



# Corporate Manslaughter and Corporate Homicide Act 2007

## 2007 CHAPTER 19

### *General and supplemental*

#### **21 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.

#### **22 Power to amend Schedule 1**

- (1) The Secretary of State may amend Schedule 1 by order.
- (2) A statutory instrument containing an order under this section is subject to affirmative resolution procedure, unless the only amendments to Schedule 1 that it makes are amendments within subsection (3).

In that case the instrument is subject to negative resolution procedure.

- (3) An amendment is within this subsection if—
  - (a) it is consequential on a department or other body listed in Schedule 1 changing its name,
  - (b) in the case of an amendment adding a department or other body to Schedule 1, it is consequential on the transfer to the department or other body of functions all of which were previously exercisable by one or more organisations to which section 1 applies, or
  - (c) in the case of an amendment removing a department or other body from Schedule 1, it is consequential on—
    - (i) the abolition of the department or other body, or

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*Status: This is the original version (as it was originally enacted).*

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- (ii) the transfer of all the functions of the department or other body to one or more organisations to which section 1 applies.

### **23 Power to extend section 2(2)**

- (1) The Secretary of State may by order amend section 2(2) to make it include any category of person (not already included) who—
- (a) is required by virtue of a statutory provision to remain or reside on particular premises, or
  - (b) is otherwise subject to a restriction of his liberty.
- (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.

### **24 Orders**

- (1) A power of the Secretary of State to make an order under this Act is exercisable by statutory instrument.
- (2) Where an order under this Act is subject to “negative resolution procedure” the statutory instrument containing the order is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Where an order under this Act is subject to “affirmative resolution procedure” the order may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.
- (4) An order under this Act—
- (a) may make different provision for different purposes;
  - (b) may make transitional or saving provision.

### **25 Interpretation**

In this Act—

“armed forces” has the meaning given by section 12(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 11(3)(a), 12(2) and 13(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 12(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 13(1);

“premises” includes land, buildings and moveable structures;

“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 10(1);

“remedial order” means an order under section 9(1);

“statutory provision”, except in section 15, 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)).

## **26 Minor and consequential amendments**

Schedule 2 (minor and consequential amendments) has effect.

## **27 Commencement and savings**

- (1) The preceding provisions of this Act come into force in accordance with provision made by order by the Secretary of State.
- (2) An order bringing into force paragraph (d) of section 2(1) is subject to affirmative resolution procedure.
- (3) Section 1 does not apply in relation to anything done or omitted before the commencement of that section.
- (4) Section 20 does not affect any liability, investigation, legal proceeding or penalty for or in respect of an offence committed wholly or partly before the commencement of that section.
- (5) For the purposes of subsection (4) an offence is committed wholly or partly before the commencement of section 20 if any of the conduct or events alleged to constitute the offence occurred before that commencement.

## **28 Extent and territorial application**

- (1) Subject to subsection (2), this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) An amendment made by this Act extends to the same part or parts of the United Kingdom as the provision to which it relates.

- (3) Section 1 applies if the harm resulting in death is sustained in the United Kingdom or—
- (a) within the seaward limits of the territorial sea adjacent to the United Kingdom;
  - (b) on a ship registered under Part 2 of the Merchant Shipping Act 1995 (c. 21);
  - (c) on a British-controlled aircraft as defined in section 92 of the Civil Aviation Act 1982 (c. 16);
  - (d) on a British-controlled hovercraft within the meaning of that section as applied in relation to hovercraft by virtue of provision made under the Hovercraft Act 1968 (c. 59);
  - (e) in any place to which an Order in Council under section 10(1) of the Petroleum Act 1998 (c. 17) applies (criminal jurisdiction in relation to offshore activities).
- (4) For the purposes of subsection (3)(b) to (d) harm sustained on a ship, aircraft or hovercraft includes harm sustained by a person who—
- (a) is then no longer on board the ship, aircraft or hovercraft in consequence of the wrecking of it or of some other mishap affecting it or occurring on it, and
  - (b) sustains the harm in consequence of that event.

## 29 Short title

This Act may be cited as the Corporate Manslaughter and Corporate Homicide Act 2007.