



AN BILLE UM DHÚNORGAIN CHORPARÁIDEACH, 2001
CORPORATE MANSLAUGHTER BILL, 2001

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

1. Corporate manslaughter.
 2. Short title.
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Safety, Health and Welfare at Work Act, 1989

1989, No. 7



AN BILLE UM DHÚNORGAIN CHORPARÁIDEACH, 2001
CORPORATE MANSLAUGHTER BILL, 2001

BILL

entitled

5 AN ACT TO DEFINE CERTAIN CIRCUMSTANCES IN WHICH A BODY CORPORATE, ITS OFFICERS AND ITS EMPLOYEES MAY BE FOUND GUILTY OF MANSLAUGHTER.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

10 **1.**—(1) Where, within the State the undertaking, or any activities in connection with the undertaking, of a company is or are managed or organised in a way that fails to ensure that the health or safety of persons liable to be affected (including employees of the company) is not thereby threatened, Corporate manslaughter.

15 (a) that failure amounts to conduct falling far below the standard of care and attention it is reasonable in the circumstances to expect would be paid to ensuring that the health or safety of such persons is not so threatened, and

20 (b) that failure is the cause or one of the causes of the death of a person (notwithstanding that the immediate cause of the person's death is the act or omission of another individual),

the company shall be guilty of manslaughter.

(2) Where—

25 (a) an offence is committed by a company under *subsection (1)*, and

(b) the failure referred to in that subsection is proved to have been attributable to recklessness or gross negligence on the part of a person who is a director, manager, secretary or other officer, or an employee, of the company,

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that person shall be guilty of manslaughter.

(3) For the purposes of *subsection (2)(b)*—

(a) a person acts recklessly when he or she knowingly takes a substantial and unjustifiable risk that his or her act or omission will threaten the health or safety of others,

(b) a person acts with gross negligence if he or she fails to exercise the foresight and prudence it is reasonable to expect of a person in his or her circumstances, with the result that his or her act or omission places others at serious risk of injury. 5

(4) *Subsections (1) and (2)* do not preclude a company or an individual being found guilty of manslaughter in circumstances other than those referred to in those subsections. 10

(5) In determining, for the purposes of *subsection (1)(b)*, whether conduct falls far below the standard of care and attention it is reasonable to expect in particular circumstances, regard shall be had to— 15

(a) the duties, if any, imposed on the company under the Safety, Health and Welfare at Work Act, 1989, the relevant statutory provisions (within the meaning of that Act) and the provisions of any other enactment imposing duties on the company in relation to the safety and health of its employees and of other persons liable to be affected by the manner in which its undertaking, or activities in connection with its undertaking, is or are managed or organised; and 20

(b) the provisions of any relevant code of practice, safety code, manual, guidelines or similar publication, whether made or published under statutory authority or otherwise, that would be admissible in evidence in a civil action for personal injuries or fatal injuries, as being relevant to the question of negligence or breach of duty, including breach of statutory duty. 30

(6) In this section, “company” includes any body corporate, whether a corporation aggregate or a corporation sole, wherever incorporated and irrespective of the means by which it is incorporated. 35

Short title.

2.—This Act may be cited as the Corporate Manslaughter Act, 2001.