

Research Briefing

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Post Office (Horizon System) Offences Bill



Summary

- 1 Introduction
- 2 The Post Office and the Horizon scandal
- 3 Prosecutions, convictions and appeals
- 4 The Bill
- 5 Constitutional issues
- 6 Scotland and Northern Ireland
- 7 Compensation
- 8 Further information

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Contents

Summary	5
1 Introduction	7
1.1 Announcement of the bill	7
1.2 Immediate reaction to the Bill	8
2 The Post Office and the Horizon scandal	11
2.1 The Post Office	11
2.2 The Horizon scandal	11
2.3 Horizon Inquiry	12
2.4 Post Office response	13
3 Prosecutions, convictions and appeals	14
3.1 Number and timing of Horizon convictions	14
3.2 Private prosecutions brought by the Post Office	16
3.3 Appeals	20
4 The Bill	24
4.1 Quashing of convictions	25
4.2 Identification and notification	30
4.3 Consequential provision	32
4.4 Extent and commencement	34
5 Constitutional issues	35
5.1 Concerns	36
5.2 The High Court of Parliament	37
5.3 Precedents	37
5.4 The separation of powers	38
5.5 The prerogative of mercy	39
6 Scotland and Northern Ireland	41

6.1	Scotland	41
6.2	Northern Ireland	42
7	Compensation	43
7.1	Overtaken convictions compensation	43
7.2	Other compensation schemes	47
7.3	Post Office (Horizon System) Compensation Act	48
8	Further information	49
8.1	Government documents relating to the Bill	49
8.2	Post Office	49
8.3	Criminal Cases Review Commission	50
8.4	Commentators	50
8.5	Media	50
8.6	Post Office Horizon IT Inquiry	51
8.7	Organisations representing postmasters and postal workers	52
8.8	Horizon Compensation Advisory Board	52
8.9	Commons Library briefings	52
8.10	Parliamentary material	53

Summary

The Horizon scandal

The Post Office Horizon IT scandal has been described as the one of UK's most widespread miscarriages of justice.

A number of postmasters, who run individual post office branches, experienced problems with the Horizon Post Office computer system, which was piloted from 1996 and rolled out in 2000. Errors in the system showed false shortfalls on the accounts of postmasters, which the Post Office then demanded they cover or saw them face suspension and prosecution. This led to bankruptcies, health problems, family breakdowns and suicides.

Hundreds of people were convicted using evidence from the Horizon system.

The ITV drama [Mr Bates vs The Post Office](#), screened in early January 2024, drew more attention to the scandal.

The Bill

[The Prime Minister announced legislation on 10 January 2024](#) to overturn convictions “to make sure that those convicted as a result of the Horizon scandal are swiftly exonerated and compensated”.

The Post Office (Horizon System) Offences Bill would automatically quash convictions for specified offences of dishonesty (including false accounting, fraud and theft) that were prosecuted by the Post Office or the Crown Prosecution Service. Convictions that have already been considered by the Court of Appeal would be excluded from the Bill.

The Secretary of State would have a duty to identify individuals whose convictions have been quashed by the Bill, and to notify them (or another party on their behalf) that their conviction has been quashed. The convicting court would be required to replace the record of conviction with a record that the conviction has been quashed by the Bill.

The Bill itself does not provide for compensation. However, [the Government announced plans to establish a new Horizon Convictions Redress Scheme](#) that will make compensation payments to those who have had their convictions quashed by the Bill. Unlike the current scheme for those who have had their convictions overturned, which is run by the Post Office, this will be run by the government.

The Bill was introduced on 13 March 2024, with its second reading due on 20 March.

Politicians from various parties have condemned the scandal and welcomed the Bill.

Constitutional questions

Using primary legislation to overturn criminal convictions is unprecedented. The approach taken in the Bill has led to concerns about constitutional propriety.

It has been argued that it is for the courts to make judicial decisions, and that [it is undesirable to set a precedent for Parliament to overturn court decisions](#).

However, others contend that the Bill addresses an extraordinary situation and that it is unlikely to set a precedent. For example, the Lord Chancellor, Alex Chalk, told the [Financial Times](#) that the Bill was to “avoid what would be an even greater injustice”.

Just England and Wales

The Bill would extend to England and Wales. Both the Scottish Government and Northern Ireland Executive have expressed disappointment that the Bill has not been extended to Scotland and Northern Ireland.

Postal services Minister Kevin Hollinrake has said that as justice is devolved in Scotland and Northern Ireland then it ought to be for their respective administrations to legislate.

1 Introduction

The Post Office (Horizon System) Offences Bill, Bill 181 of 2023-24, was introduced in Parliament on 13 March 2024. The Bill is due to have its second reading on 20 March 2024.

The Bill, together with its Explanatory Notes and a Delegated Powers Memorandum, are available on the Parliament website: [Post Office \(Horizon System\) Offences Bill](#).

The government has published further documents, [Post Office \(Horizon System\) Offences Bill: supporting documents](#), and a press release, [Wrongful Post Office convictions to be quashed through landmark legislation: 13 March 2024](#).

The Bill applies to England and Wales (see Section 6).

The government has said that its aim is for Royal Assent to be received as soon as possible before the summer recess, subject to parliamentary agreement. Convictions covered by the Bill will be quashed on the day that the new legislation is brought into force.¹

1.1 Announcement of the bill

The Post Office Horizon IT scandal has been described as the one of UK's most widespread miscarriages of justice. Section 2 gives an overview.

The ITV drama [Mr Bates vs The Post Office](#), screened in early January 2024, drew more attention to the scandal.

The Prime Minister announced legislation on 10 January 2024 to overturn convictions relating to Horizon, "to make sure that those convicted as a result of the Horizon scandal are swiftly exonerated and compensated".²

Further detail was given by Minister Kevin Hollinrake, Parliamentary Under Secretary of State (Department for Business and Trade). He outlined the problems with evidence from Horizon and the failures of Post Office prosecutors, as well as the reluctance of many postmasters to go through the process of applying to get convictions overturned:

¹ [HC Deb 13 March 2024 c311](#)

² [HC Deb 10 Jan 2024 c288](#)

Hundreds of convictions remain extant. Some of those convictions will have relied on evidence from the discredited Horizon system; others will have been the result of appalling failures of the Post Office’s investigation and prosecution functions. The evidence already emerging from Sir Wyn Williams’s inquiry has shown not incompetence, but malevolence in many of their actions. This evidence was not available to the courts when they made their decisions on individual cases. So far, 95 out of more than 900 convictions have been overturned. We know that postmasters have been reluctant to apply to have their convictions overturned—many of them have decided that they have been through enough and cannot face further engagement with authority. Many fear having their hopes raised, only for them to be dashed yet again. [...]

We have been faced with a dilemma: either accept the present problem of many people carrying the unjustified slur of conviction, or accept that an unknown number of people who have genuinely stolen from their post office will be exonerated and perhaps even compensated. I can therefore announce that we intend to bring forward legislation as soon as we can to overturn the convictions of all those convicted in England or Wales on the basis of Post Office evidence given during the Horizon scandal. The Government will in the coming days consider whether to include the small number of cases that have already been considered by the appeal courts and had convictions upheld.³

Further detail on the legislation was provided in a Written Statement on 22 February 2024: [Post Office Update](#).

The [Post Office \(Horizon System\) Offences Bill](#) was published on 13 March 2024. The government made a statement about the Bill on the same day: [Post Office Legislation](#).

1.2 Immediate reaction to the Bill

Speaking for Labour, Rushnara Ali said that the legislation was welcome:

We of course welcome the legislation that is being laid before Parliament today, but before giving a full verdict on it, we will need to properly scrutinise the details and analyse its potential impacts.⁴

She pointed to outstanding issues including the fact the legislation does not extend to Scotland and Northern Ireland (see Section 6), delays in compensation (see Section 7) and the wider need to “act with the urgency and speed that is needed to correct this terrible injustice”.⁵

The SNP MP Marion Fellows also welcomed the legislation:

³ [HC Deb 10 January 2024 c301-302](#)

⁴ [HC Deb 13 March 2024 c313-314](#)

⁵ [HC Deb 13 March 2024 c313-314](#)

I welcome the announcement of the legislation. It will hopefully go a long way to speeding up full and fair financial redress for a large number of Horizon victims, and will bring them closer to justice.⁶

She said that she was disappointed that the legislation just covers England and Wales:

We should include Scotland and Northern Ireland to ensure parity. The Westminster Parliament is sovereign, but the Scottish Parliament can be challenged on its legislation, and this needs to be looked at.

[...] Will he ensure that the Bill contains provisions requiring Post Office Ltd to fully co-operate with the Scottish Government and to supply all needed materials? It is vital that victims in Scotland and Northern Ireland do not have to wait any longer for justice than their English and Welsh counterparts.⁷

Sammy Wilson from the DUP said that Northern Ireland representatives were disappointed that Northern Ireland is not covered and said that the reasons given for that did not stand up:

The Minister has argued that this is a sensitive constitutional issue—it is not. The First Minister, the Deputy First Minister and the Justice Minister have all made it clear that they would be quite happy for Northern Ireland to be included in the legislation. He has argued that the systems are different. There have been many occasions when Northern Ireland has been included in legislation here even though the judicial system is different. This Bill is about exonerating people, not about interfering with how the system works. The last thing he said was that including Northern Ireland might slow down the legislation. Since the legislation is going to go through the House following the normal process, there is absolutely no reason why, as has happened on previous occasions, he could not include a Northern Ireland clause at a later stage in our consideration of the Bill.⁸

Whether the Bill should be extended to Scotland and Northern Ireland is discussed in Section 6 of this briefing.

Sir Robert Neill, chair of the Justice committee, said that it was undesirable to overturn convictions through legislation:

I sound one note of caution. The Minister says this is exceptional, and it is constitutionally unprecedented to overturn, through legislation, convictions imposed by our courts in good faith, based on the evidence before them at the time. Frankly, it is most undesirable that we should ever go down that route.⁹

This issue is discussed in Section 5 of this briefing.

Liam Byrne, chair of the Business and Trade committee, argued that there should be a legally binding timeframe for the consideration of compensation claims:

⁶ [HC Deb 13 March 2024 c316](#)

⁷ [HC Deb 13 March 2024 c316](#)

⁸ [HC Deb 13 March 2024 c321-322](#)

⁹ [HC Deb 13 March 2024 c317](#)

For those who seek to contest their claim, the Minister says there will be no legally binding timeframe between the submission of a claim and an initial offer being made by his Department, which is a problem. There is no standard tariff proposed for compensation under key heads of terms, such as loss of reputation. That, too, is a problem. The Bill is far more than a half measure, that is true, but it is not yet a full solution.¹⁰

Compensation is discussed in Section 7 of this briefing.

Outside the Commons, the Bill has also been welcomed by the Horizon Compensation Advisory Board.¹¹ The board is made up of two academic experts in the field of alternative dispute resolution and legal ethics and two parliamentarians recognised for their campaigning in support of postmasters (Lord Arbuthnot and Kevan Jones MP).¹²

1 Further information on the Horizon scandal

The Horizon scandal is complex. This briefing focusses on issues related to the Post Office (Horizon System) Offences Bill.

For other Horizon issues, see:

- House of Commons Library, [Management culture of the Post office](#), 7 February 2023, and
- Links in the further information section of this briefing (Section 8).

¹⁰ [HC Deb 13 March 2024 c318](#)

¹¹ Prime Minister's Office, [Wrongful Post Office convictions to be quashed through landmark legislation: 13 March 2024](#)

¹² Department for Business & Trade, [Horizon Compensation Advisory Board: terms of reference](#), [updated, accessed 8 December 2023]

2 The Post Office and the Horizon scandal

2.1 The Post Office

The Post Office Ltd is a company owned entirely by the government. It was part of Royal Mail until they separated in April 2012.

The government does not have day-to-day involvement in how the Post Office is run but provides some funding, monitors performance and oversees key decisions.¹³

Most individual post office branches (99%) are run by independent postmasters, largely individual franchisees or companies.¹⁴

2.2 The Horizon scandal

The Post Office Horizon scandal has been described as the one of UK's most widespread miscarriages of justice.¹⁵

A number of postmasters, who run individual post office branches, experienced difficulties with the Horizon Post Office computer system, which was piloted from 1996 and rolled out in 2000. Errors in the system showed false shortfalls on the accounts of postmasters, which the Post Office then demanded they cover.¹⁶

The Post Office used information from Horizon to investigate and take action against postmasters and others.¹⁷ There were suspensions, prosecutions, bankruptcies, health problems, family breakdowns and suicides. As the Bill's Explanatory Notes observe:

Some postmasters and others were suspended (generally without pay) and/or dismissed. Others were prosecuted for dishonesty offences (by the Post Office itself or by the Crown Prosecution Service (CPS)); some were convicted and imprisoned. Some were made bankrupt (in some cases on the petition of the Post Office: there are allegations that this was done maliciously). Some lost their homes. Some suffered mental or physical health problems as a result of

¹³ Post Office Ltd, [Post Office Annual Report and Accounts 2022/23](#), page 17

¹⁴ Post Office Ltd, [Post Office Network Report 2023](#), December 2023.

