

## **What does it mean?**

The new Act reinforces the obligation on a company to comply with existing health and safety legislation.

- The new offence is not part of health and safety law.
- Prosecutions will be of the corporate body and not individuals.

## **So who does the offence apply to?**

All companies and other corporate bodies, operating in the UK - in the private and public sectors.

## **Understanding the offence**

An organisation will be guilty of the new offence if the way in which its activities are managed or organised causes a death and amounts to a gross breach of a duty of care to the deceased.

## **Duty of care!**

Duty of care is evident between drivers of vehicles on the road. Each individual driver owes a duty of care to each of the other road users - motorists, cyclists and pedestrians - to prevent accidents and drive in a reasonable manner.

## **Factors that may be investigated should a death occur!**

- Competency and training.
- Adequacy of equipment.
- Risk assessment procedures.
- Systems of work used by employees.
- Monitoring systems.
- Auditing processes

### **What should vehicle owners/operators be doing?**

Complying with Health and Safety Executive's work management regulations and guidelines contained in their document ['Driving at work - Managing Work-related Road Safety'](#) .

Summary of the documents content includes:

- Your legal responsibilities.
- Benefits of managing work-related road safety.
- How to manage work-related road safety.
- Assessing risks on the road.
- Evaluating the risks.

For a useful guide on the Corporate Manslaughter and Corporate Homicide Act 2007 go to: [www.justice.gov.uk/guidance.htm](http://www.justice.gov.uk/guidance.htm)