



HL Bill 73 of 2023–24

## Post Office (Horizon System) Offences Bill

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The [Post Office \(Horizon System\) Offences Bill](#) is due to have its second reading in the House of Lords on 13 May 2024. The bill seeks to give effect to a government commitment made on 10 January 2024 to quash the convictions of those sentenced as a result of the Horizon scandal. The bill would extend and apply to England and Wales, and Northern Ireland. Its provisions would come into force at royal assent. During committee stage in the House of Commons the bill was extended to Northern Ireland. There have also been calls for it to be extended to Scotland.

The Post Office introduced the Horizon computer system into branches from 1999. The system, used for accounting and stock-taking, inaccurately recorded losses and money missing in branches. The Post Office was resistant to repeated assertions that the Horizon system was flawed and IT glitches were causing the issues. Between 2000 and 2014, the Post Office prosecuted over 730 individuals leading to bankruptcies, imprisonments and in some cases suicides. In 2019, following many years of repeated attempts to expose the problems, the High Court ruled that the original Horizon system had not been sufficiently robust and had suffered from a number of bugs and errors.

Several compensation schemes for the victims of the system have been established since the judgment, although none of these are accessible to those whose convictions have not been quashed. In April 2021, the Court of Appeal overturned the convictions of 39 postmasters whose cases had been referred by the Criminal Cases Review Commission (CCRC). The Horizon Compensation Advisory Board (HCAB) has argued that all of the affected sub-postmasters' convictions are unsafe and should be swiftly overturned. Over 900 convictions are associated with evidence from Horizon, including those prosecuted by the Post Office itself and other authorities. To date approximately 100 convictions have been overturned.

The bill has received cross-party support but is controversial as the quashing of convictions by Parliament is unprecedented. In addition, concerns about the scope of the bill have been raised. The bill would not include individuals whose convictions were previously upheld by the Court of Appeal.





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# I. Background

The Post Office is a limited company owned entirely by the government and overseen by the Department for Business and Trade (DBT).<sup>1</sup> As of March 2023, there were 11,684 post office branches open across the UK.<sup>2</sup> Of this number, 11,567 were run by independent postmasters/sub-postmasters and companies as franchises,<sup>3</sup> with only 117 branches run by Post Office Ltd.

## I.1 Horizon computer system

From 1999 the Post Office introduced the Horizon computer system into branches, with pilots from 1996.<sup>4</sup> The system was used for stock-taking, accounting and recording financial transactions. The provider of this original system was International Computers Limited (ICL). ICL was partly owned by Fujitsu and was fully incorporated within Fujitsu in 2001.

Following the introduction of Horizon, a number of sub-postmasters experienced difficulty with the system and errors were first reported as early as 2000.<sup>5</sup> In particular, the system made it appear as though money was missing from branches. Under the standard postmaster contract, individual sub-postmasters were responsible for any accounting shortfalls.<sup>6</sup>

Computer Weekly highlighted that by 2009, a number of sub-postmasters who had reported issues with Horizon were facing prosecution, bankruptcy and jail.<sup>7</sup> Sub-postmasters argued that the losses were caused by glitches in the IT system. The Post Office was resistant to this argument. As outlined in the explanatory notes to the bill, a range of penalties were imposed

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<sup>1</sup> More information about the structure and history of the Post Office is available in the House of Commons Library briefings '[The Post Office](#)' (18 October 2021) and '[Post office numbers](#)' (25 March 2024).

<sup>2</sup> Post Office, '[Network report 2023](#)', December 2023, p 8.

<sup>3</sup> The terms postmaster and sub-postmaster are used interchangeably by different sources. For example, the Post Office and the explanatory notes to the bill refer to postmasters, whilst the statutory Post Office Horizon IT Inquiry refers to sub-postmasters. This briefing uses both terms according to source material.

<sup>4</sup> Post Office, '[Horizon scandal: Frequently asked questions](#)', updated 1 May 2024.

<sup>5</sup> House of Commons Business, Energy and Industrial Strategy Committee, '[Post Office and Horizon: Compensation—interim report](#)', 17 February 2022, HC 1129 of session 2021–22, p 3.

