

Corporate Violence

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Abstract

Violence is a term synonymous with crime and the infliction of harm onto others. When the perpetrator of such crime is an artificial entity and does not physically exist, for example a corporation, the use of the word 'accident' or 'tragedy' can deflect corporate culpability for causing violence, even where the violence may be widespread. Health and Safety crime falls within this remit, and remains a global concern. Examples of corporate violence in this context include Bhopal, the Piper Alpha disaster, and the Herald of Free Enterprise, to name a few, and highlight the huge loss of life and ongoing devastation corporations are capable of inflicting.

The fundamental objective of corporations, who operate within highly competitive capitalist economies, is to maximise profits whilst keeping costs at a minimum. Ensuring the safety of employees and members of the public is essentially a 'cost' for corporations. While there are clear moral and legal obligations for organisations to ensure they do not injure or cause death in the pursuit of lowering costs and maximising profits, frequent news headlines indicate the vast capacity for corporations to inflict harm on large number of victims.

This paper examines highly contentious questions including; are industrial disasters and accidents another form of violent crime? Also, as corporations are 'separate legal entities' in the eyes of the law, how can a criminal justice system sanction and deter such violence and criminal wrongdoing? In this context, should individual directors be given criminal responsibility for deeply entrenched corporate criminogenic policies which injure and kill?

This paper analyses cases and examples of corporate violence and explores the UK's legislative response. In addition it gives a comparative analysis of the Australian model of criminal accountability for corporate violence.

Key Words: Corporate, Health & Safety, Crime, Culpability, Legislation

1. What is a Corporation

Corporations are legal constructs with 'separate legal personalities'. In 1897 the House of Lords decision in *Salomen v Salomen & Co Ltd*,¹ firmly upheld the concept of a corporation as an 'independent legal entity', *distinct from its shareholders and directors*, as set out in the Companies Act 1862. Consequently, shareholders, directors and employees can benefit from a 'corporate veil', and it is the company that shall be legally liable for civil or criminal wrongdoings.²

Despite now being well-established law, arguably, this remains an unnatural concept when it comes to trying to identify the 'state of mind' of the company or how the company should be punished in criminal law. This was recently highlighted by Lord Hoffmann;

"... [R]eference to a company 'as such' might suggest that there is something out there called the company of which one can meaningfully say that it can or cannot do something. There is in fact no such thing as the company as such."³

As corporations are artificial entities and they do not physically exist, it may be argued that criminal courts cannot satisfactorily impose sanction for causing deaths. As famously stated, corporations have;

"no soul to be damned, and no body to be kicked."⁴

On this view, corporations are purely legal creatures. On the other hand, corporations consist of human agents, who are capable of acting morally or immorally, rationally or irrationally, ethically or unethically. Lord Denning gave corporations an anthropomorphic comparison, stating that;

"[C]orporations may in many ways be likened to a human body. They have a brain and a nerve centre which controls what they do. They also have hands which hold the tools and act in accordance with directions from the centre."⁵

¹ [1897] AC 22.

² S16 The Company Act 2006.

³ *Meridian Global Funds Management Asia Ltd v Securities Commission* [1995] B.C.C. 942 Privy Council.

⁴ Edward, First Baron Thurlow 1731.

⁵ *H.L. Bolton (Engineering) Co Ltd v T.J. Graham & Sons Ltd* [1957] 1 WLR 454.

In this way, characterised as organisations comprised of and comparable to human beings, corporations are capable of being rational and ethical, and performing acts which may have a genuine impact on others, thus there is a strong argument they should be subject to the full extent of criminal law.

Even if it is accepted that 'a company' cannot think, feel or reason, and therefore to assign blame or sanction to a company is inappropriate, further analysis is still warranted to determine how the criminal law can deal with the contributions of directors or senior managers to corporate violence.

2. Violent Corporations and Criminal Law – A Complex Fusion

The conventional perception of 'violence' typically involves an intentional/reckless and direct act of aggression which inflicts harm onto others, such as murder, or assault. Looking beyond the more familiar understanding of violent behaviour it is important to highlight how violence can manifest in forms which may not be as obvious.

