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CORPORATE MANSLAUGHTER BILL SHOULD BE TAKEN BACK TO DRAWING BOARD, SAY LAWYERS

The Government's long-awaited draft bill on corporate manslaughter is under heavy fire from lawyers who claim it is unworkable and should be taken back to the drawing board.

Calling for a complete re-draft, the Association of Personal Injury Lawyers (APIL) said that while it welcomes the fact that the Government is finally legislating on corporate manslaughter, the draft bill is confusing and full of loopholes.

"In its current form the bill just won't work," said APIL president Allan Gore QC. "It is confusing, inconsistent and provides opportunities for those responsible for causing deaths and injuries at work to wriggle off the hook."

APIL's concerns are outlined in its response to the Government's consultation '*Corporate manslaughter: the Government's draft bill for reform*'. The association highlights discrepancies such as the confusion surrounding which organisations will be covered by the bill – and therefore liable to prosecution - and the organisations which are exempt.

"The Department of Health is listed as being covered by the bill, yet the NHS is not," said Gore. "Discrepancies such as this will only lead to confusion down the line. The bill is also meant to cover companies and not individuals, yet it refers to 'senior managers' in its definitions," he added.

As the possibility of prosecuting individual directors for corporate manslaughter has been removed from the bill, APIL has called for the Companies Act to be amended so that those guilty of health and safety breaches do not get away scot-free.

"It is imperative that company directors take responsibility for health and safety practices," said Gore. "We want to see individual directors nominated to deal with health and safety – and for this responsibility to be enshrined in law.

"If those responsible for health and safety know they can be identified and prosecuted for neglecting their duties, then this issue may finally be pushed to the top of directors' agendas," he said.

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Note to editors: For further information or a copy of APIL's response to "Corporate manslaughter: the Government's draft bill for reform" please contact:

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