

Corporate Manslaughter and Corporate Homicide Act 2007

Allianz Engineering Inspection Services Ltd



This new offence came into force on 6 April 2008. An organisation will be guilty of an offence under the act if the way in which its activities are managed or organised, at a senior level, causes a death and amounts to a gross breach of a duty of care to the deceased. The act does not create any new legal duties, but addresses the issue of identification of the “controlling mind” within an organisation which historically made prosecutions of this type almost impossible in larger organisations. It will still be possible for organisations to face concurrent prosecutions under this act and Individual Directors, managers and employees may face prosecution under the Health and Safety at Work etc Act 1974 (HSWA). And of course dependents may seek redress in common law.

Juries will consider how the fatal activity was managed or organised, including any systems for managing safety and how these operate in practice. To be found guilty the organisations conduct must have fallen far below what could reasonably be expected.

The penalties on convictions include unlimited fines, publicity and remediation orders.

Fines may be as high 2.5 to 10% of company turnover publicity and remediation notices may have a significant impact upon an organisations reputation.

Section 2 (2) a. of HSWA requires that employers provide and maintain plant and systems of work that are safe and many pieces health and safety regulations requires that inspection are carried out by a competent person at various intervals.

The Inspections of engineering equipment carried out by Allianz Engineer Surveyors provides compliance with the inspection requirements of the regulations. However the inspections alone add little value to safety unless action is taken by the employer to address the defects, observation and recommendations identified in the report of examination.

Allianz Engineering offer reports of examination in hard copy or electronic format. What ever format is chosen it is essential that employers have in place systems to take cognisance of the report finding and ensure that the repairs or improvements needed are put in place.

It is not difficult to imagine a situation where when an employer dealing with perhaps many hundreds of reports does not correctly action the report findings and following a fatal action involving the equipment examined is potentially in breach of the act, in that there was no systematic and organised way in which defects identified are rectified.

Allianz Engineerings eServices provides a systematic and organised approach to managing inspection reports enabling employers to have in place robust demonstrable management systems to ensure that defects, observations and recommendations are dealt with in the proper manner.

For further information on eServices please contact our Technical Administration Team on 01428 726257 or visit our web site:-

www.allianzengineering.co.uk