<sup>6</sup> Computer Weekly, '[Former Post Office executive admits he wouldn't sign unfair contract he pushed on sub-postmasters](#)', 18 October 2023.

<sup>7</sup> Computer Weekly, '[Bankruptcy, prosecution and disrupted livelihoods: Postmasters tell their story](#)', 11 May 2009.



on sub-postmasters deemed to be at fault:

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 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.<sup>8</sup>

The majority of prosecutions were brought by the Post Office. The Post Office has no special authority to bring special private prosecutions. Instead, it used the powers in section 6(1) of the Prosecution of Offences Act 1985 to bring private criminal prosecutions. The right to bring private prosecutions in this way is available to companies and individuals in England and Wales.<sup>9</sup>

The Post Office did not engage private investigators or specialist lawyers to conduct prosecutions.<sup>10</sup> Instead it relied on its own internal investigators and lawyers to carry out the prosecutions of its sub-postmasters. This has led to concern about a lack of safeguards in situations where an organisation acts as both investigator and prosecutor in cases where it is also the alleged victim. The House of Commons Business and Trade Committee has described the Post Office acting as “judge, jury and executioner”.<sup>11</sup> The Horizon Compensation Advisory Board has been highly critical of the behaviour of Post Office employees carrying out investigations and prosecutions.<sup>12</sup>

As of April 2024, the Post Office had identified a total of 700 convictions in cases it prosecuted “in which Horizon evidence may have featured”.<sup>13</sup> This figure does not include prosecutions by other agencies, namely the Crown Prosecution Service (CPS), the

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<sup>8</sup> [Explanatory notes](#), p 2.

<sup>9</sup> Post Office, [‘Horizon scandal: Frequently asked questions’](#), updated 1 May 2024.

<sup>10</sup> House of Commons Justice Committee, [‘Private prosecutions: Safeguards’](#), 2 October 2020, HC 497 of session 2019–21, para 12.

<sup>11</sup> House of Commons Business and Trade Committee, [‘Post Office and Horizon redress: Instruction to deliver’](#), 7 March 2024, HC 477 of session 2023–24, p 4.

<sup>12</sup> Horizon Compensation Advisory Board, [‘Implications of the psychological effects on sub post-masters and mistresses of the behaviour of authorities’](#), March 2024, p 1.

<sup>13</sup> Post Office, [‘Horizon scandal: Frequently asked questions’](#), updated 1 May 2024.



Department for Work and Pensions (DWP), the Crown Office and Procurator Fiscal Service in Scotland, the Public Prosecution Service Northern Ireland and Royal Mail Group. The Post Office has said that it “is engaged with other prosecutors and has shared the limited historical records it holds on such prosecutions”.<sup>14</sup>

The government has estimated that in addition to the 700 convictions in cases prosecuted by the Post Office, a further 283 sub-postmasters were prosecuted by others based on Post Office evidence, totalling 983 convictions.<sup>15</sup> As at 24 February 2024, 103 of the total number of convictions had been overturned, including 10 cases in which the Post Office was not the prosecutor.<sup>16</sup>

## 1.2 Exposing issues with Horizon

Various attempts, predominantly driven by sub-postmasters, were made over a more than 20-year period to expose issues with the Horizon system. These are outlined in brief below.

- **2009:** The campaign group Justice for Sub-postmasters Alliance (JFSA) was established.<sup>17</sup> Members of the group argued that the Horizon accounting system was incorrectly showing sub-postmasters in some branches to be in arrears in their payments to the Post Office as a result of technical faults.
- **2012:** The Post Office set up an independent inquiry conducted by the accountancy company Second Sight.
- **2013:** An interim report highlighting faults in the Horizon system was published. The Post Office established a complaint review and mediation scheme to examine cases raised in the report. This scheme was closed to new applicants later that year. The JFSA argued there had not been enough opportunity for sub-postmasters to enter the scheme.
- **2015:** The mediation scheme was closed by the Post Office. The JFSA began legal action against the Post Office. The case involved a group of 555 people, most of whom were postmasters (individuals or companies). The JFSA took the Post Office to the High Court in a case managed using a group litigation order (GLO) made in March 2017.
- **2019:** On 11 December 2019, the Post Office and the sub-postmasters

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<sup>14</sup> Post Office, ‘[Horizon scandal: Frequently asked questions](#)’, updated 1 May 2024.