Salmi⁶ identifies 4 main forms: Direct Violence, Alienation, Repressive Violence and, significantly for the purposes of this paper, 'Indirect Violence.' Indirect violence;

“causes harmful, sometimes deadly situations or actions caused by human intervention but without a direct relationship between the parties involved. This includes ignoring humans in danger or in need (violence by omission) and mediated violence, which is altering of natural or social environments, endangering people”.⁷

This nuanced description encapsulates the argument that corporations can perpetrate violent behaviour and highlights that such behaviour should not be unthinkingly deflected by the use of words such as 'accident' or 'tragedy'.

An example of the ability of corporations to inflict mass casualties and/or fatalities through indirect violence is the case of Bhopal.⁸ Prior to the accident there were

⁶ Salmi, J (2004) 'Violence in Democratic Societies: Towards an Analytic Framework in P.Hillyard, C. Pantazis, S Tombs and D.Gordon (eds) Beyond Criminology? Taking Harm serious, London Pluto Press: 55-66.

⁷ Ibid.

⁸ On December 3 1984, more than 40 tons of methyl isocyanate gas leaked from a pesticide plant in Bhopal, India, immediately killing at least 3,800 people and causing significant morbidity and premature death for many thousands more. The company involved in what became the worst industrial accident in history immediately tried to dissociate itself from legal responsibility.

reports detailing the failure of several safety systems due to poor maintenance, and safety systems being switched off to save money. Though the case does not generate evidence of 'aggression' in the way of a conventional murder or assault, it fits squarely within Salmi's definition of Indirect Violence.

Another example is the Piper Alpha disaster⁹, involving the North Sea oil production platform operated by Occidental Petroleum (Caledonia) Ltd. The Cullen Inquiry (set up in November 1988 to establish the cause of the disaster) was critical of *Piper Alpha's* operator, Occidental, which was found guilty of having 'inadequate maintenance and safety procedures'.¹⁰ Again this fits within Salmi's conception of Indirect Violence, being behaviour and omissions capable of having a deadly effect on others, without involving a direct relationship between the parties.

The victims in the above cases undoubtedly died as a result of the organisations' indirect violent conduct. Since committing a violent act against others is invariably a criminal matter, then Criminal courts should have jurisdiction to address such behaviour. In order to do this, however, (ie to legally recognise and then impose a sanction on corporations who have committed violent and criminal actions), certain legal criteria must be satisfied.

A fundamental principle of criminal law is that a crime consists of both a mental and a physical element. The *actus reus*¹¹ is the physical act of the crime itself, with the more problematic element for our corporate analysis being the 'guilty mind' (the *mens rea*).¹² The latter may include a person's awareness of the fact that his or her conduct is criminal, or it may be what constitutes criminal 'recklessness' or being 'wilfully negligent'.¹³

The initial problem for prosecutors in cases of corporate violence, is to whom and how the necessary *mens rea* of a company can be ascribed, as the company itself has no mind. Here, the case of *Tesco v Natrass*¹⁴ set legal precedent stating that in order to establish the culpability of a company, an employee of sufficient level

⁹ The world's worst offshore oil disaster occurred when the North Sea Piper Alpha oil rig off the coast of Aberdeen in Scotland caught fire, killing 167 people.

¹⁰ The Cullen Report "*Public Inquiry into the Alpha Disaster*" *HC Deb 07 March 1991 vol 187 cc557-67*.

¹¹ *H.M Advocate v Mackenzie* 1913 S.C (J) 107 at 112.

¹² *Hume Commentaries on the Law of Scotland Respecting Crimes*, Vol.1 at pps.21-22.

¹³ The latter means "a total indifference to and disregard for the safety of the public" *R.H.W v H.M.Advocate*, 1982 S.L.T. 420 at p.420.

¹⁴ [1972] AC 153.

within the company must be identified as the 'directing mind and will.' Thus as Lord Reid states;

“He is acting as the company and his mind which directs his acts is the mind of the company.”¹⁵

In order to appreciate how problematic this 'identification doctrine' is for establishing *mens rea*, when attempting to prosecute large companies, it is appropriate to examine examples in case law.