The remaining 1% of post offices are directly managed by the Post Office Ltd.

¹⁵ See for example BBC, [Convicted Post Office workers have names cleared](#), 23 April 2021

¹⁶ [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 3

¹⁷ UCL, [Analysis: The Post Office scandal is not over yet](#), 10 August 2023

their treatment or of the financial consequences. Some were harried as thieves by their local communities. Some suffered breakdowns in relationships with their partners, children or other families and friends. Several died by suicide.¹⁸

This has been a long and complicated saga, stretching back over two decades, involving a long campaign for justice, a major high court case and various other court cases, compensation schemes and an ongoing public inquiry.¹⁹

The ITV drama [Mr Bates vs The Post Office](#), screened in January 2024, has drawn more attention to the scandal.²⁰

2.3 Horizon Inquiry

The Post Office Horizon IT Inquiry, led retired judge Sir Wyn Williams, was launched in September 2020.²¹ It was converted to a statutory inquiry, with powers to compel witnesses to give evidence, in June 2021.²²

The Inquiry will produce a summary of the Horizon system's failings and consider whether lessons have been learned:

Sir Wyn is tasked with ensuring there is a public summary of the failings which occurred with the Horizon IT system at the Post Office leading to the suspension, termination of subpostmasters' contracts, prosecution and conviction of subpostmasters. The Inquiry will look to establish a clear account of the implementation and failings of the system over its lifetime (a period of over 20 years).

[...] It will also consider whether Post Office Limited has learned the lessons and embedded the cultural change necessary from the findings in Mr Justice Fraser's judgments and the impact on affected postmasters.²³

¹⁸ [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 3

¹⁹ For more information on the background and high court case, see House of Commons Library, [The Horizon Settlement and the future governance of the Post Office Ltd](#), 17 March 2020. The two key judgements in the court case were on [Common Issues](#) [pdf], covering issues such as contracts between the Post Office and postmasters, and [Horizon Issues](#) [pdf], covering the Horizon system itself. See also Box 3 in Section 3.

²⁰ BBC, [Mr Bates vs The Post Office: How a TV drama shook up Britain – in just a week](#), 12 January 2024

²¹ Gov.uk, [Independent review into the Post Office Ltd Horizon IT system](#), 10 June 2020 and [Written Statement HCWS280](#), 10 June 2020; [Written Statement HCWS477](#), 30 Sept 2020. Prime Minister Boris Johnson had originally committed to an inquiry into the Post Office Ltd Horizon IT system in February 2020, [HC Deb 26 Feb 2020 c315](#)

²² [HC Deb 19 May 2021 \[Post Office Update\]](#)

²³ The Post Office Horizon IT Inquiry, [About the Inquiry](#), accessed 7 February 2024. For more details see the inquiry's [terms of reference](#).

The Inquiry has finished the fourth of its seven phases.²⁴ This covered investigations and prosecutions:

Phase 4 – Action against Sub-postmasters and others: policy making, audits and investigations, civil and criminal proceedings, knowledge of and responsibility for failures in investigation and disclosure

A summary is given in Computer Weekly, [Post Office scandal: Phase four's rogues' gallery](#), 6 February 2024 [may require registration].

2.4

Post Office response

Nick Read, the current CEO of the Post Office, has apologised on behalf of the Post Office for the “for the failings of the past”.²⁵ He has said that the Post Office will provide full assistance to the inquiry and said while the inquiry’s work continues, his priority is to provide appropriate, meaningful compensation to victims.²⁶

The last private prosecutions by the Post Office related to Horizon were in 2015. They have said that they have no intention of doing more.²⁷

The Post Office has said it fully supports “the Government’s proposals to speed up exoneration of people with wrongful convictions and provide swifter redress for all victims of the Horizon IT scandal”. It says its “sole aim is that every victim receives, as soon as possible, the justice and redress that they have too long awaited”.²⁸

²⁴ Phases as set out in Post Office Horizon IT Inquiry, [Public Hearings Timeline](#) [accessed 6 February 2024]. For further information on progress, see Post Office Horizon IT Inquiry, [Progress Update from Sir Wyn Williams: Chair's update following Phase 4 closing statements on 2 February 2024](#), 2 February 2024. A few Phase 4 witnesses have yet to be heard.

²⁵ See for example Business, Energy and Industrial Strategy Committee, [Post Office and Horizon](#). 11 January 2022, HC 106 2021-22, Q46

²⁶ Post Office, [Introduction from our CEO](#) [undated, accessed 12 December 2023] – this statement contains further details of actions the Post Office has taken.

²⁷ Post Office, [FAQs](#), updated 7 March 2024

²⁸ Post Office, [Government announces legislation](#) [undated, accessed 16 March 2024]

3 Prosecutions, convictions and appeals

3.1 Number and timing of Horizon convictions

More than 900 convictions are associated with evidence from Horizon.²⁹

The Post Office has identified 700 convictions in cases prosecuted by the Post Office itself between 1999 and 2015 that may have been related to Horizon evidence (see chart below).³⁰

It has also identified 283 cases prosecuted by others during this time that may have featured Horizon-related evidence. These were prosecuted by:

- The Crown Prosecution Service (covered by the Bill)
- Royal Mail Group (covered by the Bill as part of the Post Office)
- The Department for Work and Pensions (not covered by the Bill, as explained in section 4.1)
- The Crown Office and Procurator Fiscal Service in Scotland (not covered by the Bill)
- The Public Prosecution Service for Northern Ireland (not covered by the Bill).³¹

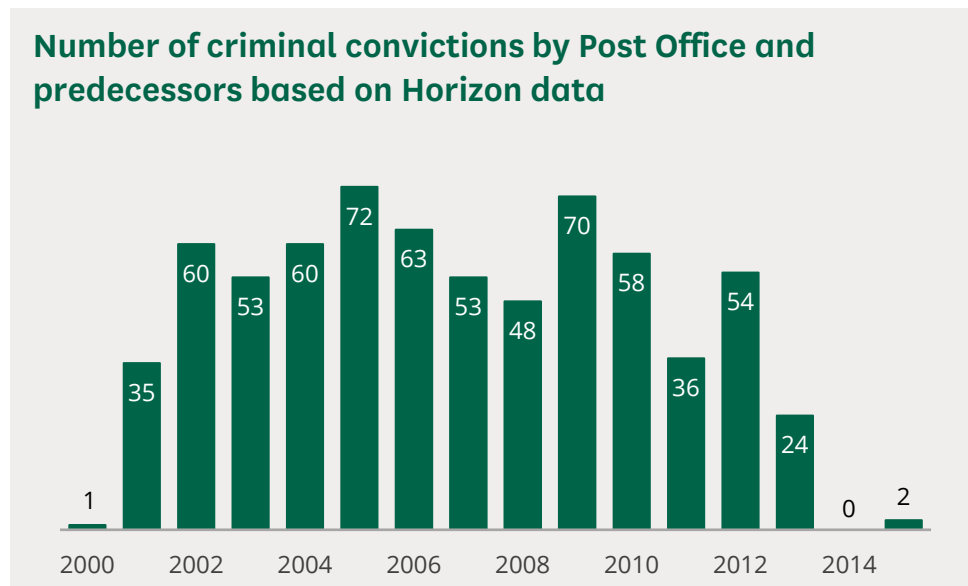
As of 29 February 2024, 102 convictions had been overturned. This includes ten cases in which the Post Office was not the prosecutor.³²

²⁹ [HC Deb 10 January 2024 c302](#)

³⁰ Post Office, [Overturned Convictions and Compensation: Information on Progress](#), [undated, accessed 16 March 2024]

³¹ Post Office, [FAQs](#), updated 7 March 2024; Post Office, [Overturned Convictions and Compensation: Information on Progress](#), [undated, accessed 16 March 2024]

³² Post Office, [Overturned Convictions and Compensation: Information on Progress](#), [undated, accessed 16 March 2024]

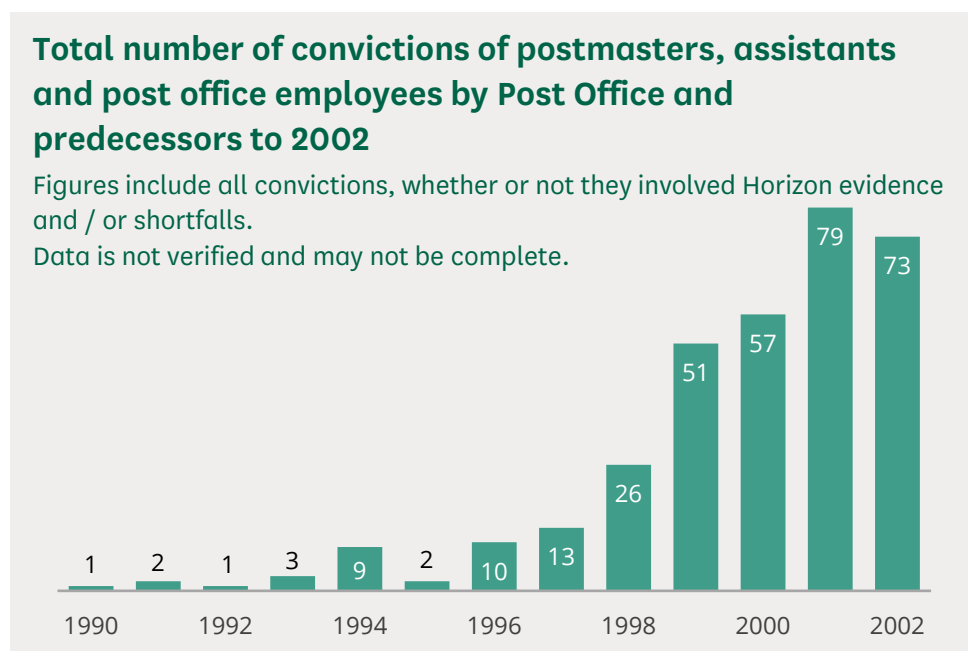


Source: Post Office Horizon IT Inquiry, [Appendix II to the Second Witness Statement of Simon Recaldin \(WITN09890208\)](#), 29 September 2023. Further information about the data is given in Post Office Horizon IT Inquiry, [Second Witness Statement - Simon Recaldin \(WITN09890200\)](#), 29 September 2023

Earlier prosecutions

The Post Office and its predecessors carried out prosecutions before the main Horizon system was introduced.

The chart shows the rise in for convictions of postmasters, their assistants and Post Office employees up to 2002 (after Horizon was rolled out). Note that these figures cover both cases involving Horizon evidence and not involving Horizon evidence, and cases that both involve shortfalls and those that do not.



Source: Post Office Horizon IT Inquiry, [Appendix II to the Second Witness Statement of Simon Recaldin \(WITN09890208\)](#), 29 September 2023. Further information about the data is given in Post Office Horizon IT Inquiry, [Second Witness Statement - Simon Recaldin \(WITN09890200\)](#), 29 September 2023

As well as Horizon (and its pilot version), problems have also been reported with another system used in the 1990s called Capture. There are allegations that postmasters were prosecuted based on information from this system.³³ However, cases relating to Capture pre-date the timeframe covered by the Bill. They are therefore excluded from its scope. See section 4.1 for further details.

3.2

Private prosecutions brought by the Post Office

As set out in section 3.1, the majority of Horizon convictions in England and Wales involved cases prosecuted by the Post Office itself. The Post Office does not have any specific powers of investigation or prosecution. Instead, it brought prosecutions against sub-postmasters using the longstanding general right (available to any other individual or organisation) to bring a private prosecution.

2 Prosecutions in Scotland and Northern Ireland

The use of private prosecutions in the separate criminal jurisdictions of Scotland and Northern Ireland is extremely limited, and Horizon prosecutions there were brought by state prosecutors (the [Crown Office and Procurator Fiscal Service](#) (COPFS) and the [Public Prosecution Service for Northern Ireland](#) (PPSNI) respectively) rather than as private prosecutions. The public prosecutions were based on evidence from investigations conducted by the Post Office itself.

Lord Advocate Dorothy Bain KC, ministerial head of the COPFS, said the Post Office had “failed in its duty of revelation” in its relationship with the COPFS:

The relationship between a prosecution authority and an investigating agency must be based on absolute candour and trust. As an investigating agency, the Post Office must act fairly, and this includes an obligation to reveal to prosecutors all material which may be relevant to the issue of whether the accused is innocent or guilty.

It is clear that the Post Office failed in its duty of revelation and as a result some individuals were prosecuted when they should not have been.³⁴

³³ Computer Weekly, [Controversial Post Office Capture software was completely rewritten in 1994](#), 15 March 2024 [may require registration]

³⁴ COPFS, [Lord Advocate's statement to the Scottish Parliament on Post Office Horizon IT prosecutions](#), 16 January 2024

Ms Bain added that where miscarriages of justice had occurred, it was “because prosecutors in Scotland accepted, as they were entitled to, evidence and explanations at face value from the Post Office”.³⁵

The Lord Advocate said that the Scottish Criminal Cases Review Commission had identified and contacted 73 individuals who may have been convicted on the basis of Horizon evidence (based on information provided by the Post Office). The COPFS had identified another 54 potential Horizon cases from its own records.

