

2008 No. 401 (C. 15)

CRIMINAL LAW

**The Corporate Manslaughter and Corporate Homicide Act 2007
(Commencement No.1) Order 2008**

Made - - - -

14th February 2008

The Secretary of State, in exercise of the powers conferred by sections 24(4)(b) and 27(1) of the Corporate Manslaughter and Corporate Homicide 2007 Act (a), makes the following Order:

1. This Order may be cited as the Corporate Manslaughter and Corporate Homicide Act 2007 (Commencement No.1) Order 2008.

2.—(1) Apart from the provisions mentioned in paragraph (2), the Corporate Manslaughter and Corporate Homicide Act 2007 shall, to the extent that it is not already in force, come into force on 6th April 2008.

(2) Those provisions are—

- (a) section 2(1)(d) (duty owed to a person in custody etc. to be a relevant duty of care);
- (b) section 10 (power to order conviction etc. to be publicised).

(3) In relation to anything done or omitted before section 2(1)(d) comes into force—

- (a) section 20 (abolition of the common law offence of manslaughter by gross negligence in its application to corporations and other organisations) does not apply to an offence committed by the breach of any such duty as is referred to in section 2(1)(d);
- (b) section 2 has effect with the omission of—
 - (i) subsection (2), and
 - (ii) the definitions in subsection (7) of expressions used in subsection (2), except that those provisions have effect for the purposes of paragraph (a) above.
- (c) sections 3(2), 5(3) and 7(1) have effect as if “section 2(1)(a) or (b)” were substituted for “section 2(1)(a), (b) or (d)”.

14th February 2008

Maria Eagle
Parliamentary Under-Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force from 6th April 2008 the Corporate Manslaughter and Corporate Homicide Act 2007 to the extent that it is not already in force, other than section 2(1)(d) (duty owed to a person in custody etc. to be a relevant duty of care for the purposes of the Act) and section 10 (power to order conviction etc to be publicised). Until such time as section 2(1)(d) is commenced, section 20, which abolishes the existing common law offence of gross negligence manslaughter by corporations, will not apply in respect of custodial duties.

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