

## **Corporate Killing**

In 2005, the Commission published a Report on [Corporate Killing](#) (LRC 77-2005), which followed its Consultation Paper on [Corporate Killing](#) (LRC CP 26- 2003). The Report deals with the liability of corporations for the death of human persons arising from gross negligence. The Report recommends that an offence of 'corporate manslaughter' should be introduced, to be prosecuted on indictment only, where gross negligence involving a significant risk of death or serious personal harm causes death. No offence would be committed where all reasonable measures to prevent risks to human life were taken. In assessing whether reasonable measures had been taken, a court could have regard to various factors, such as the way activities were managed or organised by senior managers, but would also take account of corporate decision-making rules, communication systems, the regulatory environment (such as duties under health and safety or pharmaceutical products legislation) and whether it was operating under a licence. The offence would apply to “undertakings,” which would include public sector and private sector corporate entities and also unincorporated entities.

The Report recommends that, on conviction, a fine (without limit) could be imposed on an undertaking as well as other ancillary penalties, such as community service orders and adverse publicity orders. Where there was a conviction for corporate manslaughter, the Report also recommends that there should be a separate offence of „grossly negligent management causing death.“ This would apply to high managerial agents (directors, managers and other similar persons acting on behalf of the undertaking) and would carry a maximum penalty of 12 years imprisonment and disqualification for up to 15 years from holding high management office. The Report contains a draft *Corporate Manslaughter Bill*.