<sup>15</sup> House of Lords, ‘[Written question: Horizon IT system: Convictions \(HL2499\)](#)’, 28 February 2024.

<sup>16</sup> Post Office, ‘[Overturned convictions and compensation: Information on progress](#)’, accessed 7 May 2024.

<sup>17</sup> Justice for Sub-postmasters Alliance, ‘[About us](#)’, accessed 24 April 2024.



concerned announced they had reached an out-of-court settlement (the GLO settlement agreement) for £42.5mn plus costs. However, postmasters had to pay £31mn of the settlement to the company which had funded their action. The GLO settlement agreement also required the Post Office to create a compensation scheme for those postmasters who had not been party to the GLO legal action. This was implemented as the ‘Historic shortfall scheme’ (HSS), now renamed the ‘Horizon shortfall scheme’.

In the subsequent judgment on the Horizon issues, published on 16 December 2019, the High Court ruled that the original Horizon system had not been sufficiently robust and had suffered from a number of bugs and errors.<sup>18</sup> Among other findings, Mr Justice Fraser expressed concern about the Post Office’s conduct towards the claimants, its approach to evidence and its disclosure, and its resistance to objective scrutiny.<sup>19</sup>

In October 2020, the Post Office confirmed it would not contest the appeals of 44 out of 47 individuals against their convictions. In April 2021, the Court of Appeal overturned the convictions of 39 postmasters whose cases had been referred by the Criminal Cases Review Commission (CCRC), the independent body which looks into criminal cases where people have argued they have been wrongly convicted or sentenced. This followed the overturning of six other convictions in December 2020. Further convictions have since been overturned, taking the total to 103.<sup>20</sup>

The CCRC described the events as “the most widespread miscarriage of justice the CCRC has ever seen”.<sup>21</sup> Commenting on the events, the Post Office itself stated:

We are sincerely sorry for the devastating impact on so many lives and the priority of today’s Post Office is to ensure that victims receive justice and financial redress as swiftly as possible.<sup>22</sup>

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<sup>18</sup> [Bates v Post Office Ltd \[2019\] EWHC 3408](#).

<sup>19</sup> House of Commons Justice Committee, [‘Private prosecutions: Safeguards’](#), 2 October 2020, HC 497 of session 2019–21, para 7.

<sup>20</sup> Post Office, [‘Overturned convictions and compensation: Information on progress’](#), accessed 7 May 2024.

<sup>21</sup> Criminal Cases Review Commission, [‘Post Office/Horizon scandal’](#), accessed 24 April 2024.

<sup>22</sup> Post Office, [‘Horizon scandal: Context’](#), updated 24 April 2024.



### 1.3 Statutory inquiry

In February 2020 the then prime minister, Boris Johnson, committed to “getting to the bottom of the matter” of the problems caused by the Horizon system through the use of an independent inquiry.<sup>23</sup> The Post Office Horizon IT Inquiry was established in non-statutory form on 29 September 2020. It is led by retired high court judge Sir Wyn Williams. The inquiry was converted to a statutory inquiry on 1 June 2021.<sup>24</sup> The website for the inquiry summarises its purpose as follows:

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 sub-postmasters’ contracts, prosecution and conviction of sub-postmasters. 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). The inquiry will gather relevant evidence from affected persons, previous and current sub-postmasters and sub-postmistresses, Post Office Ltd, UK Government Investment (UKGI), Fujitsu, the Department for Business and Trade (DBT), amongst others. 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.<sup>25</sup>

Initially, the inquiry planned to make recommendations and submit its findings in autumn 2022. However, Sir Wyn has indicated these timings have changed in light of the substantial documentation to be considered by the inquiry.<sup>26</sup> An indicative timeline provided by the inquiry suggests that hearings will conclude in autumn 2024.<sup>27</sup>