The Public Prosecution Service for Northern Ireland said the Post Office had notified it of 23 cases (involving 24 individuals) that were believed to involve convictions based on Horizon evidence. The PPSNI had identified a further five cases from an internal review of its own systems. As of January 2024, three individuals had brought appeals against their convictions in Northern Ireland. Two of the convictions had been quashed and the third was before the Court of Appeal.³⁶

The general right to bring a private prosecution

The Crown Prosecution Service (CPS) describes a private prosecution as “a prosecution started by a private individual, or entity who/which is not acting on behalf of the police or other prosecuting authority”.³⁷

The right of a private individual to bring a criminal prosecution is not conferred by legislation. It is instead a historical right originating in the earliest days of the legal system. Although the need for private individuals or bodies to bring (and pay for) criminal prosecutions has largely disappeared since the creation of the office of Director of Public Prosecutions in 1879, the right to bring a private prosecution has been preserved.³⁸

According to the Post Office itself:

Post Office has no special authority to bring private prosecutions. The right to bring a private criminal prosecution is available to both companies and individuals in England and Wales as a result of section 6(1) of the Prosecution of Offences Act 1985.³⁹

³⁵ As above

³⁶ PPSNI, [Public Prosecution Service for Northern Ireland statement re Post Office Horizon convictions](#), 17 January 2024

³⁷ Crown Prosecution Service legal guidance, [Private Prosecutions](#), last updated October 2019

³⁸ [section 6\(1\) of the Prosecution of Offences Act 1985](#)

³⁹ Post Office, [\[Horizon\] FAQs](#), last updated 11 January 2024

The Post Office has a long history of using in-house investigative and prosecutorial teams to conduct private prosecutions.⁴⁰

Private prosecutors and disclosure

Private prosecutors often conduct both the investigation and prosecution phases of a private prosecution. By contrast, in public prosecutions these functions are generally split between the police, who investigate, and the CPS, who prosecute.

CPS prosecutors are required to follow the [Code for Crown Prosecutors](#) (a statutory code issued by the Director of Public Prosecutions) when making decisions on cases. The Code requires CPS prosecutors to consider two questions:

- Is there enough evidence to provide a “realistic prospect of conviction” against the defendant?
- If so, is it in the public interest for the CPS to bring the case to court?

The police are also expected to follow the Code’s principles when building a case.⁴¹

Private prosecutors are not formally bound by the Code for Crown Prosecutors. However, there are a range of other legal obligations that apply to their conduct when investigating and prosecuting alleged offences. In the context of Horizon, the most important of these relates to disclosure.

Disclosure is the legal process that requires police and prosecutors to provide the defence with copies of (or access to) all material from the investigation that is capable of undermining the prosecution case and/or assisting the defence.⁴²

A duty to pursue all reasonable lines of inquiry

To ensure a fair trial and avoid miscarriages of justice, the police have a duty to pursue “all reasonable lines of inquiry, whether these point towards or away from the suspect”.⁴³ A [statutory code of practice on disclosure](#) governs how police officers are to record, retain and reveal to the prosecutor material obtained in a criminal investigation.

⁴⁰ See for example [Investigations, Prosecutions and Security in the Royal Mail: A Brief History – Early Investigations and the Solicitor to the General Post Office](#) (PDF), provided by Royal Mail Group Limited in response to a [freedom of information request](#) in 2010

⁴¹ See College of Policing, [Authorised Professional Practice: Charging and case preparation](#), last updated January 2022, and CPS, [The Director’s Guidance on Charging](#), 6th edition, December 2020 for full details of the case preparation and charging process.

⁴² An overview of how the process works is available on the [CPS website](#)

⁴³ Ministry of Justice, [Criminal Procedure and Investigations Act 1996 \(section 23\(1\)\) Code of Practice, 2020](#), para 3.5

Under [section 26 of the Criminal Procedure and Investigations Act 1996](#), a “person other than a police officer who is charged with the duty of conducting an investigation” must also have regard to any relevant provision of the statutory code. The Post Office Horizon IT Inquiry has taken expert evidence from barrister Duncan Atkinson KC⁴⁴ to the effect that it was generally accepted, including by the Post Office, that its internal investigative and legal teams were “charged with the duty” of investigating and prosecuting offences and were therefore covered by section 26.

Unused material and the ‘disclosure test’

If material gathered during an investigation is not going to be used by the prosecution (referred to as ‘unused material’), police and prosecutors must consider whether any of this unused material meets the ‘disclosure test’ set out in [section 3 of the Criminal Procedure and Investigations Act 1996](#). This test requires the prosecution to disclose to the accused any prosecution material “which might reasonably be considered capable of undermining the case for the prosecution against the accused or of assisting the case for the accused”.

The prosecution duties of disclosure in [Part 1 of the Criminal Procedure and Investigations Act 1996](#) (including the section 3 disclosure test referred to above) apply to “prosecutors”, which is defined as “any person acting as prosecutor, whether an individual or a body”.⁴⁵ Private prosecutors are therefore subject to the disclosure obligations set out in Part 1 in the same way as CPS prosecutors are.

Disclosure failings in relation to Horizon

In very general terms, concerns about how the Post Office approached private prosecutions in connection with Horizon have centred on the following:

1. the lack of organisational separation between the investigative and prosecutorial aspects of the prosecutions, leading to a lack of independent oversight and objectivity;
2. the inadequacy of internal Post Office policies and guidance in properly explaining to its investigators and prosecutors the legal obligations they were subject to, particularly in relation to disclosure and the duty to pursue all reasonable lines of inquiry; and
3. failure by Post Office investigators and prosecutors to meet those obligations in practice, in particular failures to make proper disclosure to defendants and their legal teams and failure to pursue lines of inquiry relating to problems with Horizon.

⁴⁴ Instructed by the Inquiry as an independent expert to give evidence on the law and practice of private prosecutions in connection with the Horizon prosecutions

⁴⁵ section 2(3) of the 1996 Act

These concerns are covered in extensive detail in written evidence submitted to the Post Office Horizon IT Inquiry by Duncan Atkinson KC.⁴⁶

3.3

Appeals

The existing appeals process

At present, the only option for overturning a Horizon conviction is through a court appeal or an application to the Criminal Cases Review Commission (CCRC).

The process for overturning a conviction varies depending on whether the case was tried in the magistrates' court or the Crown court, whether the individual pleaded guilty or not guilty, and whether they have already attempted to appeal. The Post Office website sets out a brief summary:

If you have previously tried to appeal and failed, or pleaded guilty in a Magistrates' Court, or if the person who was convicted has died and a close relative wishes to appeal on their behalf, you can apply to the Criminal Cases Review Commission (CCRC). The CCRC is an independent body and their service is free. They are familiar with Post Office cases, conduct individual investigations and reviews and decide whether cases should be referred to the appeal Courts. Cases referred by the CCRC must be heard by the appeal Courts who then determine the safety of convictions. Information about the CCRC and application forms can be found on their [website](#).

People who have not previously appealed and were convicted in a Crown Court or convicted in a Magistrates' Court after pleading not guilty, can appeal directly to the appropriate Appeal Court. This may mean seeking permission in the first instance. To date, Post Office cases have been heard by Southwark Crown Court if the convictions were in Magistrates Courts. For convictions in Crown Courts, Post Office cases have been heard by the Court of Appeal (Criminal Division).⁴⁷

The Post Office website states that as of 23 February 2024, 147 appeal cases had been completed (out of a total of 700 relevant convictions that had been identified). Of the completed cases, 92 convictions had been overturned. The remaining 55 cases were those where convictions had been upheld, permission to appeal had been refused, or the case had been withdrawn from court.⁴⁸

⁴⁶ Post Office Horizon IT Inquiry, [EXPG000002 Duncan Atkinson KC - Expert Report Volume 1](#), 5 October 2023, [EXPG000004R Duncan Atkinson KC - Expert Report Volume 2](#), 18 December 2023 and [EXPG000005 Duncan Atkinson KC - Expert Report Volume 2A](#), 18 December 2023

⁴⁷ Post Office website, [Assistance for appealing convictions](#) [accessed 17 March 2024]

⁴⁸ Post Office website, [Overturned Convictions and Compensation: Information on Progress](#) [accessed 17 March 2024]

Hamilton and others v Post Office Limited

In April 2021, the Court of Appeal (Criminal Division) issued a landmark judgment in the case of [Hamilton and others v Post Office Limited \[2021\] EWCA Crim 577](#). The Hamilton case involved a group of sub-postmasters whose Horizon convictions had been referred to the Court of Appeal by the CCRC. The CCRC based the referrals on an argument that the prosecutions had amounted to an ‘abuse of process’, given the findings of the ‘Horizon Issues’ judgment in separate civil proceedings brought against the Post Office by a group of sub-postmasters.

3 The ‘Horizon Issues’ judgment

In April 2016, a High Court claim was issued against the Post Office by a group of people (mostly postmasters), coordinated by the [Justice for Subpostmasters Alliance](#) (JFSA). The case was managed pursuant to a [Group Litigation Order](#) and around 555 claimants joined the proceedings.

The claim ultimately settled, but only after Mr Justice Fraser had issued several judgments. Two of these were particularly crucial:

- The **Common Issues Judgment** in March 2019 determined the legal construction of the contract between Post Office and Postmasters. It implied some new terms, most of which are additional obligations for Post Office, with a small number that also apply to Postmasters.
- The **Horizon Issues Judgment** in December 2019 related to generic technical matters about the computer system since the original version was introduced in 1999. The Judgment found deficiencies in previous versions of the Horizon system, including that the potential for bugs to affect branch balances was greater than Post Office had believed. The current version of Horizon was found by both independent experts in the case, as well as the Court, to be robust, relative to comparable systems.⁴⁹

In the Horizon Issues Judgment, Mr Justice Fraser concluded that it was “possible for bugs, errors or defects” to have the potential both “to cause apparent or alleged discrepancies or shortfalls” and “to undermine the reliability of Horizon accurately to process and to record transactions”.⁵⁰ The Horizon system itself did not alert sub-postmasters of these bugs, errors or defects.⁵¹ Legacy Horizon (in place from 2000-2010) was “not remotely robust” and Horizon Online/HNG-X (in place from 2010-2017) was “questionable and did not justify the confidence routinely stated by the Post Office (prior to February 2017) in its accuracy”.⁵² There was “a material risk”

⁴⁹ Post Office website, [Context](#) [accessed 17 March 2024]. For the full judgments see [Bates and Others v Post Office Limited \[2019\] EWHC 606 \(QB\)](#) (the Common Issues judgment) [Bates and Others v Post Office Limited \[2019\] EWHC 3408 \(QB\)](#) (the Horizon Issues judgment)

⁵⁰ [Bates and Others v Post Office Limited \[2019\] EWHC 3408 \(QB\)](#), at 968

⁵¹ As above, at 969

⁵² As above, at 976

that shortfalls in a branch's accounts were "caused by the Horizon system during the years when both Legacy Horizon and HNG-X were in use, which is 2000 to 2010 and 2010 to 2017 respectively".⁵³

In its judgment in *Hamilton*, the Court of Appeal explained that the CCRC had considered that Mr Justice Fraser's findings supported two grounds of appeal based on 'abuse of process':

- i) Ground 1: the reliability of Horizon data was essential to the prosecution and, in the light of all the evidence including Fraser J's findings in the High Court, it was not possible for the trial process to be fair;
- ii) Ground 2: the evidence, together with Fraser J's findings, shows that it was an affront to the public conscience for the appellants to face prosecution.

Those grounds reflect two possible circumstances in which criminal proceedings may be found to have abused the process of the court.⁵⁴

The three most important ways in which Mr Justice Fraser's findings undermined the Post Office's approach to prosecution were (in the CCRC's view):

- i) That there were significant problems with the Horizon system and with the accuracy of the branch accounts which it produced. There was a material risk that apparent branch shortfalls were caused by bugs, errors and defects in Horizon.
- ii) That POL [Post Office Limited] failed to disclose the full and accurate position regarding the reliability of Horizon.
- iii) That the level of investigation by POL into the causes of apparent shortfalls was poor, and that the Post Office applicants were at a significant disadvantage in seeking to undertake their own enquiries into such shortfalls.⁵⁵

The Court of Appeal overturned 39 of the convictions the CCRC had referred to it, ruling that the Post Office's failings of investigation and disclosure amounted to an abuse of process on both argued grounds: that the failings had rendered a fair trial impossible, and that the failings were so egregious it was an affront to justice for the cases to have been prosecuted at all.⁵⁶

However, three of the convictions were upheld. For these cases, the Court of Appeal accepted submissions from the Post Office that evidence about Horizon's reliability had not been "essential" in proving the case against the individuals concerned.

