

*These notes refer to the Corporate Manslaughter and Corporate Homicide Act 2007 (c.19) which received Royal Assent on 26 July 2007*

# **CORPORATE MANSLAUGHTER AND CORPORATE HOMICIDE ACT 2007**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 28: Extent and territorial application***

67. **Section 28** deals with extent and territorial application. The Act extends to the whole of the United Kingdom. (Amendments to other legislation have the same extent as the provision they are amending: *section 28(2)*.)
68. **Section 28(3)** and **(4)** set out the circumstances in which the courts will have jurisdiction for the new offence. Under section 10 of the Offences Against the Person Act 1861, courts in England and Wales have jurisdiction in a case of homicide if the injury causing death is inflicted in England and Wales, or in a place where the courts in England and Wales have jurisdiction (such as on a British ship), even if the death occurs elsewhere. The Act makes similar provision to this (but on a UK basis reflecting the application of the new offence across the UK), providing for jurisdiction if the harm causing death is sustained in the United Kingdom or other locations where criminal jurisdiction currently extends. Section 28(4) ensures that the offence will still apply if the harm resulting in death is sustained as a result of an incident involving a British ship (or aircraft or hovercraft), but the victim is not on board when he suffers that harm – for example, if a grave safety failing resulted in a ship being wrecked and the passengers being killed by drowning.