3. Examples of Corporate Culpability

A notable case which sparked public debate and created a general consensus that the existing system was ill equipped to hold companies to account for crimes such as manslaughter or culpable homicide,¹⁶ was that of the Herald of Free Enterprise.¹⁷

The Herald of Free Enterprise capsized just off the Belgium coast on the 6th March 1987, after the bow doors were not correctly closed. This led to the death of 188 passengers.¹⁸ The public inquiry held under Lord Justice Sheen in 1987 highlighted that;

“... a full investigation into the circumstances of the disaster leads inexorably to the conclusion that underlying or cardinal faults lay higher up in the Company.”¹⁹

Lord Sheen found complacency on the part of the company, remarking (in terminology strikingly similar to Lord Denning's use of anthropomorphism) that;

“.. From top to bottom the body corporate was infected with the disease of sloppiness....”²⁰

Following the disaster, charges of manslaughter were brought against eight defendants, including P & O European Ferries (Dover) Ltd ('the company') as

¹⁵ Ibid at page 170

¹⁶ Manslaughter is term used in England & Wales, whereas Homicide is the term used in Scotland.

¹⁷ R. v P&O European Ferries (Dover) Ltd (1991) 93 Cr. App. R. 72; [1991] Crim. L.R. 695.

¹⁸ R. v HM Coroner for East Kent Ex p. Spooner 06 October 1987.

¹⁹ Ibid.

²⁰ Ibid.

owner of the vessel. In *R v P & O European Ferries (Dover) Ltd*,²¹ it was accepted that a corporation could be convicted of manslaughter:

“As manslaughter in English law is the unlawful killing of one human being by another human being and that person who is the embodiment of a corporation and acting for the purposes of the corporation is doing the act or omission which caused the death, the corporation as well as the person may also be found guilty of manslaughter.”²²

On 5 June 1990, however, when the Crown levied a charge of ‘corporate manslaughter’ on the company, based on the verdict of ‘unlawful killing’ and the highly critical findings regarding the management involved, the Court of Appeal cleared the company of any direct responsibility for the disaster. Although various reasons were advanced, the basis for the Court of Appeal decision was that there was a failure by the prosecution to establish the requisite *mens rea* and *actus reus* against ‘those who were to be identified as the embodiment of the company itself’.²³

*R v P & O European Ferries (Dover) Ltd*²⁴ was the first example of a company being prosecuted for the offence of corporate manslaughter. It was also the first example of how the larger the company, the greater the confusion over personal and corporate responsibility, and how this could result in the collapse of a case. It was impossible in this case, given the jurisprudence of the time, to establish a ‘guilty mind’, despite the obvious (if indirect) violence perpetrated on the victims.

Another key case which reinforced the demand for legislative reform regarding corporate violence is that of the Clapham Rail Disaster. On the morning of 12 December 1988, three UK trains collided and killed 35 passengers. Nearly 500 other passengers were injured.

The inquiry, chaired by Anthony Hidden QC,²⁵ found that the immediate cause of the crash was faulty wiring work. The report described the error as:

²¹ (1991) 93 Cr. App. R. 72; [1991] Crim. L.R. 695.

²² Dictum of Bingham, L.J., in *H.M. Coroner for East Kent, ex p. Spooner* (1989) 88 Cr.App.R. 10, 16

²³ *Id.*

²⁴ (1991) 93 Cr. App. R.72.

²⁵ QC Anthony Hidden Department of Transport Investigation into the Clapham Railway Accident November 1989.

“a disastrous departure from acceptable standards of electrical work.”²⁶

The report went on to identify that the larger cause of the accident was the failure by British Rail senior management, detailing that there was;

“A deplorable lack of monitoring and supervision.”²⁷

The report also highlighted that staffing levels were inadequate and safety was compromised, as employees were overstretched and under immense pressure to rush through their work.²⁸

The British Rail Board admitted liability for the Clapham Disaster, and as the Board was responsible under the "vicarious liability" principle for *civil*²⁹ proceedings, it paid compensation reaching £1m in some cases, although no-one was prosecuted for manslaughter.

The 1996 Law Commission Report into Involuntary Manslaughter stated the reason why no criminal action was taken in the Clapham case was;

“probably due to the difficulty of mounting a manslaughter prosecution against a large-scale corporate defendant.”³⁰

This is clear recognition that even if it is accepted that corporations can bear criminal responsibility for criminal actions, actually proving the identification of the ‘directing mind and will’ or *mens rea* in such a large, structurally complex organisation is completely impracticable, thus negating any possible prosecution.

A Scottish case which reinforced the need for reform of the criminal law is that of *Transco Plc v HM Advocate*,³¹ in which the Crown sought, for the first time in

²⁶ Page 61 para 7.28 Investigation into the Clapham Railway Accident November 1989.

²⁷ Page 65 para 8.4 Investigation into the Clapham Railway Accident November 1989.

