

# Partnership on Health And Safety in Scotland

## Introducing a new offence of corporate homicide/manslaughter: update (agenda item 6)

### Issue

1 To note that changes to the law in Scotland are now being incorporated into the UK-wide, instead of a separate Scottish, Bill as originally envisaged.

### Background

2 The Scottish Executive set up an Expert Working Group in 2005 to look at issues involved in creating a new offence of corporate culpable homicide in the event of fatal injuries occurring in the workplace. The Group reported to the Scottish Executive Justice Minister in November 2005 with a range of views on how to create a practicable law and appropriate penalties.

3 In 2006, it became clear that the Scottish Executive's legal advice was that the Scottish Parliament did not have legal competence to introduce a new offence as envisaged by the Expert Group, as it related too closely to reserved matters of health and safety.

4 The Bill on corporate manslaughter for England and Wales has therefore been extended to cover Scotland and was introduced on 20 July.

### Next steps

5 The UK Bill makes provision for a new offence of corporate manslaughter (to be called corporate homicide in Scotland) to apply to companies and other incorporated bodies, Government departments and similar bodies and police forces. It will not apply to individuals. The Bill is due for 2<sup>nd</sup> reading in the House of Commons on 10<sup>th</sup> October.

<http://www.publications.parliament.uk/pa/cm200506/cmbills/220/06220.i-ii.html>

6 The Scottish Executive has said that it will look carefully at whether any additional changes not introduced by the UK Bill are required for Scotland. This will include consideration of the proposals in Karen Gillon's Members' Bill published on 20 June.

<http://www.scottish.parliament.uk/business/bills/membersBills.htm>.

7 Karen Gillon's Bill would apply the offence of culpable homicide to an individual if that person caused the death of another recklessly or by gross negligence; organisations may also be liable; and a Crown Servant or agent (including a Minister, civil servant or department) may also be liable.

**Action:**

8 The committee is invited to note these developments.

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