The Corporate Manslaughter and Corporate Homicide Act 2007 came into force in April 2008.

The Act introduces the offence of corporate manslaughter in England, Wales and Northern Ireland and corporate homicide in Scotland where there has been a gross failing throughout an organization in the management of health and safety resulting in death.

The provisions of the Act were summarised in Sea Venture issue 11 and can be found in further detail in an earlier website article: UK - Corporate Manslaughter

Under this legislation deaths on UK registered ships and on all ships in UK territorial waters will come under scrutiny. This new law applies to all companies operating in, or in connection with the shipping, shipbuilding, energy and offshore industries.

An unexpected and ground breaking aspect of the Act further highlights the need for those involved in maritime trade to ensure that their safety procedures are beyond reproach. In addition to the financial penalties which can be imposed, in the event of a conviction judges will soon be given the power to inflict deliberate “reputational damages”; the court can order that the offending organisation makes public the details of the offence together with details of the conviction and any remedial action which has been ordered.

These publicity provisions are expected to enter into force in the near future following the issue of sentencing guidelines. During the consultation process it was proposed that a publicity order should be imposed on every organisation convicted of corporate manslaughter. The court will decide how the publicity is to be displayed. This could be extremely damaging. For example, a cruise operator might be ordered to display details of the offence in advertisements, brochures or on their website. No owner or operator would welcome such publicity in this day and age when public image and reputation is of vital importance.

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