²⁸ Page 73 para 8.48 Investigation into the Clapham Railway Accident November 1989.

²⁹ Civil law is the mechanism whereby one party can take a matter before a court in order to seek some kind of redress, for instance to sue to someone for money owed. Criminal law is enforced by an agency like the police or trading standards on behalf of the Crown and usually only such an agency can bring proceedings. In civil proceedings the court can reach a decision on the balance of probabilities. In criminal law a guilty decision is dependent on facts proved beyond a reasonable doubt. Criminal courts can impose severe sanctions such as imprisonment and unlimited fines, whereas civil courts are generally restricted to financial payments or property confiscation.

³⁰ Para 1.15 The Law Commission (Law Com 237) *Legislating the Criminal Code: Involuntary manslaughter*.

Scottish legal history, to prosecute a limited liability company for the common law offence of culpable homicide. The charge labelled was that Transco's various bodies and 'posts', which were responsible for aspects including safety, had knowledge of risks in the operation of their gas distribution system, and with reckless indifference of the consequences, failed to act upon them³². The consequence of these omissions was a fatal tragic explosion in Scotland on 22 December 1999, in which a family of four died.

It was alleged that Transco showed 'complete disregard for safety of the public.'³³ The firm failed to properly investigate reports that a gas main had leaked on 27 separate occasions and that gas leaks had been reported by members of the public on 13 occasions between July 1988 and December 1999.

Transco argued that under the existing law of Scotland, a non natural person could not in any circumstances be guilty of the common law crime of culpable homicide.³⁴ The charge referred to 'knowledge' by Transco concerning the risks arising from the corrosion of ductile iron pipes used for gas distribution. The Crown aimed to prove that all matters in relation to the safe transportation of gas had been delegated to junior members of staff and that, as such, the 'directing mind and will' of Transco was the decision making of those persons. The Crown argued that a collective decision was sufficient, and that the requisite *mens rea* was the delegation of 'mind and will' (ie 'the knowledge of a delegated person/committee' was the knowledge 'of Transco' itself).

In allowing the prosecution to proceed, Lord Carloway agreed;

"It may well be that in England there is a need to identify a particular person who could, if charged, also have been guilty of manslaughter, before a company can be found to have committed that crime. It is not a requirement under the Scots law of culpable homicide."³⁵

On appeal, however, Transco was successful, as the Court of Appeal held that the Crown's case depended on an 'aggregation' of separate states of mind, which was contrary to the basic principles of Scots criminal law.³⁶

³¹ 2004 SLT 41 (henceforth *Transco*).

³² Indictment of charges against Transco.

³³ *Transco plc v HM Advocate* 3 June 2003 2004 J.C. 29.

³⁴ 'Common law' is law contained in judgements from court cases (ie not law handed down in legislation written by parliament.).

³⁵ *HMA v Transco* 2004 S.L.T. 41.

³⁶ *HMA v Transco* [2005] B.C.C. 296As per Lord Hamilton para 4.

It is evident with the cases highlighted, that in large companies with complex managerial structures, it is extremely problematic for the prosecution to ascribe criminal liability where *mens rea* is required. Thus, in effect, a legal loophole existed which allowed acts of violence perpetrated by corporations against large numbers of victims, to remain un-prosecutable in the UK.

4. The UK and Australian (ACT) Legislative Responses

Growing public and political pressure to address deficiencies lead to enormous responses to various pre-legislative consultations,³⁷ resulting in the *Corporate Manslaughter and Corporate Homicide Act*,³⁸ which came into force in the UK on 6 April 2008. One of the benefits of the new legislation is that it allows the prosecution to 'aggregate' several *mentes reae*.³⁹ This may overcome some of the problems mentioned above, where the prosecution could not identify the sufficient 'directing mind and will' of the corporation, without aggregating individuals' *mentes reae*.

Despite the considerable consultation period, however, the final Act is still subject to much criticism. Gobert argues the *CMHCA* did not go far enough, as the Crown still faces complex evidential barriers to overcome before a successful prosecution is a realistic prospect.⁴⁰ For in order to establish liability the prosecution has to prove a number of factors such as that; a relevant duty of care was owed to the victim; the death was attributable to a 'gross breach'; also that the way in which the organisation's activities were managed or organised by its 'senior management' constituted a 'substantial element' in the gross breach.