⁵³ As above, at 978

⁵⁴ [Hamilton and others v Post Office Limited \[2021\] EWCA Crim 577](#) (PDF), at 59. For a general overview of abuse of process, see the CPS website, [Abuse of Process](#), last updated March 2023

⁵⁵ As above, at 57

⁵⁶ See paragraphs 120-138 of the judgment for the Court's full reasoning

Subsequent referrals and appeals

The CCRC's Casework Operations Director has addressed questions about why the CCRC doesn't "simply refer every single Post Office conviction in one fell swoop, or at least why we don't automatically refer the convictions of those former Post Office staff who apply to us" in a blog post.⁵⁷ She set out two key reasons:

- The [Criminal Appeal Act 1995](#), which governs the CCRC's work, only allows the CCRC to refer cases to the Court of Appeal where it believes there is a "real possibility" that new evidence or argument will lead to a successful appeal. The Court of Appeal has made clear (in its judgment in Hamilton) that convictions will only be overturned if Horizon evidence was essential to the prosecution. The CCRC must therefore analyse the evidence presented in each case before deciding whether to refer.
- The CCRC can only refer a case to the Court of Appeal where there is someone to pursue it (either the convicted individual or, if they have died, by a close relative on their behalf).

The Court of Appeal has continued to hear appeals against Horizon convictions, with judgment in some cases being handed down in a matter of weeks.⁵⁸ In evidence to the Justice Committee in January 2024, the Lady Chief Justice said it was "not factually correct" to suggest that the courts would not be able to deal with Horizon appeals in large volumes:

The first appeals and references came into the criminal courts around the summer of 2020. Since then, the Court of Appeal and the Crown court have progressed those cases efficiently, effectively and robustly. A bespoke constitution in the Court of Appeal has been set up for this purpose, chaired by the Vice-President of the Court of Appeal (Criminal Division); there are very efficient systems in place. There is a narrative suggesting the courts have been unable to cope with these cases, or, in the future, would be unable to deal with them in large volumes; that is simply not factually correct.⁵⁹

⁵⁷ CCRC website, [Blog: Why all Post Office convictions cannot be referred at once](#), 25 July 2023

⁵⁸ See for example Doughty Street Chambers, [Post Office scandal – Court of Appeal quashes convictions of 3 more sub-postmasters and Post Office workers](#), 1 February 2024, which refers to three appeals that were "determined less than two weeks after being lodged at court".

⁵⁹ Justice Committee, [Oral evidence: Work of the Lady Chief Justice](#), HC 466, 16 January 2024, Q4

4

The Bill

The Bill's Explanatory Notes acknowledge the "profound impact" the Horizon scandal has had on those affected by it:

A number of the cases are over 20 years old, with some of the victims having passed away. Many others are in declining health or have lost faith in the system and do not wish to engage further with it. Currently, some cases are being reviewed on an individual basis by the Court of Appeal. This relies on postmasters choosing to lodge an appeal, which we know many will not want to do given their lack of trust in the system. It also relies on there being sufficient evidence that the conviction is unsafe and in many cases that evidence no longer exists. Continuing in this way therefore would not achieve the objective of ensuring all wrongful convictions are quashed.⁶⁰

The aim of the Bill is therefore to "quash, on a blanket basis, convictions for various theft, fraud and related offences during the period of the Horizon scandal in England and Wales".⁶¹

The Bill would apply to convictions for specified offences of dishonesty that were prosecuted by the Post Office or the Crown Prosecution Service, and that have not already been considered by the Court of Appeal.

The Secretary of State would have a duty to identify individuals whose convictions have been quashed by the Bill, and to notify them (or another party on their behalf) that their conviction has been quashed. The convicting court would be required to replace the record of conviction with a record that the conviction has been quashed by the Bill.

The Explanatory Notes acknowledge that legislating to overturn convictions imposed by the courts is "an unprecedented and wholly exceptional legal solution to a miscarriage of justice of unparalleled scale and impact".⁶² The Explanatory Notes assert that this approach "does not set any constitutional precedent" (see Section 5 below).⁶³

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⁶⁰ [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 7

⁶¹ [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 1

⁶² [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 21

⁶³ [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 22

to do given their lack of trust in the system. It also relies on there being sufficient evidence that the conviction is unsafe and in many cases that evidence no longer exists. Continuing in this way therefore would not achieve the objective of ensuring all wrongful convictions are quashed.⁶⁴

4.1

Quashing of convictions

Clause 1 provides that convictions in England and Wales for a “relevant offence” would be “quashed on the coming into force of this Act”. This would only apply to convictions where:

- the offence was prosecuted by the Post Office⁶⁵ or the Crown Prosecution Service; and
- the conviction has not been considered by the Court of Appeal.

The Bill itself does not provide for compensation. However, as set out in Section 7.1, the government plans to establish a new Horizon Convictions Redress Scheme that will make compensation payments to those who have had their convictions quashed by the Bill.

4 Prosecutions by the DWP

The Department for Work and Pensions (DWP) carried out prosecutions, leading to convictions, that may have featured Horizon-related evidence. There were around 70 to 100 of these cases.⁶⁶

The Bill only applies to prosecutions conducted by the Post Office or the Crown Prosecution Service. DWP convictions are therefore not covered by the Bill. Anyone prosecuted by the DWP would need to make use of existing court processes, as Kevin Hollinrake explained in a written ministerial statement:

However, we will not include any convictions from the Department for Work and Pensions (DWP). No convictions prosecuted by DWP have been quashed. Due to the nature of these cases, most DWP convictions relied on physical evidence; and when Horizon data was used it was not relied on, this evidence was corroborative of, rather than essential to, the case. The existing and established Court of Appeal processes remain available to those cases.⁶⁷

He made similar points about the evidence in DWP cases in a subsequent oral statement:

⁶⁴ [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 7

⁶⁵ Defined in clause 8 as any of the following: the Post Office; Post Office Limited or Post Office Counters Limited (registered number 02154540); or Royal Mail Group Limited, Consignia Public Limited Company or Royal Mail Group Plc (registered number 04138203)

⁶⁶ [HC Deb 26 February 2024 c46](#)

⁶⁷ [Post Office Update](#), 22 February 2024, HCWS283

Those DWP cases relied on evidence independent of Horizon such as the surveillance of suspects, collation and examination of cashed orders from stolen benefit books and girocheques, handwriting comparisons and witness statements. Those cases were very much not simply relying on Horizon evidence.⁶⁸

Clause 2 would define “relevant offence” as an offence alleged to have been committed by a person that meets the following conditions A to E:

- Condition A: The offence was alleged to have been committed on a date (or dates) falling within the period 23 September 1996 to 31 December 2018, or at any time during a period falling wholly or partly within that date range.
- Condition B: The offence is one of the following:
 - false accounting
 - fraud
 - handling stolen goods
 - money laundering
 - theft
 - an ancillary offence relating to any of the above⁶⁹
- Condition C: At the time of the alleged offence, the person was “carrying on a post office business” or was “working in a post office (whether under a contract of employment or otherwise) for the purposes of a post office business”.
- Condition D: The person was alleged to have committed the offence in connection with carrying on or working for the purposes of the post office business.
- Condition E: At the time of the alleged offence, the Horizon system⁷⁰ was being used for the purposes of the post office business.

The Explanatory Notes state that the date range in Condition A is intended to encompass “the whole timeframe of the Horizon scandal”:

⁶⁸ [HC Deb 26 February 2024 c39](#)

⁶⁹ Ancillary offences include attempting or conspiring to commit the substantive offences listed in condition B, or encouraging or assisting the commission of those offences: see subsection 2(7)

⁷⁰ Defined in clause 8 as “any version of the computer system known 40 as Horizon (and sometimes referred to as Legacy Horizon, Horizon Online or HNG-X) used by the Post Office, other than the version referred to as HNG-A”.

The first date – 23 September 1996 – is the date on which the Horizon pilot system began to be rolled out to post office branches. The final date – 31 December 2018 – marks the point at which the rollout of the current version of the Horizon System (HNG-A) was concluded. The HNG-A system was found in the Government Litigation Order High Court case to be “relatively robust”. The Department is not aware of any cases prosecuted by CPS or Post Office Limited involving the HNG-A system and therefore has concluded that there is no reasonable case to extend the period beyond the conclusion of the use of the previous versions of Horizon.⁷¹

Conditions C and D are intended to exclude “unrelated offences which individuals working in post offices might have coincidentally committed during the relevant time period, such as theft from an unrelated shop”.⁷² They are also intended to encompass “the range of working and other relationships which convicted individuals had with the Post Office”, for example family members who did not have a direct employment or contractual relationship with the Post Office but were nevertheless carrying on or working for the purposes of a post office business.⁷³

5 Convictions relating to the Capture system

The date range the Bill covers excludes convictions based on Capture, accounting software that was used in Post Offices in the 1990s.

In January 2024, the *i* newspaper reported that three former Post Office operators had alleged Capture was also “prone to errors and caused shortfalls when they went to balance their books at the end of the week”.⁷⁴ One of the operators, Steve Marston, had been convicted after pleading guilty to theft and false accounting in 1998, following an unexplained shortfall of £79,000:

“They said pleading guilty was the only way to avoid going to jail,” he said. “I just thought it must be something I'm doing wrong; computers were in their infancy, you didn't think they could be wrong.”

Mr Marston says he told Post Office auditors that he was innocent, but having worked with paper ledgers for years previously, he was unable to explain what had happened.⁷⁵

Computer Weekly has described Capture as “standalone software” that sub-postmasters would download to a computer to complete their accounts, “unlike the highly complex networked Horizon system which automated

⁷¹ [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 42

⁷² [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 45

⁷³ [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 45

⁷⁴ [Claims new Post Office IT scandal saw more sub-postmasters convicted](#), *i* newspaper, 17 January 2024 [subscription required]

⁷⁵ [Claims new Post Office IT scandal saw more sub-postmasters convicted](#), *i* newspaper, 17 January 2024 [subscription required]

accounting across the entire branch network and connected branches to a central system”.⁷⁶

In February 2024, the Post Office issued a statement on Capture, stating that it was “particularly concerned about allegations of prosecutions” and was examining “whether shortfalls could have been caused by faults in this software, and the potential impacts if so”. It indicated that it did not yet have “a complete picture of Capture”.⁷⁷

Kevan Jones MP has argued that those affected by Capture “need to be included in any overturned convictions and to get compensation”.⁷⁸ Minister Kevin Hollinrake said that “we do not have that body of evidence thus far” to include Capture cases in the legislation.⁷⁹

Clause 3 sets out the process for determining whether a conviction has been considered by the Court of Appeal (for the purposes of clause 1). The following cases would be deemed to have already been considered:

- where the Court of Appeal has dismissed an appeal against the conviction;
- where the Court of Appeal has refused to give leave to appeal against the conviction;
- where a single judge of the Court of Appeal has refused to give leave to appeal against the conviction, and the Court of Appeal has not subsequently given leave to appeal against the conviction.

The Explanatory Notes state that where Court of Appeal applications and appeals are “in progress” but have not yet been determined then the conviction would be quashed by clause 1.⁸⁰

Subsection (5) provides that nothing in the Bill would prevent a further appeal against a conviction that has already been considered by the Court of Appeal. There is no equivalent saving provision for convictions that have **not** already been considered by the Court of Appeal. Such convictions would be automatically quashed by the Bill without individuals having the option of clearing their name using the existing court or CCRC processes instead.

The Times has reported that 13 cases will be excluded from the scope of the Bill because appeals have already been dismissed by the Court of Appeal or

⁷⁶ [Controversial Post Office Capture software was completely rewritten in 1994](#), Computer Weekly, 15 March 2024 [registration may be required]

⁷⁷ [Post Office statement on ‘Capture’](#), 8 February 2024

⁷⁸ [HC Deb 26 February 2024 c43](#)

⁷⁹ [HC Deb 26 February 2024 c49](#)

⁸⁰ [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 48

leave to appeal was refused.⁸¹ Family members of Wendy Cousins and Stanley Fell, whose appeals against conviction were dismissed by the Court of Appeal in the Hamilton judgment, have criticised their exclusion from the Bill. Wendy Cousins' son described it as “a mockery of justice”.⁸² The Times commented that Ministers were expected to justify the exclusion of such cases “because of the principle that parliament should not intervene in cases already considered by the Court of Appeal”.⁸³ Under the Bill as introduced, these convictions would need to be dealt with by way of a further appeal to the Court of Appeal.

Clauses 1 and 3 do not make any reference to cases where the Criminal Cases Review Commission (CCRC) has refused an application to refer the case back to the appeal courts. These cases would therefore be quashed under clause 1.

