# Answer guidance

## Question:

A, an electrician employed by D Ltd, is doing some rewiring work as a favour for her neighbour B. She is interrupted when C rings the doorbell. When A answers the door, C starts trying to persuade A to donate to a charity. A refuses, and when C persists, A waves a heavy wrench at him and says that if he doesn’t leave immediately, she will hit him with the wrench. Frightened, C steps back and trips, hitting his head on a garden ornament. He dies from the head injury. Distressed, A forgets to finish her work and when B next goes into the kitchen he is killed by an electric shock from the unfinished rewiring.

(a) Discuss whether A is liable for the manslaughter of B and C.

(b) Might D Ltd be liable for corporate manslaughter in either of the following scenarios:

(i) A is its owner and managing director?

(ii) D Ltd has a history of leaving jobs unfinished and has repeatedly failed to put measures in place to address this?

## Key issues:

* A’s liability for the manslaughter of B: gross negligence manslaughter
* A’s liability for the manslaughter of C: unlawful act manslaughter
* D Ltd’s liability for corporate manslaughter if A is its owner and managing director
* D Ltd’s liability for corporate manslaughter if it has a history of leaving jobs unfinished.

## Key law

You will find relevant legal rules in:

* Gross negligence manslaughter: *Adomako*, section 5.1.3
* Unlawful act manslaughter: *Church*, *Newbury & Jones*, section 5.1.4
* Corporate manslaughter: Corporate Manslaughter and Corporate Homicide Act 2007, section 5.3. Duty of care in corporate manslaughter – also, section 5.3

## Hints:

* Address each potential offence in turn.
* Remember that your conclusion might be ‘it depends’, rather than a definite ‘guilty’ or ‘not guilty’.
* The question is not asking you to comment on criticisms of the law, but to apply it as it currently stands.
* In corporate manslaughter, remember that the duty of care depends upon management and organisational policy. This might be relevant if there have been a number of different breaches.