To date there have been only 3 successful prosecutions⁴¹ under the legislation, however, two of the companies were relatively small in size and therefore did not test the effect of the new provisions on corporations with complex managerial structures. In the third case, the structure of the company was fairly large (100 workers), but the case still failed to test the efficacy of the Act. Three of the

³⁷ Law Commission, Consultations Paper No 135, *Criminal Law: Involuntary Manslaughter* (1994) Law Commission Report No 237, *Legislating the Criminal Code: Involuntary Manslaughter* (1996) Home Office, *Reforming the Law on Involuntary Manslaughter: The Governments Proposal* (2000).

³⁸ Henceforth *CMCHA*.

³⁹ As Section 1 (3) states; "An organisation is guilty of an offence under this section only if the way in which its activities are managed or organised by its senior management is a substantial element in the breach referred to in subsection (1)."

⁴⁰ J Gobert 'The Corporate Manslaughter and Corporate Homicide Act 2007 – Thirteen years in the making but was it worth the wait? M. L. R.

⁴¹ *R v Cotswold Geotechnical (Holdings) Ltd* [2011] All ER (D) 100
JMW Farms Northern Ireland [2012] NICC 17
R -v- Lion Steel Equipment Ltd 20 July 2012.

company's directors faced individual charges of gross negligence manslaughter and failing to ensure the health and safety of their employees,⁴² but the Crown Prosecution Service later dropped charges against the individuals in return for a plea of guilty from Lion Steel (the company) for causing death in accordance with the CMCH. Thus, to date there have been no larger companies put on trial under the legislation and successfully prosecuted.

Overall, in the UK the success of legislative attempts to address corporate violence largely remains to be seen. The number of prosecutions is small, and corporate complexity continues to make evidence-gathering and the aggregation of *mens rea* difficult. In this context, a comparative model of Corporate Criminal culpability to consider is the Australian model.⁴³ In 2003, the Australian Capital Territory (ACT), the smallest Australian jurisdiction, was the first to pass legislation creating the offence of Industrial Manslaughter.⁴⁴

The ACT legislation identifies a 'corporate culture' as the requisite *mens rea* for this crime. Therefore if the corporate culture permits 'gross negligence' or if the body corporate

"expressly, tacitly or impliedly authorised or permitted the commission of the offence",⁴⁵

Industrial Manslaughter may be made out. Therefore the prosecution have the means of prosecuting companies where bad or dangerous health and safety practices are tolerated throughout the organisation, ie where a poor 'corporate culture' has emerged.

Arguably, establishing the 'corporate culture' as the *mens rea* for corporate violence, rather than requiring proof of the individual *mens rea* of employees, or an 'aggregate' of the *mentes reae* of multiple employees (as in the UK) is a more effective evidential tool for the prosecution. At the very least, it recognises that:

"Corporate culture may exist independently of individual employees or officers and may continue to exist despite changes in personnel."⁴⁶

⁴² Under Section 37 of the Health and Safety at Work Act 1974.

⁴³ Note that Australia is a federation of states and territories, where criminal law differs from jurisdiction to jurisdiction. The various States/Territories can opt into the Commonwealth (Federal) legislation or not, and there is no legal compulsion for the States/Territories to unify their criminal law in terms of approach, content or sanctions.

⁴⁴ Crimes Act 1900; Crimes (Industrial Manslaughter) Amendment Act .

⁴⁵ Australian Criminal Code 1995 S12.3 (1).

The ACT corporate criminal liability model acknowledges that complacent attitudes, policies and structures are pre-existing and deeply entrenched in within companies. As argued;

“This model recognises that corporations have distinct public personae and possess collective knowledge. It considers corporations as quite capable of committing crimes in their own right, that is, through the collective. The fundamental shift in the conception of corporate criminal liability, that is, the “transition from derivative to organizational liability” has come about because of the increasing acceptance of the notion that corporations are moral and responsible agents.”⁴⁷

In this context, it is possible from the Australian legislation to see how corporate violence – which often manifests itself as Indirect Violence – can be encompassed within the criminal law, even allowing for traditional concepts such as *actus reus* and *mens rea*.

