

Topic 3 Class, Power and Crime

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Activity: Webquest

Corporate Manslaughter

Learning objectives

At the end of this activity you should be able to:

- Identify key features of the Corporate Manslaughter and Corporate Homicide Act 2007 (CMCHA).
- Evaluate the effectiveness of the Act.

A. Working in pairs, visit the web page below and answer the questions that follow.

<http://durhamprobono.blogspot.co.uk/2014/12/is-corporate-manslaughter-and-corporate.html>

1. Why was the Corporate Manslaughter and Corporate Homicide Act 2007 (CMCHA) enacted?
2. How many prosecutions for manslaughter had there been against large corporations before the CMCHA?
3. *Mens rea* means having a criminal intent (the mind and will to commit a crime). Why is *mens rea* hard to prove in the case of corporations?
4. Why is it difficult to prove that individuals in a corporation had criminal intent on behalf of the company?
5. What was different about the case of R v Kite and OLL Ltd that made a conviction possible?
6. How does s.1 of the CMCHA determine if a company is guilty of manslaughter?
7. What determines if a breach of duty is 'gross'?
8. According to s.1(4)(c) who is defined as playing a significant role in the decisions of an organisation?
9. Why might it be difficult to determine those identified in question 8?
10. Why might employees be blamed in cases of breach of duty of care?
11. How does s.8 of the CMCHA demonstrate the power of a corporation to influence decisions of the court?
12. How many successful convictions under the CMCHA had there been at the time of the article?
13. In two of the cases, the directors pleaded guilty to corporate manslaughter. Why did they do this?
14. Why does the case of R v Cotswold Geotechnical Holdings Ltd fail to demonstrate the workings of the Act?
15. Under the CMCHA, why would a case against a large corporation be more problematic than one against a small company or sole trader?
16. Why might the Act be a deterrent to prosecutors?
17. Why might the role of the Director of Public Prosecutions lead to political bias in cases?
18. What conclusions does Jenabi come to regarding the act?

B. Watch the clip below and answer the questions that follow.

<https://www.youtube.com/watch?v=vcRMVgHYFYs> Corporate Manslaughter Act

1. When did the Corporate Manslaughter Act come into force?
2. Are there any obligations in the Act?
3. What do companies need to do to comply with the Act?
4. What advice is given to companies?
5. What evidence will juries consider in a case?
6. Who will investigate and prosecute cases under the Act?
7. What is the role of health and safety regulators?
8. Will directors, board members or other individuals be prosecuted?
9. What penalties will a company or organisation face?

10. What is the worst consequence a company can face?
 11. Will the Act be retrospective?
- C. Individually, from your answers to A and B, write a summary of how the case of CMCHA shows the ability of the state to selectively enforce the law.