

# UKOPA

United Kingdom Onshore Pipeline Operators' Association

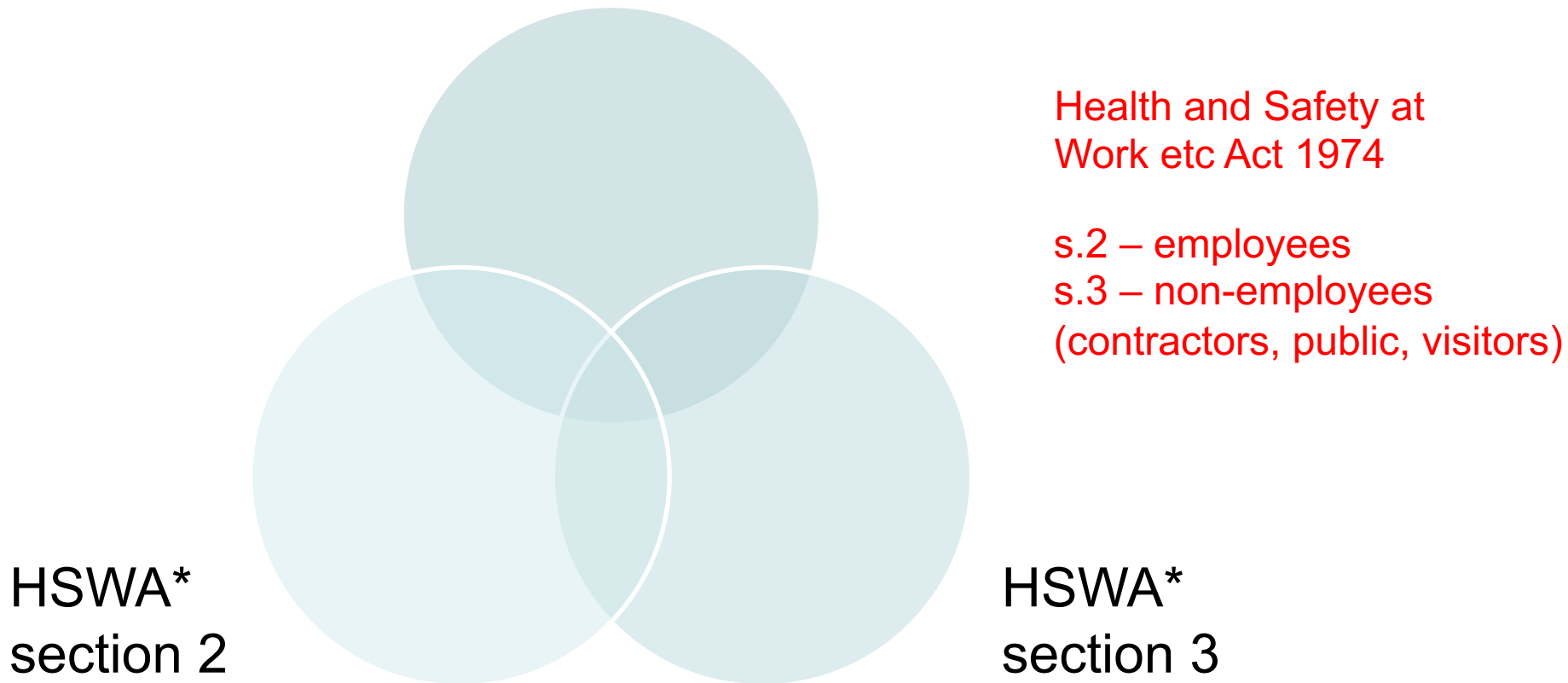
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**Right result, wrong  
process**



# Offences by Companies

## Corporate Manslaughter/Homicide



# Guilty until proven innocent



- *“... it shall be **for the accused to prove ... that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement.**”*
- **Section 40 HSWA**

# Communication, Coordination and Cooperation

- The '3 Cs':
  - Communication
  - Coordination
  - Cooperation
- What is each entity doing 'on the ground'?
- Does each entity know what everyone else is doing?
- How confident are you each entity would give the same explanation of arrangements to HSE if there was a problem?
- Differences between criminal H&S requirements and contractual obligations

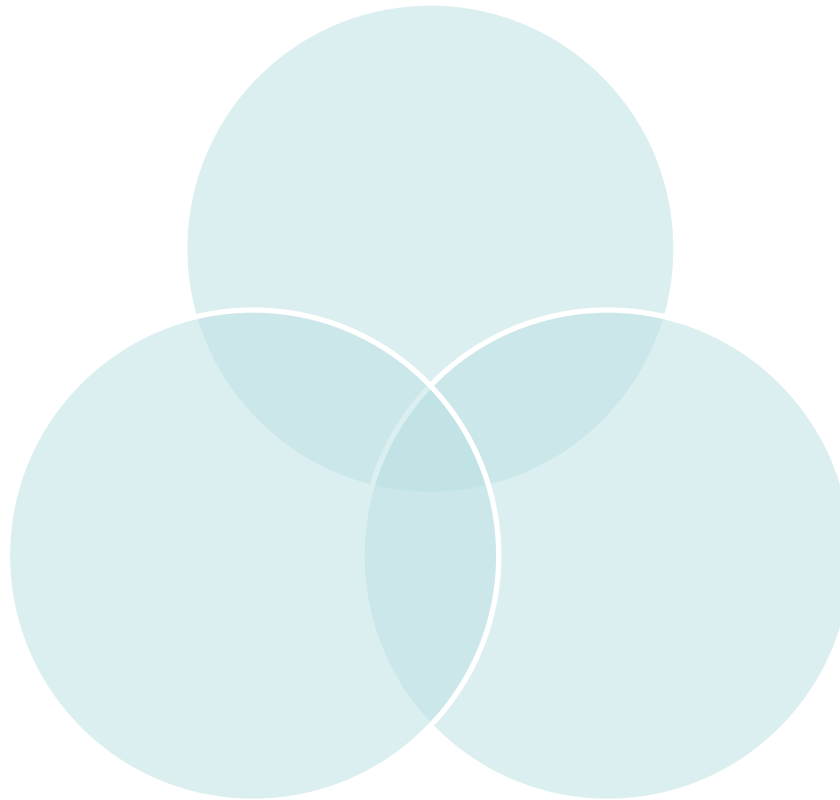


# Individual Offences

Gross Negligence Manslaughter/Culpable Homicide

HSWA section 37

HSWA section 7



# Section 7 HSWA

It shall be the duty:



of every employee



for the Health &  
Safety of himself /  
herself



while at work



and other persons  
who may be affected



to take reasonable  
care



by his / her acts or  
omissions



## Section 37 HSWA

- **Where an offence ... committed by a body corporate is proved to have been committed with the:**
  - consent or connivance of, or
  - to have been attributable to any neglect
- **on the part of any:**
  - director,
  - manager,
  - secretary,
  - other similar officer of the body corporate, or
  - a person who was purporting to act in any such capacity,

**he / she as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly...**