

Corporate Liability

Law

How an organisation can commit a criminal offence.

Routes to liability.

Routes

Identification — the directing mind's state of mind

Vicarious liability for certain offences

Statutory failure-to-prevent offences

Organisational duties, as in corporate manslaughter

Practical effect

Large firms harder to convict under identification

Failure-to-prevent shifts the burden to procedures

Adequate procedures often a defence

Individual liability may run alongside

Educational reference. Failure-to-prevent offences emerged precisely because the identification doctrine rarely caught large organisations.