Reverting back to the one of the major criticisms of the ‘senior manager test’ in the Corporate Manslaughter and Corporate Homicide Act 2007 in the UK, it is clear that the Crown can experience major difficulties prosecuting a structurally large, complicated organisation, by having to try to identify senior manager(s) and prove that the way they managed the company’s activities constituted a gross breach, which in turn caused the fatality. Trying to locate the *mens rea* for violence in individuals within a corporation in this way, fails to take into account the essence of a corporation – that it is a *separate legal entity*, separate from the individuals who formulate and participate in its activities. Nevertheless, the *corporate culture* of the organisation can coalesce to create acts of criminal violence including homicide, and once identified, should be prosecuted.

5. Conclusion

Unfortunately, legislation in both the UK and Australia has not had a great impact on the commission or punishment of corporate violence, as far as successful corporate prosecutions to date are concerned. As highlighted by James Gobert and Maurice Punch, however;

⁴⁶ Clough J (2005) ‘Will the punishment fit the crime? Corporate manslaughter and the problem of sanctions’ *Flinders Journal of Law Reform* 8(1), 113-131 at 119.

⁴⁷ Law Reform Commission New South Wales Report 102(2003) Sentencing Corporate Offenders.

“criminal law was not developed with companies in mind. Concepts such as *mens rea* and *actus reus*, which make perfectly good sense when applied to individuals, do not translate easily to inanimate fictional entity such as a corporation. Trying to apply these concepts to companies is a bit like trying to squeeze a square peg into a round hole.”⁴⁸

Criminal prosecutions against artificial entities, where the law requires a mental element, remain a theoretically unnatural concept and in reality, a difficult path to prove. Despite this, the *CMCHA* and the ACT amendments to the Australian Criminal Code are valuable as a symbolic attempt to address the legal anomalies which arise when using traditional criminal law to prosecute the indirect violence perpetrated by corporations. The use of ‘corporate culture’ as the *mens rea* (in the ACT) and the *mens rea* obtained by ‘aggregating’ the state of mind of individual actors within a corporation (in the UK) are not without problems, in terms of collecting and proving the evidence. They are, however, a step forward in recognising that where acts of violence, even indirect violence, result in injuries and death, criminal liability is appropriate and available.

⁴⁸ Gobert, J & Punch, M. (2003). *Rethinking Corporate Crime*, London: Butterworths.

Bibliography

Books

Davies.P, Francis.P & Jupp.V, (1999) *Invisible Crimes* MacMillan Press Ltd

Tombs. S & Whyte. D *Safety Crimes*, (2007) *Crime and Society Crimes Series* Willan Publishing

Gobert, J & Punch, M. (2003). *Rethinking Corporate Crime*, London: Butterworths

Journals

E Colvin, 'Corporate Personality and Criminal Liability' (1995) *Criminal Law Forum*

CMV Clarkson 'Kicking Corporate Bodies and Damning their souls' 1996 59 *Modern Law Review* 557

CM.V Clarkson, "Corporate Manslaughter: Yet More Government proposals" 2005 *Crim L.R* 677

J Clough 'Bridging the Theoretical Gap: The Search for a Realist Model of Corporate Criminal Liability' 2007 18 *Criminal Law Forum* 267

Clough J (2005) 'Will the punishment fit the crime? Corporate manslaughter and the problem of sanctions' *Flinders Journal of Law Reform* 8(1),

N Cavanagh 'Corporate criminal liability: an assessment of the models of fault' 2011 *Journal of Criminal Law*

J Gobert and M Punch, *Rethinking Corporate Crime* Lexis Nexis Butterworths: London 2003

J Gobert 'Corporate Criminality: Four Models of Fault' (1994) 14 *Legal Studies*

J Gorbett 'The Corporate Manslaughter and Corporate Homicide Act 2007 – Thirteen years in the making but was it worth the wait? M. L. R

J Herring & E Palser 'The duty of Care in gross negligence manslaughter' 2007 *Crim L.R*

S Griffin 'The one-man type company and the removal of corporate personality on the context of the attribution rules' 2011 *Commercial Law Review* P. Thompson; "Corporate Killing and Management Accountability" (2006) 156(7211) *New Law Journal* 232

Reports

Department of Transport (1987), *The Merchant Shipping Act 1894, mv Herald of Free Enterprise*, Report of Court No 8074 (Sheen Report), London: HMSO

The Law Commission 1996 (Law Com 237) *Legislating the Criminal Code: Involuntary manslaughter*

Hidden Anthony Investigation into the Clapham Railway Accident November 1989

The Cullen Report The Ladbroke Grove Rail Inquiry Health & Safety Commission published 2001