6 Cases refused by the CCRC

The conditions set out in clause 2 are “intended to be unambiguous and capable of being applied without any element of judgment or discretion” in order to “ensure that the Executive is not empowered to interfere with judicial decisions”.⁸⁴

There is therefore no condition that requires Horizon evidence to have been an “essential” part of the case against the convicted individual. Following the Court of Appeal’s ruling in Hamilton, as discussed in section 3.3, this has been a key factor that the Criminal Cases Review Commission (CCRC) has considered on a case-by-case basis when deciding whether to refer Horizon convictions back to the Court of Appeal or Crown Court on appeal.⁸⁵

Cases where the CCRC has refused an application to refer the case back to the Court of Appeal are not referred to in clauses 1 or 3. These convictions would therefore be quashed under clause 1.

In a letter to the Horizon Compensation Advisory Board, the CCRC indicated that as of September 2023 it had turned down 33 applications for referral to the appeal courts (out of a total of 101 completed CCRC Post Office reviews). It went on:

Decisions not to refer have been reached for a variety of reasons, but a consistent feature is that there was cogent prosecution evidence in the case - extraneous to Horizon - that money was stolen by the SPM [sub-postmaster] in question (for example: evidence of Post Office money having been transferred to

⁸¹ [Post Office scandal: law to quash convictions ‘a mockery of justice’](#), The Times, 13 March 2024

⁸² [Post Office scandal: law to quash convictions ‘a mockery of justice’](#), The Times, 13 March 2024

⁸³ [Post Office scandal: law to quash convictions ‘a mockery of justice’](#), The Times, 13 March 2024. See section 5.4 for further information on the separation of powers.

⁸⁴ [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 23

⁸⁵ CCRC website, [Post Office / Horizon scandal: Why can't all Post Office Horizon cases be automatically referred?](#) [accessed 17 March 2024]

the SPM's personal bank account; or evidence from an eye witness who saw the SPM taking money). A number of the cases which have been turned down have also featured detailed and compelling confessions by the SPM, wherein they explained to investigators how they took the Post Office money and how they then used it. However, it is important to stress that where there is any credible evidence that Horizon data might have been essential to the prosecution case, including cases where there was a potentially unreliable confession, the CCRC would consider that this gives rise to a real possibility of a successful appeal and would refer the case.⁸⁶

Under the current wording of clauses 1 and 3, these cases would not be classed as having been considered by the Court of Appeal, given the CCRC declined to refer them. They would therefore be quashed under the Bill as drafted.

Legal commentator Joshua Rozenberg has suggested that ministers did consider including such cases in the list of convictions that would not be quashed:

I'm told ministers considered adding postmasters whose applications to the Criminal Cases Review Commission were turned down. But their cases would not have got as far as the Court of Appeal and so they will be cleared if they meet the other criteria in the legislation.⁸⁷

4.2

Identification and notification

Prior to the Bill's introduction, there was some concern at how people with wrongful Horizon convictions would be able to prove they had been exonerated by the legislation. For example, legal commentator Joshua Rozenberg said that the proposed legislation announced by Kevin Hollinrake in his February 2024 [ministerial statement](#) contained "an obvious and fundamental flaw":

Although it will clear hundreds of people who were wrongly convicted, nobody will know who they are.

That's fine for those who don't want anyone to know that they were ever found guilty in the first place. But it's a problem for people who want to show that their convictions have now been quashed.⁸⁸

He went on:

⁸⁶ [CCRC letter to Professor Christopher Hodges OBE/Horizon Compensation Advisory Board](#) (PDF), 28 September 2023. The letter does not make clear how many of these referrals would have been to the Crown Court and how many would have been to the Court of Appeal.

⁸⁷ Joshua Rosenberg, [Bill in the post](#), A Lawyer Writes blog, 14 March 2024

⁸⁸ Joshua Rosenberg, [Flaw in the ointment](#), A Lawyer Writes blog, 23 February 2024

Let's imagine a former postmaster is seeking a job that is not open to those who have committed crimes of dishonesty. A criminal records check discloses a conviction for false accounting. Ah, says the former postmaster, my conviction was quashed by the Post Office (Exoneration) Act 2024.

Prove it, says the would-be employer. How do I know which Post Office you worked at and how do I know it used Horizon software at the time? How do I know you were a family member of a postmaster? Why isn't your name on a list?⁸⁹

The Bill does not name the individuals whose convictions it would quash. However, clauses 4 and 5 set out a system for the Secretary of State to identify and notify affected individuals, and to make arrangements for their convictions or cautions to be removed from official records.

Clause 4 would require the Secretary of State to take "all reasonable steps" to identify the convictions quashed by clause 1 and to notify the convicting court of the details of these convictions. The Explanatory Notes state that such steps may include "reviewing case data from the Police National Computer, court records, records held by Post Office Limited such as employment records, and CPS data".⁹⁰ The Secretary of State would also be obliged to consider representations that a person has been convicted of a relevant offence, whether or not the representations are made by that person.⁹¹

The convicting court would then be required to replace the record of conviction with a record that the conviction has been quashed by the Bill.

If the Secretary of State identifies that a person's conviction has been quashed by the Bill, they would be required to take "all reasonable steps" to:

- notify the person (or, if the person is no longer alive, their personal representatives) that their conviction has been quashed; or
- if it is not reasonably practicable to give a notification under the previous bullet, to identify some other appropriate person to notify and to notify that person.⁹²

Joshua Rozenberg has commented that identifying relevant convictions "may not be as easy as it sounds, given that Post Office records are said to be incomplete", although he acknowledged that the Bill would give affected individuals the right to make representations to the Secretary of State if their case was not one of those identified.⁹³

⁸⁹ Joshua Rosenberg, [Flaw in the ointment](#), A Lawyer Writes blog, 23 February 2024

⁹⁰ [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 54

⁹¹ This obligation aims to ensure that cases that have not been identified by the Secretary of State under clause 4, but where the individual believes their conviction meets the requirements of clause 2, are given due consideration

⁹² Para 57 of the [Explanatory Notes](#) (PDF) gives the example of a case where the convicted person does not wish to be contacted but it is "appropriate to contact a relative or friend on his or her behalf"

⁹³ Joshua Rosenberg, [Bill in the post](#), A Lawyer Writes blog, 14 March 2024

Clause 5 makes similar provision in relation to cautions for a relevant offence. A caution is an out-of-court disposal administered by the police. Cautions involve an admission of guilt and form part of the individual's criminal record, but do not amount to a criminal conviction and cannot therefore be 'quashed'.⁹⁴

There is no requirement on the Secretary of State to identify cautions for relevant offences (although as with clause 4 they are under an obligation to consider representations by an individual or on their behalf). However, if it appears to the Secretary of State that a person has been cautioned in England and Wales for a relevant offence, they must direct the police to delete the details of the caution from the criminal records database. The police would be required to delete the records as soon as reasonably practicable after receiving the direction.

As with clause 4, if the Secretary of State directs the police to delete a caution, they would also be required to notify the cautioned person, their personal representatives, or some other appropriate person.

4.3 Consequential provision

Clause 6 makes consequential provision in relation to convictions quashed under clause 1.

Subsection (1) provides that a person whose conviction is quashed by clause 1 would be treated as if, on the coming into force of the Bill, the conviction had been quashed by a court on appeal.⁹⁵

Subsection (2) relates to cases where a person has been convicted in the Crown Court of both an indictable offence and a related summary offence.⁹⁶ In such cases, if the indictable offence were to be quashed by the Bill, this would not result in any related summary offences automatically being set aside (as would normally be the case), unless those summary convictions were also within the scope of clause 1.⁹⁷

Subsection (3) would bring convictions quashed by clause 1 within the scope of [section 133 of the Criminal Justice Act 1988](#), which deals with eligibility for

⁹⁴ For an overview of cautions see Crown Prosecution Service, [Cautioning and Diversion](#), last updated August 2022

⁹⁵ Except as otherwise provided by clauses 4 or 6

⁹⁶ An indictable offence is the most serious class of criminal offence, which can only be tried in the Crown Court. A summary offence is the least serious class of criminal offence, which can usually only be tried in the magistrates' court. In cases where an individual has been charged with both an indictable offence and a summary offence, the offences can be tried together in the Crown Court if the terms of [section 51 of the Crime and Disorder Act 1998](#) are met.

⁹⁷ Under [paragraph 6\(9\) of Schedule 3 to the Crime and Disorder Act 1998](#), where the Court of Appeal allows an appeal against a Crown Court conviction in a case where the individual was also convicted of a related summary offence, the conviction for the summary offence is also set aside as an automatic consequence.

statutory compensation for miscarriages of justice.⁹⁸ However, the Explanatory Notes anticipate that individuals whose convictions are quashed by the Bill are in practice unlikely to seek compensation through this route:

Although compensation under section 133 of the Criminal Justice Act 1988 will remain available in principle, it is expected that it is unlikely that many individuals who have their convictions quashed under the Bill will seek to access this compensation due to the requirement to demonstrate that the threshold for compensation under section 133 has been met and the fact that any losses are very likely to be covered by the Overturned Convictions scheme.⁹⁹

Further details of the Overturned Convictions scheme (and other Horizon compensation schemes) are set out in Section 7 of this briefing.

Clause 7 would give the Secretary of State a regulation-making power to allow for consequential amendment or modification of any provision of primary or secondary legislation. As the Explanatory Notes state:

This may be required in order to ensure that the consequences of the quashing of a conviction can be applied to these convictions quashed by Act of Parliament in the same way as they do to convictions quashed by a court on appeal.

The power to make regulations under this clause would be by statutory instrument. These could be used to amend or modify any Act of Parliament passed before the end of this Parliament (assuming there is not another session), but not to amend Acts of Parliament passed in future sessions.

This is what is known as a [Henry VIII clause](#). These are clauses in a bill that enable ministers to amend or repeal provisions in an Act of Parliament using secondary legislation.¹⁰⁰ Such clauses have been controversial. Some argue that they are convenient and necessary, others that they are constitutionally anomalous.¹⁰¹

A Delegated Powers Memorandum on the Post Office Bill states that:

If regulations made under this power amend provision in primary legislation, they will be subject to the affirmative resolution procedure as befitting a Henry VIII power of this type. It is considered that this provides the appropriate level of parliamentary scrutiny for the powers conferred by this clause.¹⁰²

The [affirmative resolution procedure](#) means Parliament has actively to approve the amendment before it can become law.

⁹⁸ For further details of compensation under section 133 see Gov.uk, [Application for compensation after a miscarriage of justice](#) [accessed 16 March 2024]

⁹⁹ [Explanatory Notes to The Post Office \(Horizon System\) Offences Bill, Bill 181 of 2023-24](#), para 65

¹⁰⁰ The expression is a reference to King Henry VIII's preference for legislating directly by Proclamation rather than through (the English) Parliament.

¹⁰¹ For a discussion, see Lords Constitution Committee, [The Legislative Process: The Delegation of Powers](#), HL Paper 225, 20 November 2018, paras 59-67.

¹⁰² [Post Office \(Horizon System\) Offences Bill Delegated Powers Memorandum](#), 15 March 2024, para 12.

If regulations do not amend primary legislation, then they will be subject to the [negative resolution procedure](#). Under this, parliamentary approval is not required, although either House can pass a motion within a specified period to annual the statutory instrument, which stops it having legal effect.

The memorandum says this lower level of parliamentary scrutiny is justified because “amendments to any applicable orders and regulations are expected to have a positive impact on the rights of those who have had their convictions quashed”.¹⁰³

For more on both procedures, see [House of Commons Background Paper: Statutory Instruments](#).

4.4

Extent and commencement

Under **clause 9** the Bill would come into force on the day it is passed.

It would extend to England and Wales only, as discussed in Section 6.

¹⁰³ [Post Office \(Horizon System\) Offences Bill Delegated Powers Memorandum](#), 15 March 2024, para 11.

5

Constitutional issues

The unprecedented nature of using primary legislation to overturn criminal convictions has led to concerns about constitutional propriety.

Both a Bill overview factsheet and the Bill’s Explanatory Notes stress that there is no intention on the Government’s part to set a precedent. The former states that it is:

clear that given the factually exceptional nature of this case, this legislation does not set a precedent for the future relationship between the executive, Parliament and the judiciary. The judiciary and the courts have dealt swiftly with the cases before them, but the scale and circumstances of this miscarriage of justice makes it necessary to take extraordinary action.¹⁰⁴

Similarly, the Explanatory Notes to the Bill state that:

This is an unprecedented and wholly exceptional legal solution to a miscarriage of justice of unparalleled scale and impact. The approach to quashing convictions in the Bill does not set any constitutional precedent.¹⁰⁵

However, there is no “purpose clause” stating this in the Bill itself. These are usually intended to affect the interpretation of other provisions,¹⁰⁶ and have appeared in previous legislation on the Northern Ireland Protocol, the Bill of Rights Bill (which did not progress) and the Safety of Rwanda (Asylum and Immigration) Bill currently before Parliament.¹⁰⁷

Before the Post Office (Horizon System) Offences Bill was introduced, the former Attorney General, Dominic Grieve, had expressed anxiety that such legislation might “become a habit”, although the former Supreme Court Justice, Lord Sumption, said “the idea that this extraordinary situation is going to be repeated in a way that would make it a tiresome precedent seems to me to be really very far-fetched”.¹⁰⁸

¹⁰⁴ Department for Business and Trade and Post Office, [Bill overview factsheet: Post Office \(Horizon System\) Offences Bill](#), 13 March 2024.

