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The Changing Face of Sentencing for Health & Safety Offences

The Health and Safety at Work Act 1974 places duties on employers to take care so far as is reasonably practicable for the safety of their employees and for persons not in their employment.

In recent years, there have been calls to increase the penalties that companies convicted under the 1974 Act and associated regulations face. The Health and Safety Executive have also focussed their attention on the conduct of individual company directors and officers and there is now an increased prospect of individuals being prosecuted for alleged breaches of the 1974 Act and associated regulations.

On 6th April 2008 the Corporate Manslaughter and Corporate Homicide Act 2007 ("CMCHA") came into force and on 16th January 2009, the Health and Safety Offences Act 2008 ("HSOA") came into force. The former introduces a new offence that companies may face following a death in the workplace, whilst the latter marks a step change in the penalties that may be imposed on companies or individuals convicted of a breach of the 1974 Act, as well as increasing the number of offences which may attract a custodial sentence for the individual.

Two recent decisions of the High Court of Justiciary in Scotland looked at the level of fines imposed on companies convicted of breaching the 1974 Act and in both cases the court took the view that fines in such cases were generally too low, and in one case the level of fine was increased by 500%.

For the full text of this article please click [here](#).

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