

Reforming Corporate Criminal Liability in English Law: Lessons and Experiences from Canada

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Abstract : In June 2022, the Law Commission of England and Wales published an options paper to examine how the law on corporate criminal liability can be reformed under the English system. The paper merely details options for reform and does not seek to make recommendations. However, the paper has ruled out the “respondeat superior” approach of the US and “corporate culture” approach of Australia as reform options. On balance, the preferred reform option of the Law Commission is the “senior officer” approach as currently adopted in Canada. This article is written against such background and argues that due to similarities between the English and Canadian systems, the latter’s approach is more ideal to be adopted by the former as a model for reform in this area.

Keywords : corporate criminal liability, identification principle, directing mind and will, England, Canada

Conference Title : ICCLG 2023 : International Conference on Corporate Law and Governance

Conference Location : Singapore, Singapore

Conference Dates : January 09-10, 2023