



# CORPORATE MANSLAUGHTER UPDATE

The Crown Prosecution Service has approved the bringing of the first charges under the Corporate Manslaughter and Homicide Act. The charge of manslaughter is brought against Cotswold Geotechnical Holdings Ltd, following the death of Alexander Wright on 5 September 2008.

Mr Wright was a junior geologist who died when the sides of the pit in which he was taking soil samples as part of a site survey collapsed in on him, crushing him to death. Apart from the charge of manslaughter, the company faces charges under the Health and Safety at Work Act, and a director has been charged with gross negligence manslaughter and breaches of the health and safety legislation.

The offence of corporate manslaughter is committed if the way in which an organisation's activities are managed or organised amounts to a gross breach of a relevant duty of care which causes a person's death. The acts and omissions of senior management will be scrutinised to establish if there has been a culpable breach of a duty of care. Senior management is defined in the legislation as including those who play significant roles in making decisions about how all or part of the organisation is managed, or those who actually carry out the role of managing or



organising. A gross breach of a duty of care is one which falls far below the standards expected in the circumstances.

The charges are significant in that they demonstrate (a) that joint charges for corporate manslaughter and health and safety offences will be brought where appropriate; and (b) that individual officers will be charged if there is evidence of personal culpability, even where a charge of corporate manslaughter is also considered appropriate. The nature of the defendant's undertaking is also notable. It would have been reasonable to expect the first charges to arise in the heavy industrial or construction context, instead of which the scenario is more analogous to research or field trips.

We will continue to report on the case as it progresses through the courts.

**This Bulletin is intended to be a general guide to the law. It is no substitute for taking advice before reaching a decision on your individual problems. For further information about issues raised in this bulletin, please contact:**

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