¹⁰⁵ [Post Office \(Horizon System\) Offences Bill Explanatory Notes Bill 181 2023-24](#), paras 21-22.

¹⁰⁶ Cabinet Office and Office of the Parliamentary Counsel, [Office of the Parliamentary Counsel drafting guidance](#), 18 June 2020, para 3.2.2.

¹⁰⁷ See, for example, [Safety of Rwanda \(Asylum and Immigration\) Bill](#), clause 1.

¹⁰⁸ Financial Times, [Judges wary of political interference after mass exoneration of sub-postmasters](#), 14 January 2024.

5.1

Concerns

Speaking in the Commons on 13 March 2024 (the day the Post Office (Horizon System) Offences Bill was introduced), the Conservative MP and Chair of the Justice Select Committee, Sir Robert Neill sounded “one note of caution”:

The Minister says this is exceptional, and it is constitutionally unprecedented to overturn, through legislation, convictions imposed by our courts in good faith, based on the evidence before them at the time. Frankly, it is most undesirable that we should ever go down that route [...]

Some of us will need to see the detail of the legislation and what evidence the Government have that it will be quicker and more comprehensive to quash convictions via this constitutionally unprecedented route, rather than leaving the courts to deal with it, with assistance.¹⁰⁹

Concerns such as this were first raised in January 2024 when it became clear the Government was considering legislation.

Convention dictates that judges do not comment on matters of public policy. But in evidence to the House of Commons Justice Committee, Baroness Carr, the Lady Chief Justice, said the judiciary had not given “the green light” to legislation and that the courts would be able to cope.¹¹⁰ Separately, the Lady Chief Justice observed that it was:

for the courts to make judicial decisions. These are court-ordered convictions, and if there comes a point in time when the rule of law has to be confronted in this context, then I will confront it.¹¹¹

Writing in the Telegraph, Lord Arbutnot, a Conservative peer who has long campaigned on the Horizon affair, also expressed concerns about the legislature (Parliament) overturning judicial decisions:

That is the sort of thing that we deprecate when it happens in places like Russia. There is a saying: Hard cases make bad law. We don’t want to have the precedent of the legislature finding that it doesn’t like a decision the courts made and just saying ‘okay, we will change everything’.¹¹²

Alex Chalk, the Lord Chancellor, told the Financial Times that he felt a “real sense of discomfort about taking an exceptional course” of action to exonerate sub-postmasters using legislation, recognising that a number of guilty individuals would benefit from a “windfall acquittal”. But he added:

¹⁰⁹ [HC Deb 13 March 2024 Vol 747 c317 \[Post Office Legislation\]](#)

¹¹⁰ Commons Justice Committee, [Oral evidence: Work of the Lady Chief Justice](#), HC 466, 16 January 2024.

¹¹¹ [Ministers reject judiciary plan for alternative to mass exoneration of Post Office victims](#), Financial Times, 9 February 2024.

¹¹² [Plan to exonerate Post Office scandal victims delayed by legal fears](#), Telegraph (£), 9 January 2024.

It's to avoid what would be an even greater injustice, which is people going to their graves unfairly badged as dishonest people when quite the opposite is true.¹¹³

In a blog for the UK Constitutional Law Association, Robert Craig, a lecturer in law at the University of Bristol, challenged many of these concerns:

The rule of law also requires that natural justice should prevail [...] An Act of Parliament, then, might be thought justified precisely because a second order principle is being defended. The abuse of the legal system, and of legal powers, is a constant concern in every society. The deliberate and ostentatious laying down of a marker against those dangers is politically useful and valuable. It is also an ancillary, if minor, bonus that an Act quashing convictions in their entirety rather than simply pardoning the innocent postmasters has a certain satisfying finality, and ring, to it.¹¹⁴

5.2 The High Court of Parliament

Robert Craig also referred to the historic “High Court of Parliament”. Writing in 1978, Hood-Phillips and Jackson argued that:

In origin [the English] Parliament was not primarily a lawmaking body [...] The title given it in the Book of Common prayer [last revised 1662], the “High Court of Parliament,” reminds us that Parliament was [...] a court – the highest court in the land.¹¹⁵

This helps explain why the UK legislature had a prominent role in judicial matters until the 21st century and provides the historical context for Parliament continuing to assert certain “privileges” governing its own affairs. For example, both Houses continue to exclude the judiciary from review of their own disciplinary proceedings, and the Bill of Rights [1688] prevents the “questioning” of such Parliamentary proceedings in a court of law.

5.3 Precedents

There is no direct precedent for the Post Office (Horizon System) Offences Bill.

The legal journalist Joshua Rozenberg has observed that the [Indemnity and Oblivion Act 1660](#) gave:

¹¹³ [Ministers reject judiciary plan for alternative to mass exoneration of Post Office victims](#), Financial Times, 9 February 2024.

¹¹⁴ Robert Craig, [The constitutional implications of legislating to exonerate the Post Office sub-postmasters](#), UK Constitutional Law Association blog, 16 January 2024.

¹¹⁵ O. Hood Phillips and Paul Jackson, *Constitutional and Administrative Law*, London: Sweet & Maxwell, 1978, pp123-24.

a general pardon — what we would now describe as an acquittal — to everyone who had committed crimes during the English Civil War and subsequent Commonwealth period. There were, however, some exceptions.¹¹⁶

This Act, however, was a pardon and did not quash Civil War convictions themselves (see Section 5.5 below).

Bills of Attainder

Bills of Attainder allowed a person to be convicted without a criminal trial. Such a bill was used to require the execution of one of King Henry VIII’s wives. In 1789 British attainder laws were prohibited in the United States as they were considered a clear violation of the separation of powers.¹¹⁷ By the end of the 18th century they also fell out of use in Great Britain and its then colonies. In a letter to The Times, Michael Sternberg KC warned that an “Act of Exoneration” to acquit the sub-postmasters might allow “the possible return of the bill of attainder”.¹¹⁸

Acts of Indemnity

An Act of Indemnity was a statute passed to protect people who had committed an illegal act which would otherwise have caused them to be subject to legal penalties. Indemnity Acts were passed by Parliament in the 18th and early 19th century to afford legal relief to religious nonconformists from the restrictions placed upon them by the Test Act 1673 and the Corporation Act 1661.¹¹⁹ As recently as 1956, such an Act was used to indemnify four members of Northern Ireland’s House of Commons and two members of its Senate. All held offices of profit under the Crown, which ought to have disqualified them from membership of the Parliament of Northern Ireland.¹²⁰

5.4 The separation of powers

The doctrine of the “separation of powers” is the idea that different types of state power should be functionally independent of one another. It is often understood as underpinning, among other things, the rule of law. It does this by preventing power from being exercised in arbitrary or unlimited ways. The traditional model recognises three main kinds of power, or “branches”, in respect of which there should be a degree of separation:

¹¹⁶ Joshua Rozenberg, [Bill in the post](#), A Lawyer Writes blog, 14 March 2024.

¹¹⁷ [Bills of Attainder: The Constitutional Implications of Congress Legislating Narrowly](#), Congressional Research Service, 26 August 2014.

¹¹⁸ [Times letters: Legislating to exonerate the sub-postmasters](#), The Times (£), 11 January 2024.

¹¹⁹ K. R. M. Short, [The English Indemnity Acts 1726-1867](#), Church History 42:3, September 1973, pp366-76.

¹²⁰ For more on this see Commons Library research briefing CBP8884, [Parliament and Northern Ireland, 1921-2021](#), p121.

- the legislative branch (with the power to make laws);
- the executive branch (with the power to implement laws); and
- the judicial branch (with the power to interpret and apply laws).

Separating these functions is usually understood to be a “check and balance” against abuses of power or tyranny.

Different constitutions embrace the separation of powers to different extents and in different ways. Presidential systems, such as that of the United States, often adopt a stricter separation of powers (especially between the executive and the legislature). By contrast, a lot of parliamentary systems have a weaker form of separation of powers, as the executive is derived from and secures its mandate via the legislature and its elections.¹²¹

5.5 The prerogative of mercy

The prerogative of mercy is the power of the Monarch to show mercy towards an offender, by mitigating or removing the consequences that follow conviction for an offence.¹²² The power is exercised by the King on ministerial advice.¹²³

As the Northern Irish Court of Appeal has recognised,¹²⁴ the prerogative of mercy is now generally restricted to three exceptional situations:

- Special remission, a means of reducing the effect of a sentence once it has been imposed, by releasing a prisoner from having to serve some or all of the remainder of his or her sentence in custody;
- A conditional pardon, which substitutes one type of sentence for another;
- A free pardon, which releases a person from the effect of a penalty or a consequence of a sentence.

A free pardon is not an acquittal. As Paul Taylor KC has observed:

The conviction remains even after the granting of a pardon. This principle has been said to respect ‘the constitutional distinction between the roles of the monarch and the Court’. As a result, it is not clear that the grant of a pardon will trigger a qualification for compensation.¹²⁵

¹²¹ See Commons Library research briefing CBP9536, [The UK Supreme Court](#), pp30-32.

¹²² See Commons Library research briefing, [The royal prerogative and ministerial advice](#), pp63-66.

¹²³ PQ 199271 [on [Letters Patent](#)], 5 June 2014.

¹²⁴ *McGeough v Secretary of State for Northern Ireland* [2012] NICA 28.

¹²⁵ Paul Taylor KC, [Horizon, the Post Office, Pardons and the Royal Prerogative of Mercy](#), Doughty Street Chambers website, 7 January 2024.

On this basis, it has been reported that Post Office victims rejected this option. According to Sir David Davis, a Conservative MP:

The idea of a royal pardon has been discussed with Alex Chalk [the Lord Chancellor] but the victims don't want that. They want to be fully exonerated and the only way of doing that is for their convictions to be overturned.¹²⁶

¹²⁶ [Plan to exonerate Post Office scandal victims delayed by legal fears](#), Telegraph (£), 9 January 2024.

6

Scotland and Northern Ireland

A Bill overview factsheet states that:

The approach for overturning the convictions in Scotland and Northern Ireland is most appropriately determined, delivered, and scrutinised by the Scottish Government and the Scottish Parliament, and the Northern Ireland Executive and Northern Ireland Assembly. We remain committed to supporting the devolved administrations, and the UK government stands ready to support the Scottish Government and the Northern Ireland Executive to enable them to progress their own approaches to overturn convictions in Scotland and Northern Ireland.¹²⁷

Both the Scottish Government and Northern Ireland Executive have expressed disappointment that the Bill has not been extended to Scotland and Northern Ireland. Responding to criticism on this point in the House of Commons on 13 March, Kevin Hollinrake, the Parliamentary Under-Secretary of State for Business and Trade, stressed the “constitutional sensitivity of this area”. He added:

These are tough decisions, and I understand that Scottish Ministers will have to make similar decisions. They can decide to do what we are doing and, if they do, we will support them in how they legislate. Given the sensitivities, we thought that, where justice is devolved, the devolved Administrations should make the decision. I again commit to making sure that we work across the piece, wherever we can, to deliver the consistent compensation that she requires, without forgetting that the redress schemes are UK-wide.¹²⁸

6.1

Scotland

In a statement to the media on 10 January 2024, Scottish First Minister Humza Yousaf said a [Legislative Consent Motion](#) (LCM) would be the “easiest and fastest” solution.¹²⁹ This would provide Holyrood’s consent for the UK Parliament to legislate in a devolved area (justice).

On 16 January, however, the Lord Advocate (Scotland’s senior law officer), Dorothy Bain KC, said it was:

¹²⁷ [Bill overview factsheet: Post Office \(Horizon System\) Offences Bill](#), Department for Business and Trade and Post Office, 13 March 2024.

¹²⁸ [HC Deb 13 March 2024 Vol 747 cc316-17 \[Post Office Legislation\]](#)

¹²⁹ [Post Office scandal victims in Scotland to be cleared](#), BBC News online, 10 January 2024.

also important to recognise the important and established constitutional role of our appeal court in Scotland, and that due process must be followed.¹³⁰

In response, Mr Yousaf said it was “right that normal processes for appeals are set aside to ensure that justice can now be delivered”.¹³¹ The First Minister later added that if “for whatever reason” an LCM did not prove possible, then his government was “already working on contingencies around separate Scottish legislation if that is required”.¹³²

Following the introduction of the Post Office (Horizon System) Offences Bill on 13 March, Mr Yousaf urged the UK Government to “think again” about its extension to Scotland, while reiterating that the Scottish Government was working on its own legislation. He said:

The difficulty of course with Scottish-specific legislation is we’ll have to wait to see the details of UK-specific legislation, not just when it’s introduced, but as it gets amended through the UK parliamentary process.

