

Circular number	<b>6/2008</b>	Date issued	<b>29 January 2008</b>
This circular is	<b>For information</b>	No response required	
This circular is	<b>Not relevant to the National Framework</b>		
Status	<b>This Circular concerns the new Corporate Manslaughter and Corporate Homicide Act which is due to come into force in April 2008</b>		
Replaces circular:			
Refers to circular:			

# Corporate Manslaughter and Corporate Homicide Act 2007

## Issued by:

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## Addressed to:

**The Chair of the Fire and Rescue Authority**  
**The Chief Executive of the County Council**  
**The Clerk to the Fire and Rescue Authority**  
**The Clerk to the Combined Fire and Rescue Authority**  
**The Commissioner of the London Fire and Emergency Planning Authority**  
**The Chief Fire Officer**

## Please forward to:

## Summary

The Corporate Manslaughter and Corporate Homicide Act 2007 is due to come into force in April 2008. This circular draws attention to the exception in section 6 of the Act, and the limits of that exception as it applies to the Fire and Rescue Service.

## For further information, contact:

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### 1.0 FRS Circular on the new Corporate Manslaughter and Corporate Homicide Act 2007

1.1 The Corporate Manslaughter and Corporate Homicide Act 2007 will come into force on 6 April 2008, across the UK. The Act sets out a new offence committed by an organisation where a gross failure in the way activities were managed or organised results in a person's death. This will apply to a wide range of organisations across the public and private sectors. In England and Wales, the new offence will be called corporate manslaughter. Under a new approach, courts will look at management systems and practices across the organisation, providing a more effective means for prosecuting the worst corporate failures to manage health and safety properly.

1.2 Recipients will wish to note that section 6 of the new legislation specifically mentions fire and rescue authorities in connection with responses to emergencies. CLG cannot give a definitive legal ruling on the application of the section 6 exemption to the activities of Fire and Rescue Services - that is a role which only the courts can fulfil - and Fire and Rescue Authorities may wish to seek their own legal advice. However, our understanding is that the intention of that section is that:

(i) the s 6 exception, applies only to the way in which Fire and Rescue Authorities (FRAs) respond to "emergency circumstances", defined in s 6(7) as circumstances that are present and imminent and

- a) are causing, or are likely to cause, serious harm or a worsening of such harm, or
- b) are likely to cause the death of a person.

(ii) the s 6 exception does not apply to a duty owed to employees or other persons working for FRAs or performing services for it, or a duty owed as occupier of premises.

1.3 The following links refer to the leaflet and guidance, which has been produced by the Ministry of Justice (MoJ) on the new Corporate Manslaughter Act, and which are available on the MoJ website ([www.justice.gov.uk](http://www.justice.gov.uk)).

<http://www.justice.gov.uk/docs/manslaughterhomicideact07.pdf>

<http://www.justice.gov.uk/docs/guidetomanslaughterhomicide07.pdf>

1.4 In addition, a differently formatted version of the leaflet is available, that can be duplex printed onto a single sheet of A4.

**Raphael Smith**

**Fire and Rescue Service Development Division**