

Liability of businesses and customers



What is a corporation?

The current legislation that relate to different companies is known as the Companies Act 2006. This treats companies and corporations individually even though they are similar concepts. A corporation is defined as being an artificial person made by law. Corporations exist independent of human beings who are in fact members involved with the entity.

What is a crime?

This is a wrong doing that is classified by the state as being either a felony or misdemeanour. These courts look at different crimes as maybe morally wrong and the companies don't deserve retribution. Corporate crime can be defined as ' an illegal act of omission or commission, punishable by a criminal sanction, by groups of individuals during their work as employees of a legitimate organisation.'

Development of Corporate Liability

A series of disasters in the United Kingdom which lead to a mass life loss, such as the King's Cross Fire in November 1987, also the Piper Alpha oil explosion and the sinking of the Herald of Free Enterprise in 1991 have left a remarkable amount of thought toward considering the criminal liability of corporations. Several factors have affected the development of corporate law. The procedural requirement has been changed by 2. 382 of the companies act 1963 this allows different companies and organisations to be represented at any stage of the law suit.

Vicarious Liability

An employer is in charge for the acts of employees and agents where a normal worker person would be similarly liable. When seeing if a company can take the blame, you must take into consideration different terms of the

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things creating the offence. This will require mens rea, it can also restrict liability without imposing liability. This normally arises from offences of strict liability. This doesn't need to be intentional or recklessness just needs one or more elements in the actus reus.

Corporate Liability Offences Requiring Mens Rea

As noted, companies are legal persons. They can also be criminally responsible for multiples offences requiring mens rea by the application of the principle that consists of identification. Of those who represent the case study known as the directing mind and will imputed to the company.

The leading case of Tesco Supermarkets LTD v Nattress restricts the ability to apply this principle in court because of the actions that were made by the Board of Directors and perhaps other people who are higher in the pecking order than officers can carry out functions of management and speak act as the company.

Jurisdictional Issues

It is vital that the different jurisdictional interests are intentionally planned. Taking into consideration different domestic crimes and prosecution, agencies that can and can also not be police are usually involved in investigating and prosecuting different offences and liabilities. Prosecutors should be careful of the rules and regulations set out in The Prosecutors Convention and use communication with any other agency that has relevance at an early stage. In respect to multiple overseas investigations and prosecutions and the judicial network play a vital role in the coordination of prosecutions. This includes many cases with concurrent jurisdiction between the United Kingdom and the United States which has been issued by Attorneys General of the respective jurisdictions and the Lord Advocate.

Charging Companies Additional Public Interest Factors to be Considered

Where the evidence provides many different prospects of convictions, the person who is prosecuting whether a prosecution is what the public want, in relation to the case of Code for Crown Prosecutors. The higher the severity of the offence committed it, the more likely it is that prosecution will be necessary. The impact of offending in other countries, not just the consequences in the UK, should be considered.

The prosecutor must balance factors for and against prosecution. Public interest factors affect the decision to prosecute usually depend on the severity of the offence or the circumstances of the suspect.