

Corporate Manslaughter and Corporate Homicide Bill

LORDS DISAGREEMENT AND INSISTENCE

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

Clause 2

LORDS AMENDMENT NO. 2

- 2** Page 2, line 29, at end insert –
“(d) a duty owed to anyone held in custody.”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendments Nos. 2, 3, 5, 6 and 10 but propose Amendment 10A in lieu.

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 2 for the following Reason –

- 2A** *Because it is appropriate that a relevant duty of care should be owed to anyone held in custody*

COMMONS INSISTENCE, NON-INSISTENCE AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendments Nos. 2, 3, 5, 6 and 10, do not insist on their Amendment 10A in lieu but propose Amendments 10C and 10D in lieu.

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 2 for the following Reason –

- 2B** *Because the Lords remain of the view that it is appropriate that a relevant duty of care should be owed to anyone held in custody*

LORDS AMENDMENT NO. 3

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;”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendments Nos. 2, 3, 5, 6 and 10 but propose Amendment 10A in lieu.

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 3 for the following Reason –

3A *Because it is appropriate that a relevant duty of care should be owed to anyone held in custody*

COMMONS INSISTENCE, NON-INSISTENCE AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendments Nos. 2, 3, 5, 6 and 10, do not insist on their Amendment 10A in lieu but propose Amendments 10C and 10D in lieu.

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 3 for the following Reason –

3B *Because the Lords remain of the view that it is appropriate that a relevant duty of care should be owed to anyone held in custody*

Clause 3

LORDS AMENDMENT NO. 5

5 Page 3, line 37, leave out “or (b)” and insert “, (b) or (d)”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendments Nos. 2, 3, 5, 6 and 10 but propose Amendment 10A in lieu.

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 5 for the following Reason –

5A *Because it is appropriate that a relevant duty of care should be owed to anyone held in custody*

COMMONS INSISTENCE, NON-INSISTENCE AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendments Nos. 2, 3, 5, 6 and 10, do not insist on their Amendment 10A in lieu but propose Amendments 10C and 10D in lieu.

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 5 for the following Reason –

- 5B** *Because the Lords remain of the view that it is appropriate that a relevant duty of care should be owed to anyone held in custody*

LORDS AMENDMENT NO. 6

- 6** Page 3, line 40, leave out “or (b)” and insert “, (b) or (d)”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendments Nos. 2, 3, 5, 6 and 10 but propose Amendment 10A in lieu.

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 6 for the following Reason –

- 6A** *Because it is appropriate that a relevant duty of care should be owed to anyone held in custody*

COMMONS INSISTENCE, NON-INSISTENCE AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendments Nos. 2, 3, 5, 6 and 10, do not insist on their Amendment 10A in lieu but propose Amendments 10C and 10D in lieu.

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 6 for the following Reason –

- 6B** *Because the Lords remain of the view that it is appropriate that a relevant duty of care should be owed to anyone held in custody*

Clause 5

LORDS AMENDMENT NO. 10

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

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendments Nos. 2, 3, 5, 6 and 10 but propose Amendment 10A in lieu –

- 10A** Page 2, line 43, at end insert –

- “(5A) The Secretary of State may by order make amendments to this section to the effect that a duty of care owed by an organisation under the law of negligence to a person who –
- (a) is in any specified form of custody or detention, or is otherwise on premises of a specified description or on premises in specified circumstances, and
 - (b) is by reason of that fact a person for whose safety the organisation is responsible,
- is a “relevant duty of care”.
- (5B) An order under subsection (5A) –
- (a) may amend this Act so as to specify exceptions with respect to the application of any provision contained in this section as a result of such an order;
 - (b) may make any amendment to this Act that is incidental or supplemental to, or consequential on, an amendment made by such an order.
- (5C) An order under subsection (5A) is subject to affirmative resolution procedure.”

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 10 and disagree with the Commons in their Amendment 10A in lieu for the following Reason –

- 10B** *Because it is appropriate that a relevant duty of care should be owed to anyone held in custody*

COMMONS INSISTENCE, NON-INSISTENCE AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendments Nos. 2, 3, 5, 6 and 10, do not insist on their Amendment 10A in lieu but propose Amendments 10C and 10D in lieu –

- 10C** Page 2, line 31, leave out “subsection (1)” and insert “this Act”
- 10D** Page 13, line 3, at end insert the following new Clause –

“Power to extend meaning of “relevant duty of care”

- (1) The Secretary of State may by order make amendments to this Act to the effect that a duty of care owed by an organisation under the law of negligence to a person who –
- (a) is in any specified form of custody or detention, or is otherwise on premises of a specified description or on premises in specified circumstances, and
 - (b) is by reason of that fact a person for whose safety the organisation is responsible,
- is a “relevant duty of care”.
- (2) An order under this section –
- (a) may amend this Act so as to specify exceptions, or to restrict or disapply exceptions, as regards the application of any provision contained in this Act as a result of such an order;

(b) may make any amendment to this Act that is incidental or supplemental to, or consequential on, an amendment made by such an order.

(3) An order under this section is subject to affirmative resolution procedure.”

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 10 and disagree with the Commons in their Amendments 10C and 10D in lieu for the following Reason –

10E *Because the Lords remain of the view that it is appropriate that a relevant duty of care should be owed to anyone held in custody*

LORDS DISAGREEMENT TO
COMMONS AMENDMENTS IN LIEU
AND INSISTENCE ON THEIR
AMENDMENTS TO THE
**CORPORATE MANSLAUGHTER
AND CORPORATE HOMICIDE BILL**

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