



## **First Corporate Manslaughter Case**

In April the first person was prosecuted under the new corporate manslaughter offence in the first such case. Peter Eaton, a director, has been charged with manslaughter and the company is charged with an offence under the Health and Safety at Work, etc Act 1974. Cotswold Geotechnical Holdings has been accused of a "gross breach" of duty. A junior employee died when a pit collapsed on him. The new rules came into force in April 2008 and are contained in the Corporate Manslaughter Act 2007. The man was extracting soil samples from the pit when the sides collapsed and he was crushed to death. The company was charged.

Mr Eaton is due to appear at Stroud Magistrates Court on 17<sup>th</sup> June. Peter Lawson a partner at Chattertons Solicitors says "The court will have to prove Mr Eaton, as a director, committed a gross breach of duty." The CPS who brought the prosecution 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. I have concluded that there is sufficient evidence for a realistic prospect of conviction for this offence."

If you want any legal advice on how to minimize or avoid liabilities under this legislation, call Peter on 01205 310025.

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