History of corporate manslaughter: five key cases

By [Szu Ping Chan](https://www.telegraph.co.uk/journalists/szu-ping-chan/),18 Feb 2011, Telegraph

Companies have been open to manslaughter proceedings since 1965. Until then, English law abided by the principle laid out by a 17th century judge, who deemed, "Companies have a soul to damn, but no body to kick".

Here are five examples of corporate cases brought to trial before The Corporate Manslaughter and Corporate Homicide Act 2007 was given Royal Assent.

**Lyme Bay tragedy**

The only successful prosecution of a corporation for manslaughter through gross negligence involved a company owned by one man.

Peter Kite, owner of OLL Limited, was jailed for three years, and his company fined £60,000 following the 1993 Lyme Bay canoeing tragedy in which four teenagers died.

Mr Kite was found guilty because he was directly in charge of the activity centre where the children were staying. Joseph Stoddart, manager of the St Alban's centre in Lyme Regis, was found not guilty of the same charges after the jury failed to reach a verdict.

The Court of Appeal later reduced Mr Kite's sentence from three years to two, meaning he only spent 14 months in jail.

**Herald of Free Enterprise**

One of the most famous corporate manslaughter cases came to trial during the late 1980s, when the Herald of Free Enterprise - a Townsend Thoresen car ferry owned by European Ferries, which later became part of P&O European Ferries - capsized in 1987 off the Belgian coast. A total of 193 lives were lost after the bow doors of the ferry failed to close and the car deck was flooded.

An inquest jury returned verdicts of unlawful killing in 187 cases. However, the corporate manslaughter case failed because the various acts of negligence could not be attributed to any individual who was a "controlling mind".

**Clapham rail disaster**

Britain's worst rail disaster claimed 35 lives after three trains collided on December 12, 1988. The British Rail Board admitted liability for the accident, which was attributed to careless work by signal engineers. As the board was responsible under the "vicarious liability" principle, it paid compensation reaching £1m in some cases, though no-one was prosecuted for manslaughter.

**Transco**

In 2003, the Appeal Court in Edinburgh rejected a charge of "culpable homicide" (the Scottish equivalent of the law in England, now known as "corporate homicide") against the gas pipeline firm Transco after the death of a family of four in Larkhall in 1999.

Separate charges were brought under Sections 3 and 33 of the Health and Safety at Work Act 1974, and the company was fined a record £15m.

**Hatfield disaster**

In 2005, executives of Network Rail and maintenance company Balfour Beatty were cleared of individual charges over the October 2000 Hatfield rail crash, which claimed four lives.

However, after an eight-month Old Bailey trial in 2005, Balfour Beatty was fined £10m for breaching health and safety regulations (later reduced to £7.5m). Network Rail, which took over from Railtrack in 2002, was fined £3.5m.