### 1.4 Compensation schemes

A number of compensation schemes have been set up which seek to provide financial redress to convicted sub-postmasters. The schemes, and the oversight of them, are outlined in greater detail in the House of Lords Library briefing [‘Post Office \(Horizon System\) Compensation Bill’](#) (22 December 2023) and the Department for Business and Trade factsheet [‘Financial redress factsheet: Post Office \(Horizon System\) Offences Bill’](#) (30 April

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<sup>23</sup> [HC Hansard, 26 February 2020, col 315.](#)

<sup>24</sup> Post Office Horizon IT Inquiry, [‘About the inquiry’](#), accessed 25 April 2025.

<sup>25</sup> As above.

<sup>26</sup> Post Office Horizon IT Inquiry, [‘Terms of reference’](#), accessed 25 April 2024.

<sup>27</sup> Post Office Horizon IT Inquiry, [‘Public hearings timeline’](#), accessed 25 April 2024.



2024). In brief, the schemes are as follows:

- The '**Group Litigation Order (GLO) compensation scheme**', announced by the government in March 2022. The scheme is administered by the government and for those sub-postmasters who were part of the GLO settlement agreement. To be eligible individuals must not have been convicted. Claims from convicted sub-postmasters will be processed by the Post Office once the conviction has been overturned.<sup>28</sup> Individuals who were prosecuted but not convicted, or who received a caution, are eligible for the scheme. Those GLO members who were convicted and had their convictions quashed should use the OHCS (see below).
- The '**Horizon shortfall scheme (HSS)**', launched in May 2020. The Post Office is responsible for administering the scheme and sub-postmasters who had not been part of the GLO settlement are eligible. Eligibility criteria state that "your application and time with Post Office must not involve or relate to any criminal conviction(s)".<sup>29</sup>
- The '**Overtured historical conviction scheme (OHCS)**', announced on 22 July 2021. Payments are determined and administered by the Post Office. Both participants in the GLO and other sub-postmasters whose convictions relied on Horizon data and have been quashed are eligible. Those with convictions which have not been quashed are not eligible.

The schemes are overseen by the Horizon Compensation Advisory Board (HCAB), an independent advisory board of parliamentarians and academics. Originally established to advise ministers on how to manage delivery of the GLO scheme, in March 2023 the government expanded HCAB's remit to cover the historical shortfall scheme, sub-postmasters' suspension pay, and compensation for sub-postmasters with overturned convictions.<sup>30</sup>

HCAB contains two academics who are experts in the field of alternative dispute resolution and legal ethics. In addition, the panel includes two parliamentarians recognised for their past involvement in pursuing resolution of the Horizon scandal, Lord Arbuthnot of Edrom (Conservative, formerly Conservative MP for Wanstead and Woodford and for North East Hampshire) and Kevan Jones (Labour MP for North Durham). The panel does not have a role in individual cases but monitors the overall progress of the schemes. It is supported by a

<sup>28</sup> Department for Business and Trade, '[GLO compensation scheme guidance and principles](#)', 27 November 2023.

<sup>29</sup> Post Office, '[Historic shortfall scheme: Eligibility criteria](#)', October 2020.

<sup>30</sup> [HC Hansard, 23 March 2023, cols 468–9.](#)





DBT secretariat and officials.<sup>31</sup>

There have been a number of criticisms about the speed and complexity of compensation schemes, and of the Post Office's involvement in administering a number of them. See, for example:

- Post Office Horizon IT Inquiry, '[First interim report: Compensation](#)', 17 July 2023, HC 1749 of session 2022–23
- House of Commons Business and Trade Committee, '[Post Office and Horizon redress: Instruction to deliver](#)', 7 March 2024, HC 477 of session 2023–24
- Tax Policy Associates, '[Eight reasons why the Post Office compensation scheme is a scandal](#)', 3 June 2023

The Post Office (Horizon System) Offences Bill does not make provision for compensation, although by overturning convictions it would allow individuals to access the compensation schemes from which they are currently barred. The government has confirmed that the Post Office (Horizon System) Offences Bill will be followed by “the provision of a route to rapid financial redress” on a similar basis to the OHCS.<sup>32</sup> However, the government has confirmed that unlike the OHCS the DBT would be responsible for delivering the new ‘Horizon convictions redress scheme’.<sup>33</sup>

## 1.5 Convictions: Calls for redress

The Post Office provides a brief overview on its website of how the current process of appeals works:

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

<sup>31</sup> HM Government, '[Horizon Compensation Advisory Board](#)', accessed 29 April 2024.

