

LEGISLATION

The Corporate Manslaughter Act

VISION | corporate services



Under the Corporate Manslaughter and Corporate Homicide Act passed in 2007, companies are now required to prove that correct policies and procedures are in place with regard to vehicle maintenance, safety and legalities. In addition, companies are also required to ensure that driver practices such as those laid out in the 'Working Time Directive' are being adhered to.

Failure to be able to provide such evidence in the event of a fatal incident occurring could lead to prosecution which, if successful, could mean a fine of up to 10% of your company's annual turnover.

In addition to a substantial fine, cases where gross negligence is proven could also result in a custodial sentence. The courts may also choose to impose a publicity order or apply a remedial order forcing the organisation to take measures to prevent such failures reoccurring in the future.

The Government sees the current legislation as its best means of driving down accidents on Britain's roads, by making the directors of all companies, no matter how large or small, responsible for providing a safe working environment. Statistical evidence shows that the number of incidents has declined in recent years but far too many organisations still fail to comply.

A hard line is being taken by the police when investigating incidents involving vehicles being used for company business. Even where no fatalities occur, if a lack of adequate policies and procedures is suspected charges may still be brought under the Duty of Care legislation.

Failing to comply with the current legislation not only leaves your organisation at risk of prosecution. Once found guilty under the new legislation a civil case could be brought against an offending company.

CORPORATE MANSLAUGHTER BREACHES COULD LEAD UP TO FINES OF £500,000



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Once guilt has been established, the only question remaining is how severe the financial damages might be. In one recent case a judge awarded a record £9 million payout to a cyclist left paralysed and in need of constant life support.

Companies need to act now to avoid such consequences for their own company! With Vehicle Tracking and Asset Management from Crystal Ball all the information to prove your compliance can be available in just a few short clicks.

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