a partnership is to be treated as owing whatever duties of care it would owe if it were a body corporate.
- (2) Proceedings for an offence under this Act alleged to have been committed by a partnership are to be brought in the name of the partnership (and not in that of any of its members).
- (3) A fine imposed on a partnership on its conviction of an offence under this Act is to be paid out of the funds of the partnership.
- (4) This section does not apply to a partnership that is a legal person under the law by which it is governed.”

**Clause 13**

29 Page 10, line 42, at end insert –

- “( ) a partnership,
- ( ) a trade union, or
- ( ) an employers’ association that is not a corporation,”

**After Clause 16**

30 Insert the following new Clause –

**“Convictions under this Act and under health and safety legislation**

- (1) Where in the same proceedings there is –
  - (a) a charge of corporate manslaughter or corporate homicide arising out of a particular set of circumstances, and
  - (b) a charge against the same defendant of a health and safety offence arising out of some or all of those circumstances,the jury may, if the interests of justice so require, be invited to return a verdict on each charge.
- (2) An organisation that has been convicted of corporate manslaughter or corporate homicide arising out of a particular set of circumstances may, if the interests of justice so require, be charged with a health and safety offence arising out of some or all of those circumstances.
- (3) In this section “health and safety offence” means an offence under any health and safety legislation.”

**Clause 17**

31 Page 12, line 23, at end insert “, and in any application it has to other organisations to which section 1 applies”

**Before Clause 18**

32 Insert the following new Clause –

**“Power to extend section 1 to other organisations**

- (1) The Secretary of State may by order amend section 1 so as to extend the categories of organisation to which that section applies.
- (2) An order under this section may make any amendment to this Act that is incidental or supplemental to, or consequential on, an amendment made by virtue of subsection (1).
- (3) An order under this section is subject to affirmative resolution procedure.”

**After Clause 19**

33 Insert the following new Clause –

**“Interpretation**

In this Act –

- “armed forces” has the meaning given by section 11(1);
- “corporation” does not include a corporation sole but includes any body corporate wherever incorporated;
- “employee” means an individual who works under a contract of employment or apprenticeship (whether express or implied and, if express, whether oral or in writing), and related expressions are to be construed accordingly; see also sections 10(3)(a), 11(2) and 12(3) (which apply for the purposes of section 2);
- “employers’ association” has the meaning given by section 122 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) or Article 4 of the Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5));
- “enforcement authority” means an authority responsible for the enforcement of any health and safety legislation;
- “health and safety legislation” means any statutory provision dealing with health and safety matters, including in particular provision contained in the Health and Safety at Work etc. Act 1974 (c. 37) or the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9));
- “member”, in relation to the armed forces, is to be read in accordance with section 11(3);
- “partnership” means –
- (a) a partnership within the Partnership Act 1890 (c. 39), or
  - (b) a limited partnership registered under the Limited Partnerships Act 1907 (c. 24),
- or a firm or entity of a similar character formed under the law of a country or territory outside the United Kingdom;
- “police force” has the meaning given by section 12(1);
- “public authority” has the same meaning as in section 6 of the Human Rights Act 1998 (c. 42) (disregarding subsections (3)(a) and (4) of that section);
- “publicity order” means an order under section (*Power to order conviction etc to be publicised*)(1);
- “remedial order” means an order under section 9(1);
- “statutory provision”, except in section 13, means provision contained in, or in an instrument made under, any Act, any Act of the Scottish Parliament or any Northern Ireland legislation;
- “trade union” has the meaning given by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) or Article 3 of the Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5)).”

#### Clause 21

- 34 Page 13, line 19, leave out from “force” to end of line 20 and insert “in accordance with provision made by order by the Secretary of State”

#### Schedule 1

- 35 Page 15, line 34, at end insert –  
“National School of Government”

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