<sup>32</sup> Department of Business and Trade, '[Financial redress factsheet: Post Office \(Horizon System\) Offences Bill](#)', updated 30 April 2024.

<sup>33</sup> Prime Minister's Office, '[Wrongful Post Office convictions to be quashed through landmark legislation](#)', 13 March 2024.



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).<sup>34</sup>

Further detailed information on how the appeals process works is included in the explanatory notes to the bill.<sup>35</sup>

On 14 December 2023, HCAB wrote to Lord Chancellor Alex Chalk calling for the convictions of all sub-postmasters to be overturned.<sup>36</sup> It noted that over 900 sub-postmasters were prosecuted during the Horizon scandal, with only 93 (at that time) convictions overturned.

HCAB argued the number of convictions overturned was relatively low because “the current approach is not working”.<sup>37</sup> It cited issues such as: the loss or destruction of evidence by the Post Office; individuals’ unwillingness to appeal given their understandable deep distrust of authority; Court of Appeal rules which impose limitations on the Post Office’s ability to concede cases; the unreliability of evidence about other Post Office-related systems (and DWP payments); and cases where the Post Office concludes that a retrial would not be in the public interest, so a conviction is overturned but the postmaster is denied full compensation and left with an implication of continued guilt. It concluded:

For these reasons we believe the only viable approach is to overturn all 900+ Post Office-driven convictions from the Horizon period. A small minority of these people were doubtless genuinely guilty of something. However, we believe it would be worth acquitting a few guilty people (who have already been punished) in order to deliver justice to the majority—which would not otherwise happen.<sup>38</sup>

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<sup>34</sup> Post Office, ‘[Assistance for appealing convictions](#)’, accessed 2 May 2024.

<sup>35</sup> [Explanatory notes](#), pp 5–6.

<sup>36</sup> Ministry of Justice, ‘[Letter to Lord Chancellor Alex Chalk from the Horizon Compensation Advisory Board ref Post Office convictions](#)’, 14 December 2023.

<sup>37</sup> As above.

<sup>38</sup> As above.



HCAB outlined some of the issues with the current system in a March 2024 research paper, '[Procedure for overturning convictions proposals](#)', which outlined the multiple stages of review necessary to overturn a conviction.<sup>39</sup> It has also been highly critical about the behaviour of Post Office employees seeking to secure a conviction. Another March 2024 research paper, '[Implications of the psychological effects on sub post-masters and mistresses of the behaviour of authorities](#)', noted:

There is extensive and growing evidence that those sub-postmasters and mistresses ('SPMs') who have been unjustly convicted of various offences following audit, investigation, interview, and prosecution by, or on behalf of, Post Office Limited ('POL') made false admissions or false guilty pleas, and did so because they felt afraid, that they had no choice, and were trying to avoid worse consequences being visited on them (typically prison). In many cases, SPMs took these steps in accordance with advice from their lawyers. They also took those decisions against a history of POL disbelieving them, and others, about their truthful account of Horizon shortfall errors; a process in itself likely to raise acute anxiety and vulnerability to pressure.<sup>40</sup>

The report also criticised the failure of the legal system to provide adequate safeguards. HCAB concluded "in short, the evidence supports a conclusion that many, if not all, of the SPMs' convictions are unsafe".<sup>41</sup>

On 19 December 2023, the minister responsible for postal services, Kevin Hollinrake, addressed the December 2023 correspondence from HCAB to the Lord Chancellor. During the passage of the Post Office (Horizon System) Compensation Bill, he confirmed that he had "already asked for legal advice on what more can be done in this area".<sup>42</sup> In early January 2024, the issue received greater public attention with the airing of the ITV drama [Mr Bates vs The Post Office](#).