If we have legislation which diverges significantly, that could have an impact on compensation that subpostmasters here in Scotland could get access to and of course we don’t want that.¹³³

6.2 Northern Ireland

Northern Ireland’s devolved institutions were restored on 3 February 2024.¹³⁴ Later that same month, Minister of Justice Naomi Long said she was “deeply disappointed” that the UK Government had decided not to extend the Bill to Northern Ireland, adding that this would be:

the fastest legislative solution and avoids differential treatment between jurisdictions, including in terms of accessing compensation [but] In light of this decision, I will now urgently review the options available to provide an alternative remedy for sub-postmasters in Northern Ireland.¹³⁵

Following introduction of the Post Office Bill on 13 March, Ms Long said she did not believe “the door” was “completely shut” when it came to “whether Northern Ireland may be included as it goes through its passage [in] the House [of Commons] because then it could be added at amendment stage”.¹³⁶

¹³⁰ [Official Report](#), 16 January 2024.

¹³¹ [No blanket acquittal for Scotland’s Post Office scandal victims](#), The Times (£), 17 January 2024.

¹³² [Scotland may pass law to exonerate Post Office Horizon victims](#), The Times (£), 19 January 2024.

¹³³ [Yousaf: UK Government should think again and include Scotland in Horizon Bill](#), Evening Standard, 13 March 2024.

¹³⁴ Commons Library research briefing CBP9954, [Northern Ireland devolution: Safeguarding the Union](#).

¹³⁵ [Law to clear Post Office victims should be UK-wide, says Naomi Long](#), BBC News, 22 February 2024.

¹³⁶ [‘Not too late’ to add NI to Government law overturning Post Office convictions](#), Independent, 13 March 2024.

7 Compensation

7.1 Overturned convictions compensation

Existing scheme

Overturned convictions compensation, or redress, payments are made to people who have had a conviction overturned because it involved evidence from the Horizon system.¹³⁷

Interim payments, currently of £163,000 (previously £100,000), are available to those with overturned Horizon convictions.¹³⁸

It was announced in February 2024 that interim payments would be topped up to £450,000 once a full claim has been received. This is intended to encourage early submission of claims.¹³⁹

Postmasters are also being offered £600,000 to settle their claim (the total is reduced by amounts already paid in interim payments and partial settlements). Postmasters who do not want to accept the offer can continue with the existing assessment process.¹⁴⁰

The compensation payments are available to people across the UK once their convictions are overturned.¹⁴¹ They are not liable for income tax, capital gains tax, National Insurance contributions, inheritance tax or VAT.¹⁴²

The government has provided funding to the Post Office for these payments and settlements.¹⁴³

¹³⁷ The Post Office, [Overturned Convictions and Compensation: Information on Progress](#) [undated, accessed 11 December 2023]

¹³⁸ [HC Deb 18 Sep 2023 cc1131-1140](#); Department for Business & Trade, [Government announces £600,000 of new compensation for every wrongfully convicted Postmaster](#), 18 September 2023

¹³⁹ [HC Deb 26 February 2024 c37](#)

¹⁴⁰ Department for Business & Trade, [Government announces £600,000 of new compensation for every wrongfully convicted Postmaster](#), 18 September 2023

¹⁴¹ [HC Deb 13 March 2024 c311](#)

¹⁴² [HCWS303 \[Tax exemptions for compensation payments paid by the Post Office for Overturned Historical Convictions\]](#), 23 September 2022

¹⁴³ [Post Office Compensation](#) – Ministerial Statement in the House of Commons, HC Deb 18 Sep 2023 cc1131-1140

A new scheme to be delivered by government

At present, the Post Office is responsible for overturned convictions compensation. In the future, the delivery of compensation will be via a new scheme run by the Department for Business and Trade rather than the Post Office. This change follows recommendations from the Commons Business and Trade Select Committee and the Horizon Compensation Advisory Board.¹⁴⁴

The new Horizon Convictions Redress Scheme will make compensation payments to those who have had their convictions quashed by the Bill. The government has said that the aim is to have the scheme open for applications as soon as possible once the legislation has been passed.¹⁴⁵

Liam Byrne, the chair of the Business and Trade Committee, which recently published a report on compensation, has noted that the Post Office is still handing existing claims “when it is patently not fit for purpose”.¹⁴⁶ In response, Minister Kevin Hollinrake said that there was, as yet, “no capacity in the Department to handle those claims”. The Minister said he would keep an open mind on whether to leave cases that have been through the Court of Appeal with the Post Office or not.¹⁴⁷

As part of the new scheme, applicants will have to sign a statement saying they did not commit the crime for which they were originally convicted. They may be guilty of fraud if they sign the statement falsely.¹⁴⁸

Compensation delays

Delays in compensation have been a significant issue.¹⁴⁹ In January 2024, a lawyer to some of the victims pointed to delays in certain routine correspondence of three to four months for overturned conviction cases.¹⁵⁰

In March 2024, the Business and Trade Committee published a report on compensation, [Post Office and Horizon redress: Instruction to deliver](#). The committee recommended this Bill include legally binding timeframes for the delivery of compensation:

¹⁴⁴ [HC Deb 13 March 2024 c311](#); Business and Trade Committee, [Post Office and Horizon redress: Instruction to deliver](#), 7 March 2024, HC 477 2023-24; [Horizon Compensation Advisory Board: report of eleventh meeting, 22 February 2024](#)

¹⁴⁵ Prime Minister’s Office, [Wrongful Post Office convictions to be quashed through landmark legislation: 13 March 2024](#)

¹⁴⁶ [HC Deb 13 March 2024 c318](#)

¹⁴⁷ [HC Deb 13 March 2024 c318](#)

¹⁴⁸ [Post Office Update](#), 22 February 2024, HCWS283

¹⁴⁹ Post Office Horizon IT Inquiry, [Chair’s Progress Update on Issues relating to Compensation: Progress Update from Sir Wyn Williams](#), 15 August 2022, para 133; [The Post Office Horizon IT Inquiry First Interim Report: Compensation, 17 July 2023](#), para 147

¹⁵⁰ Business and Trade Committee, [Oral evidence: Post Office and Horizon – Compensation follow-up](#), HC 477, Tuesday 16 January 2024, Q5 & 6 – from Dr Neil Hudgell, Executive Chairman, Hudgell Solicitors

To correct the abject failure to deliver timely redress for sub-postmasters, the Government must include in its forthcoming legislation legal timeframes to deliver redress to sub-postmasters. Those targets should include binding timeframes for each stage of a compensation claim, with financial penalties awarded to the claimant for failure to meet those deadlines. To accelerate the submission of claims, the Government must review and radically simplify the evidential requirements of the claims process, especially in relation to medical impact, consequential loss and repetitional damage.¹⁵¹

In response, the government has said that the committee’s proposed approach would slow down compensation rather than speed it up:

I strongly support the Committee’s desire to speed up redress, but we feel that its proposed regime would have the opposite impact. It would potentially mean imposing penalties on forensic accountants or others who are helping postmasters to prepare their claims. Doing that would probably cause some of them to withdraw from this work, which would slow down the delivery of redress. Furthermore, we do not want to be in the position of rushing postmasters into major decisions about their claims and the offers they receive, which would possibly mean that some are timed out of redress altogether. The [Horizon Compensation] advisory board has said that its “strong view” is that “this would be a backward step”, which is why we passed legislation less than two months ago to remove the arbitrary deadline from the group litigation order scheme. We do not want to reverse that change.¹⁵²

The government has pointed to actions it is taking to deliver compensation quickly:

- A new approach that is being piloted that involves “working with claimants’ lawyers to reduce the number of cases that require expert evidence—for example, from forensic accountants—or medical evidence, which delays claims”.
- Asking the administrators of each scheme for monthly reports – these will be published and used to assess measures for speeding up compensation.
- Introducing optional fixed-sum awards, which speed up the process for those who choose to take them and means more resource is available for other claims.¹⁵³

Legally binding appeals mechanism for compensation

As well as legally binding timescales for compensation, the Business and Trade Committee also recommended a legally binding independent appeals mechanism:

¹⁵¹ Business and Trade Committee, [Post Office and Horizon redress: Instruction to deliver](#), 7 March 2024, HC 477 2023-24, para 14. See also Business and Trade Committee, [Post Office legislation must include provisions on legally-binding timeframes – Liam Byrne](#), 13 March 2024

¹⁵² [HC Deb 13 March 2024 c312](#)

¹⁵³ [HC Deb 13 March 2024 c312](#)

To ensure that offers of redress are fast and fair, the Government must:

- a) Require full disclosures by the Post Office of the information needed to submit full and fair claims within legally binding timeframes;
- b) publish a standardised tariff of damages to help sub-postmasters claim the full amount to which they are entitled;
- c) remove the cap on legal expenses for sub-postmasters to contest their claims;
- d) allow those who have already settled under the Horizon Shortfall Scheme to revisit their claims to ensure that they have received fair redress; and
- e) introduce a legally binding independent appeals mechanism.¹⁵⁴

Statistics on compensation payments for those who have had convictions overturned

As of 1 March 2024, 102 people had had convictions overturned, with 90 having received initial interim payments and 35 having received full and final payments. In total £38 million has been paid out in compensation for those who have had convictions overturned.¹⁵⁵

Overturned convictions: claims and payments					
Figures as 1 March 2024					
		Claims received	Offers made	Offers accepted	Claims paid
Convictions overturned	102				
Initial interim payments		97	95	90	90
Full and final settlements		45	37	35	35

Source: Department for Business & Trade and Post Office, Post Office Horizon compensation data: March 2024, updated 5 March 2024

Further statistics are available – see Post Office, [Overturned Convictions and Compensation: Information on Progress](#).

¹⁵⁴ Business and Trade Committee, [Post Office and Horizon redress: Instruction to deliver](#), 7 March 2024, HC 477 2023-24 – para 16

¹⁵⁵ Department for Business and Trade and Post Office, [Post Office Horizon compensation data: March 2024](#), updated 5 March 2024

7.2

Other compensation schemes

There are two main other Horizon compensation schemes. These are not open to people who have a Horizon-related conviction.

The GLO compensation scheme

The [GLO compensation scheme](#) for those who were part of a group who took the Post Office to the High Court, via a Group Litigation Order (GLO). The GLO scheme is open only to postmasters who were part of the GLO action and who do not have a Horizon-related conviction.¹⁵⁶

Eligible GLO claimants have the option to settle their claims on a full and final basis for a total fixed sum of £75,000, instead of making a claim for their individual losses. Claimants can choose to have their claim assessed individually instead of taking this sum. If claimants have previously settled for less, the government will pay the difference, taking them up to £75,000.¹⁵⁷

Where claimants choose not to take the £75,000 sum but instead make an individual claim, they will receive £50,000 payment (less any interim payment) when they make a full claim.¹⁵⁸

The government has set a target of making 90% of offers within 40 working days of submission of fully completed claims for the GLO scheme.¹⁵⁹

The Horizon Shortfall Scheme

The [Horizon Shortfall Scheme](#) (HSS, previously the Historic Shortfall Scheme) is a scheme that aims to offer redress for current and former postmasters who had to cover shortfalls that arose from errors in the Horizon system, but who were either not convicted or did not take part in the GLO action.¹⁶⁰

The government announced on 13 March 2024 that the claimants for the Horizon Shortfall Scheme will also be offered the option to settle their claims

¹⁵⁶ Department for Business and Trade, [GLO compensation scheme guidance and principles](#), revised 29 November 2023 – para 2.1.3; [Explanatory Notes to The Post Office \(Horizon System\) Compensation Bill, Bill 16 of 2023-24](#), para 4; [HC Deb 26 February 2024 c37](#)

¹⁵⁷ Department for Business and Trade, [The GLO Compensation Scheme: questions and answers](#), updated 8 March 2024

¹⁵⁸ [HC Deb 13 March 2024 c313](#)

¹⁵⁹ Department for Business & Trade, [Horizon Compensation Advisory Board Report of ninth meeting held on 29 November 2023](#).

¹⁶⁰ Department for Business, Energy and Industrial Strategy, [Government supports postmasters impacted by Horizon scandal by providing funding for late applications to Historical Shortfall Scheme](#), 6 October 2022; Post Office, [Horizon Shortfall Scheme Eligibility Criteria](#), updated July 2023.

for a fixed sum of £75,000. Those who have previously settled for less than this will be offered a top-up to bring their compensation up to this level.¹⁶¹

7.3

Post Office (Horizon System) Compensation Act

The [Post Office \(Horizon System\) Compensation Act 2024](#) received Royal Assent on 25 January 2024. The Act had its Commons stages on 19 December 2023. This Act gives the government the power to make payments under compensation schemes that relate to the Post Office Horizon system, including after a particular deadline for the Group Litigation Order (GLO) compensation scheme has passed. See the Library briefing [Post Office \(Horizon System\) Compensation Bill](#) for details.

