



Memo: Business & General Info

I.F.E.D.A. MEMBERS INFORMATION ADVICE/UPDATE

From: The National Office Date: April 2009 Number: 35

Corporate Manslaughter

As the following shows it is important to take all necessary steps to ensure the safety of your employees at all times : are you happy with your working practices and that they are being carried out correctly?

County firm faces corporate manslaughter charges for soil engineer's death

Dated 23rd April 2009

A GLOUCESTERSHIRE firm today became the first to face charges under a new corporate manslaughter law following the death of a Cheltenham geologist.

Cotswold Geotechnical Holdings is accused of gross negligence leading to the death of Alexander Wright, who was taking soil samples from a development site when the pit he was working in collapsed on him.

The 27-year-old, from Charlton Kings, was crushed to death at the site on Brimscombe Lane, near Stroud in Gloucestershire in September last year.

A director of the Birdlip-based firm, Peter Eaton, is charged with gross negligence manslaughter. Both he and the company also face health and safety charges.

The prosecution is the first brought under the 2007 Corporate Manslaughter Act, which aimed to make it easier for firms to be brought to justice over the death of their employees.

The maximum sentence for the firm is an unlimited fine. Mr Eaton could face life imprisonment.

Previously, prosecutors were required to prove there was a "controlling mind" at fault.

Kate Leonard, reviewing lawyer, CPS Special Crime Division, said: "Under the Corporate Manslaughter and Corporate Homicide Act 2007 an organisation is guilty of corporate manslaughter if the way in which its activities are managed or organised causes a death and amounts to a gross breach of a duty of care to the person who died.

"A substantial part of the breach must have been in the way activities were organised by senior management."

The case comes to court in late June.

DISCLAIMER

The information, facts and opinions expressed in this document are believed to be correct in the light of information currently available, but they are not guaranteed and neither IFEDA nor its officers can accept any responsibility in respect of these contents or their implementation.

This document in its entirety is copyright © of The Independent Fire Engineering & Distributors Association and must not be copied or distributed by any means whatsoever without the prior permission of the Association