On 10 January 2024, Prime Minister Rishi Sunak announced plans to legislate to "make sure that those convicted as a result of the Horizon scandal are swiftly exonerated and compensated".<sup>43</sup> Minister Kevin Hollinrake provided further detail in a written statement in

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<sup>39</sup> Horizon Compensation Advisory Board, '[Procedure for overturning convictions proposals](#)', 12 March 2024.

<sup>40</sup> Horizon Compensation Advisory Board, '[Implications of the psychological effects of sub post-masters and mistresses of the behaviour of authorities](#)', March 2024, p 1.

<sup>41</sup> As above.

<sup>42</sup> [HC Hansard, 19 December 2023, col 1314](#).

<sup>43</sup> [HC Hansard, 10 January 2024, col 288](#).



late February 2024, noting:

The government recognises the constitutional sensitivity and unprecedented nature of this legislation. The government is clear that 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 prosecutorial misconduct demands an exceptional response. We are keen to ensure that the legislation achieves its goal of bringing prompt justice to all of those who were wrongfully convicted as a result of the scandal, followed by rapid financial redress.<sup>44</sup>

## 1.6 Responses to the bill

Alan Bates, former sub-postmaster and campaigner behind the Justice for Sub-postmasters Alliance (JFSA), welcomed the bill, noting “it’s about time, this was the decent thing to do”.<sup>45</sup> These sentiments were shared by a number of former sub-postmasters.<sup>46</sup>

The announcement of the legislation received cross-party support. Leader of the Labour Party Keir Starmer stated that he was “glad that the prime minister is putting forward a proposal” and that “it is the job of all of us to make sure that it delivers the justice that is so needed”.<sup>47</sup>

Shadow Minister for Investment and Small Business Rushanara Ali later also welcomed the legislation, but expressed concerns about the territorial extent of the bill (as introduced it only applied to England and Wales), particularly with regard to the exclusion of Northern Ireland.<sup>48</sup>

Speaking for the SNP, Marion Fellows (SNP MP for Motherwell and Wishaw), chair of the APPG on the Post Offices, welcomed the announcement of the legislation but expressed disappointment that Northern Ireland and Scotland were not included in the bill.

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<sup>44</sup> House of Commons, ‘[Written statement: Post Office update \(HCWS283\)](#)’, 22 February 2024.

<sup>45</sup> Tom Witherow, ‘[Post Office scandal: Alan Bates hails move to quash postmasters’ convictions](#)’, Times (£), 10 January 2024.

<sup>46</sup> See for example, Jamie Grierson, ‘[What we’ve been calling for: Post Office operators welcome acquittal plan](#)’, Guardian, 10 January 2024.

<sup>47</sup> [HC Hansard, 10 January 2024, col 289.](#)

<sup>48</sup> [HC Hansard, 13 March 2024, cols 313–4.](#)



She argued:

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. Victims across these isles suffered enormously at the hands of a wholly reserved institution, so complete parity is essential.<sup>49</sup>

However, Sir Robert Neil, chair of the House of Commons Justice Committee, sounded a 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.<sup>50</sup>

Responding, Kevin Hollinrake noted “we agree this is unprecedented and undesirable, but we believe it is the least-worst option”.<sup>51</sup>

The Post Office has stated that 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. Our sole aim is that every victim receives, as soon as possible, the justice and redress that they have too long awaited.<sup>52</sup>

## 2. Bill provisions

The [Post Office \(Horizon System\) Offences Bill](#) was introduced into the House of Lords on 30 April 2024. It is due to receive its second reading on 13 May 2024. It has already passed the House of Commons. See section 4 below for an overview.

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<sup>49</sup> [HC Hansard, 13 March 2024, col 316.](#)

<sup>50</sup> [HC Hansard, 13 March 2024, col 317.](#)

<sup>51</sup> [HC Hansard, 13 March 2024, col 317.](#)

<sup>52</sup> Post Office, [‘Overturned convictions and compensation: Information on progress’](#), accessed 2 May 2024.



