Draft Order laid before Parliament under section 23(3) of the Corporate Manslaughter and Corporate Homicide Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No.

CRIMINAL LAW

The Corporate Manslaughter and Corporate Homicide Act 2007 (Amendment) Order 2011

Made - - - -	*****
Coming into force - -	*1st September 2011*

The Secretary of State makes the following Order in exercise of the powers conferred by section 23(1) and (2) of the Corporate Manslaughter and Corporate Homicide Act 2007(**a**).

In accordance with section 23(3) of that Act a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Corporate Manslaughter and Corporate Homicide Act 2007 (Amendment) Order 2011 and comes into force on 1st September 2011.

Amendment of section 2 of the Corporate Manslaughter and Corporate Homicide Act 2007

2.—(1) Section 2 of the Corporate Manslaughter and Corporate Homicide Act 2007 (meaning of "relevant duty of care") is amended as follows.

(2) In paragraph (a) of subsection (2), for "or police station" substitute ", a police station or customs premises".

(3) After that paragraph insert—

"(aa) he is detained in service custody premises;".

(4) In subsection (7)—

(a) after the definition of "custodial institution" insert—

""customs premises" means premises wholly or partly occupied by persons designated under section 3 (general customs officials) or 11 (customs revenue officials) of the Borders, Citizenship and Immigration Act 2009;"(**b**);

(b) after the definition of "secure accommodation" insert—

""service custody premises" has the meaning given by section 300(7) of the Armed Forces Act 2006."(**c**).

(**a**) 2007 c. 19.
(**b**) 2009 c. 11.
(**c**) 2006 c. 52.

Signed by the authority of the Secretary of State

Signed
Parliamentary Under Secretary of State
Ministry of Justice

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 2(2) of the Corporate Manslaughter and Corporate Homicide Act 2007 ("the Act") by inserting further categories of persons held in custody to the list of those to whom a relevant duty of care is owed by reason of section 2(1)(d) of the Act; namely, those detained in custody areas at offices of the UK Border Agency, and those detained in service custody premises which are the responsibility of the Ministry of Defence. Article 2(3) amends section 2(7) of the Act by inserting definitions for "customs premises" and "service custody premises". These are supplemental to the amendments made to section 2(2). The amendments come into force on 1st September 2011.

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