¹⁶¹ [HC Deb 13 March 2024 c312](#)

8 Further information

8.1 Government documents relating to the Bill

[Post Office \(Horizon System\) Offences Bill: supporting documents](#) – includes:

- [Bill overview factsheet: Post Office \(Horizon System\) Offences Bill](#)
- [Horizon scandal factsheet: Post Office \(Horizon System\) Offences Bill](#)
- [European Convention on Human Rights Memorandum: Post Office \(Horizon System\) Offences Bill](#)
- [Financial redress factsheet: Post Office \(Horizon System\) Offences Bill](#)
- [Equalities statement: Post Office \(Horizon System\) Offences Bill](#)

Prime Minister's Office, [Wrongful Post Office convictions to be quashed through landmark legislation: 13 March 2024](#), 13 March 2024

Ministry of Justice, [Government to quash wrongful Post Office convictions](#), 10 January 2024

House of Commons Library, [Post office numbers](#), February 2024

8.2 Post Office

Post Office, [Government announces legislation](#) [undated, accessed 16 March 2024]

Post Office, [Letter from Chief Executive to Justice Secretary](#), 9 January 2024, with annexed note from Post Office's legal counsel.

Post Office, [The Horizon IT scandal](#) (website) – includes:

- [Assistance for appealing convictions](#)
- [Response to Mr Bates vs The Post Office](#)
- [Timeline of key events relevant to Horizon IT Scandal](#)
- [FAQs](#)

- [Context](#)
- [Changing our culture](#)
- [Improving our systems and processes](#)

8.3 Criminal Cases Review Commission

Criminal Cases Review Commission, [Post Office / Horizon scandal](#)

8.4 Commentators

Sir Jonathan Jones KC, [The Post Office \(Horizon System\) Offences Bill](#) [explainer], Institute for Government, 14 March 2024

Joshua Rozenburg KC, [Bill in the post](#), 14 March 2024

Paul Taylor KC, [Horizon, the Post Office, Pardons and the Royal Prerogative of Mercy](#), Doughty Street Chambers website, 7 January 2024

Robert Craig, [The constitutional implications of legislating to exonerate the Post Office sub-postmasters](#), UK Constitutional Law Association blog, 16 January 2024

8.5 Media

Reporting and comment on the Bill

[Post Office scandal: law to quash convictions ‘a mockery of justice’](#), The Times, 13 March 2024

[Unprecedented bill to exonerate hundreds of wrongly convicted Post Office workers arrives](#), Computer Weekly, 13 March 2024 [may require registration]

[What is the Post Office Horizon bill and why is it controversial?](#) The Guardian, 13 March 2024

[Judges wary of political interference after mass exoneration of sub-postmasters](#), Financial Times 14 January 2024

[Law to exonerate wronged subpostmasters introduced by Government](#), The National, 13 March 2024

[Post Office scandal: Hopes law quashing convictions of sub-postmasters will be extended to Northern Ireland](#), The Irish News, 13 March 2024

Reporting on the Horizon scandal more widely

Computer Weekly have reported extensively on Horizon. See end of the latest article – Controversial Post Office Capture software was completely rewritten in 1994, Computer Weekly, 15 March 2024 [may require registration] – for more than 300 previous articles on Horizon, including:

- [Post Office Horizon scandal explained: Everything you need to know](#), 26 February 2024
- [Post Office scandal roundup: Fourth Estate in full throttle](#), 26 February 2024

[Post Office Scandal website](#), from journalist Nick Wallis – author of [The Great Post Office Scandal](#) book (updated Nov 2022) and presenter of [The Great Post Office Trial](#) BBC radio series (episodes from May 2020 to Nov 2023).

Numerous aspects of the Horizon scandal have been reported in the press – see for example the many [BBC articles relating to the affair](#).

8.6 Post Office Horizon IT Inquiry

[Post Office Horizon IT Inquiry website](#) – includes:

- [Terms of Reference](#)
- [List of issues](#),
- [Timeline](#).

The phases of the Inquiry that are complete are:

- Phase 1 - Human Impact Hearings

See Post Office Horizon IT Inquiry, [Stories of human impact from the Post Office Horizon IT Inquiry](#) [video], 20 February 2024 and [The British people are waking up to the scandal that happened under their noses](#), Computer Weekly, 18 February 2022 [may require registration]

- Phase 2 - Horizon IT System: procurement, design, pilot, roll out and modifications

See [Phase 2 Post Office scandal – “cock-up or cook-up”?](#) Computer Weekly, 7 December 2022 [may require registration]

- Phase 3 - Operation: training, assistance, resolution of disputes, knowledge and rectification of errors in the system

See [Phase 3 Post Office scandal – cover-up a ‘dark chapter’ in government, corporate and legal history](#), Computer Weekly, 23 May 2023 [may require registration]

- Phase 4 - Action against Sub-postmasters and others: policy making, audits and investigations, civil and criminal proceedings, knowledge of and responsibility for failures in investigation and disclosure

See [Post Office scandal: Phase four’s rogues’ gallery](#), Computer Weekly, 6 February 2024 [may require registration]

8.7 Organisations representing postmasters and postal workers

The [Justice for Subpostmasters Alliance \(JFSA\)](#)

The National Federation of Subpostmasters, [Horizon webpage](#) – see [Statement: NFSP welcomes new legislation](#), 26 February 2024

CWU (Communication Workers Union), [Postal news](#)

[Voice of the Postmaster \(VotP\)](#) campaign group

Lost Chances for the Children of Sub-postmasters – see BBC, [Post Office scandal victims’ children seek compensation](#), 14 March 2024

8.8 Horizon Compensation Advisory Board

[Horizon Compensation Advisory Board documents](#), includes meeting notes for 2023 and 2024, [correspondence](#), [Paper on appeals system](#) (December 2023) and [Paper on implications of the psychological effects on sub-post-masters and mistresses of the behaviour of authorities](#) (March 2024).

8.9 Commons Library briefings

[Management culture of the Post office](#), February 2024

[Post Office \(Horizon System\) Compensation Bill](#), December 2023

[Statutory public inquiries: the Inquiries Act 2005](#), February 2024

[Whistleblowing and gagging clauses](#), 13 November 2023

[Management culture at Post Office Ltd](#), July 2023

[The Post Office](#), October 2021

[The Horizon Settlement and the future governance of the Post Office Ltd](#), 17 March 2020

8.10

Parliamentary material

Parliamentary material relating to Horizon and the Post Office, from the beginning of 2023 onwards.

Debates, oral statements, urgent questions, selected oral questions

- [Post Office Legislation](#) – Statement on Post Office legislation and the Horizon redress schemes, HC Deb 13 March 2024 c311. See also corresponding statement in the House of Lords [Post Office Legislation](#) HL Deb 14 March 2024 c2196.
- [Horizon Scandal: Psychological Support Services](#) – Oral question, HL Deb 4 March 2024 c1323
- [Post Office Board and Governance](#) – Urgent question on what steps are being taken to restore public confidence in the Post Office board, HC Deb 28 February 2024 c329
- [Post Office: Executive Remuneration](#) – Oral question, HL Deb 27 February 2024 c923
- [Victims and Prisoners Bill](#) – proposed amendment on timetable for Horizon compensation, Victims and Prisoners Bill Deb 26 February 2024 c8387
- [Post Office Horizon: Compensation and Legislation](#) – Statement on the progress that has been made to support victims of the Horizon scandal, HC Deb 26 February 2024 c36. See also corresponding statement in the House of Lords [Post Office Horizon: Compensation and Legislation](#) HL Deb 27 February 2024 c944
- [Post Office Horizon Scandal](#) – Urgent question, HC Deb 22 February 2024 c841
- [Horizon System: Exoneration of Sub-postmasters](#) – Oral question, HC Deb 20 February 2024 c577
- [Post Office Horizon Scandal: Racism](#) – Oral question, HL Deb 19 February 2024 c365
- [Post Office Governance and Horizon Compensation Schemes](#) – Statement about Post Office governance and the Horizon compensation schemes.

HC Deb 19 February 2024 c474. See also corresponding statement in the House of Lords [Post Office Governance and Horizon Compensation Schemes](#), HL Deb 21 February 2024 c668

- [Post Office Horizon Scandal: Compensation Payments](#) – Lords private notice question, HL Deb 19 February 2024 c372
- [Backbench business debate on Post Office Management Culture](#), 8 February 2024
- [Post Office Appointments: Ministerial Responsibility](#) – Oral question, HL Deb 7 February 2024 c1639
- [Post Office Ltd](#) – Urgent question on the removal of Henry Staunton as Post Office Ltd chair and wider governance, HC Deb 30 Jan 2024 c609. See also corresponding statement in the House of Lords [Post Office Ltd](#) HL Deb 30 January 2024 c1121
- [Post Office Network Subsidy Scheme \(Amendment\) Order 2024](#) – HL Deb 30 January 2024 339GC
- [Post Office Horizon System: Compensation for Sub-postmasters](#) – Oral question HC Deb 25 January 2024 c423
- [Post Office Horizon System: Exoneration of Sub-postmasters](#) – Oral question HC Deb 25 January 2024 c421
- [Alan Bates and Others v Post Office Limited](#) – Oral question HL Deb 24 January 2024 c747
- [Horizon: Prosecution of Postmasters](#) – Oral question HC Deb 24 January 2024 c279
- [Post Office Horizon Scandal](#) – Urgent question on compensation and outstanding matters relating to the Post Office Horizon scandal, HC Deb 10 Jan 2024 c301
- [Engagements](#) – Oral question to the Prime Minister in which he announced legislation to overturn convictions relating to Horizon, HC Deb 10 Jan 2024 c288
- [Horizon: Compensation and Convictions](#) – Statement on Post Office Horizon compensation and convictions, HC Deb 8 Jan 2024 c81. See also corresponding statement in the Lords: [Horizon: Compensation and Convictions](#) HL Deb 10 January 2024 c16 and the urgent question that preceded it: [Horizon: Compensation and Convictions](#) HL Deb 10 January 2024 c12
- [Debates on the Post Office \(Horizon System\) Compensation Bill](#) – 19 December 2023 to 16 January 2024

- [Post Office Compensation](#) – Ministerial Statement in the House of Commons, HC Deb 18 Sep 2023 c1131-1140 & corresponding statement in the House of Lords [Post Office Compensation](#) HL Deb 19 Sept 2023, c1398-1409
- [Post Office Horizon IT Scandal: Compensation](#) – Urgent Question in the House of Commons, HC Deb 18 Jul 2023 c767-775
- [Westminster Hall debate on Post Office Ltd: Management Culture](#), 13 July 2023
- [Post Office Executives: Bonuses](#) – Urgent question on the awarding of bonuses to Post Office executives, HC Deb 10 May 2023 c341, and corresponding statement in the House of Lords [Post Office Executives: Bonuses](#), HL Deb 11 May 2023 c1945
- [Post Office: Horizon Compensation](#) – Ministerial Statement in the House of Commons, HC Deb 23 Mar 2023 c467-475

Written statements and questions

Written statements mentioning the Post Office and Horizon made in the House of Commons:

- [Post Office redress](#), 13 March 2024, HCWS336
- [Access to Justice update](#), 4 March 2024, HCWS306
- [Post Office Update](#), 22 February 2024, HCWS283
- [Post Office Limited: Additional Funding Update](#), 19 December 2023, HCWS155
- [Post Office Limited Update](#), 8 November 2023, HCWS8
- [Tax Exemptions for Post Office Compensation Schemes: Suspension Remuneration Review and the Process Review Scheme](#), 8 November 2023, HCWS10
- [Post Office Limited: Additional Funding Update](#), 20 October 2023, HCWS1081
- [Finance Bill: draft legislation and tax documents](#), 18 July 2023, HCWS972
- [Post Office Horizon IT Inquiry: Interim Report](#), 17 July 2023, HCWS950
- [Post Office Compensation Update](#), 29 June 2023, HCWS896
- [Post Office Compensation Update](#), 19 June 2023, HCWS860
- [Post Office Horizon Compensation](#), 26 April 2023, HCWS742

- [Post Office: Compensation for Horizon Scandal](#), 23 March 2023, HCWS664

Please see link for [Parliamentary Questions mentioning the Post Office and Horizon](#).

Committee


- Business and Trade Committee, [Post Office and Horizon redress: Instruction to deliver](#), 7 March 2024, HC 477 2023-24. See also [evidence](#) and [related correspondence](#)
- Justice committee, [correspondence relating to the Post Office \(Horizon System\) Offences Bill](#), January and February 2024
- Treasury Committee, [Work of UK Government Investments: Non-inquiry session](#), 6 February 2024
- Business and Trade Committee, [The Post Office: Non-inquiry session](#), 20 July 2023
- Business, Energy and Industrial Strategy Committee, [Royal Mail and the Post Office: Non-inquiry session](#), 17 January 2023
- Business, Energy and Industrial Strategy Committee, [Post Office and Horizon - Compensation: interim report](#), 17 February 2022, HC 1129 2021-22
- Business, Energy and Industrial Strategy Committee, [Post Office and Horizon Compensation: interim report. Government Response](#), 27 April 2022, HC 1267 2021-22

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