The bill is made up of 10 substantive clauses. The explanatory notes for the bill outline issues with the current methods of appeal to the courts:

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.

On 10 January 2024, the prime minister announced that the government would introduce new primary legislation to make sure that those convicted as a result of the Horizon scandal, widely described as the biggest miscarriage of justice in our history, have their convictions swiftly quashed and can be compensated. This bill gives effect to that commitment. [...] many postmasters and others who were wrongfully convicted but have not appealed through the courts are unable to access the compensation that they deserve. The bill will remove this barrier to access for those who are entitled to financial redress.<sup>53</sup>

The bill provides that convictions within the scope of the bill will be quashed directly by legislative means once the bill comes into force. It outlines conditions on the scope of the convictions based on who prosecuted the offences, where the convictions were made and what offences the convictions were for. The bill would not include offences prosecuted by the Department for Work and Pensions (DWP) or by the Crown Office and Procurator Fiscal Service in Scotland.

The scope of the bill does not include convictions where permission to appeal has been refused or where an appeal has been dismissed.

The bill also makes provision for cautions for relevant offences in Northern Ireland and in England and Wales to be deleted. Cautions are not ordered by a court and are therefore not “quashed” in the same way as convictions or recorded in the same way.

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<sup>53</sup> [Explanatory notes](#), p 3.



## 2.1 Clause 1

Clause 1 would provide for the quashing of convictions for “relevant offences” which:

- were made in England and Wales or Northern Ireland
- were prosecuted by the Post Office, Crown Prosecution Service, Police Service of Northern Ireland or the Public Prosecution Service for Northern Ireland
- have not been considered by the Court of Appeal in England and Wales or Northern Ireland
- took place before the act comes into force

Subsection 2 applies these provisions to convictions in England and Wales, while subsection 3 applies them to convictions in Northern Ireland. The clause also outlines where in the bill certain terms are defined or explained. A government factsheet on the bill explains the reasoning behind the territorial extent of the bill:

Parliament has expanded the scope of the bill to Northern Ireland, as it has become apparent that the Northern Ireland Executive cannot rapidly legislate to overturn the convictions of postmasters in Northern Ireland. This would mean that postmasters in Northern Ireland could have their convictions quashed significantly later than those in England and Wales, which would be unfair.

The approach for overturning the convictions in Scotland is most appropriately determined, delivered, and scrutinised by the Scottish government and the Scottish Parliament. Scotland has an historically separate legal jurisdiction to England and Wales, and the Lord Advocate and Crown Office and Procurator Fiscal Service had a unique role in respect of prosecutions in Scotland. Additionally, the Scottish government do not have the same kind of obligations to consult on new legislation as in Northern Ireland or challenges resulting from the Northern Ireland Assembly not sitting for nearly two years which cause delay in that jurisdiction.<sup>54</sup>

The bill would not include prosecutions brought by the DWP. Postal Affairs Minister Kevin Hollinrake has argued that Horizon evidence in these convictions was corroborative rather

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<sup>54</sup> Department for Business and Trade, [‘Bill overview factsheet: Post Office \(Horizon System\) Offences Bill’](#), 30 April 2024.



than essential to the cases.<sup>55</sup> He noted that no DWP convictions had been quashed to date. Those sub-postmasters with a prosecution stemming from a DWP conviction would need to use existing Court of Appeal processes.<sup>56</sup>

## 2.2 Clause 2

Clause 2 defines the meaning of the term “relevant offence”. Subsection 1 provides that certain conditions, outlined in subsections 2–6, must all be satisfied in order for a conviction to be quashed. These are:

- Condition A relates to the timeframe in which the offence occurred. To meet the condition the offence must have been committed between 23 September 1996 and 31 December 2018, covering the period of the Horizon scandal, including the Horizon pilot (subsection 2).
- Condition B is that the offence is one of the following: false accounting, fraud, handling stolen goods, money laundering, theft, or an ancillary offence (subsection 3).
- Condition C requires that at the time the offence occurred, the convicted person was carrying on a post office business or working for the purposes of such a business (subsection 4).
- Condition D is that the person was alleged to have committed the offence in connection with carrying on or working for the purposes of that post office business. (subsection 5).
- Condition E is that, at the time of the alleged offence, the Horizon system was being used for the purposes of that post office business (subsection 6).

Subsection 7 defines the offences listed in condition B, namely false accounting, fraud, handling stolen goods, money laundering, theft and ancillary offences.

During committee stage of the bill in the House of Commons, Postal Affairs Minister Kevin Hollinrake confirmed that Pathway, a pilot version of Horizon, was included in the scope of the bill and the dates in the bill aligned with Post Office information that Pathway began on 23 September 1996.<sup>57</sup> A previous system, Capture, which was rolled out from 1992 and was

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<sup>55</sup> House of Commons, [‘Written statement: Post Office update \(HCWS283\)’](#), 22 February 2024.

<sup>56</sup> As above.

<sup>57</sup> [HC Hansard, 29 April 2024, col 94.](#)





not a linked or networked system like Horizon, is not included in the scope of the bill. At committee stage the minister confirmed that the DBT had “set in train the process of appointing an independent forensic investigator to look into the Capture software”.<sup>58</sup>

### 2.3 Clause 3

Clause 3 provides for determining whether a conviction has been considered by the Court of Appeal. Convictions already considered by the Court of Appeal in England and Wales or in Northern Ireland are not within the scope of the bill.

Subsections 2–4 outline that where one of the following applies, convictions are not affected by the bill:

- the Court of Appeal has dismissed an appeal against the conviction (subsection 2)
- the Court of Appeal has refused leave to appeal against a conviction (subsection 3), or
- an appeal has been considered and refused by a single judge of the Court of Appeal, and the Court of Appeal has not subsequently given leave to appeal against the conviction (subsection 4)

The explanatory notes highlight that in cases where applications and appeals have been abandoned, the bill will apply and convictions will be quashed. This will also be the case where applications have been made for permission to appeal a conviction but have not yet been determined, and for appeals which are in progress and have not yet been determined.<sup>59</sup>

Subsection 5 provides that nothing in the bill would prevent a further appeal against conviction that has been considered by the Court of Appeal. Subsection 6 includes definitions of the Court of Appeal in England and Wales and in Northern Ireland.

### 2.4 Clause 4

Clause 4 details the process for the identification of convictions quashed by clause 1, amending the records of those convictions and notifying relevant individuals. Subsection 2 defines an “appropriate authority”.

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<sup>58</sup> [HC Hansard, 29 April 2024, col 93](#).

<sup>59</sup> [Explanatory notes](#), p 8.



The clause places a duty on the appropriate authority to take all reasonable steps to identify convictions to which clause 1 applies, and where this is the case to notify the convicting court. Subsection 4 places a duty on the convicting court to update its record of conviction “as soon as is reasonably practicable”.

The clause places a further duty on appropriate authorities to notify the relevant person that their conviction has been quashed. Subsection 6 places a duty on an appropriate authority to consider representations made by the person to whom the conviction relates, or another person on their behalf, that a conviction the authority has not identified does fall within the scope of clause 1. As outlined in the explanatory notes:

This will ensure that where an individual’s conviction is not identified by the appropriate authority under 4(1), but the individual believes that their conviction meets the conditions set out in clause 2, the appropriate authority is obliged to consider representations made on behalf of that individual that their conviction so meets the conditions and should therefore be considered as one to which clause 1 applies.<sup>60</sup>

## 2.5 Clause 5

Clause 5 includes provisions relating to the deletion of cautions for relevant offences in England and Wales. It would require the secretary of state, once they become aware of cautions for relevant offences issued before the bill comes into force, to notify the police in order to ensure that records showing the caution are amended administratively. Subsection 5(2) provides that the police must delete the details of the caution as soon as reasonably practicable after receiving that notification.

Subsections 3 and 4 provide for the notification of relevant persons and information about cautions provided by persons other than the individual cautioned for the relevant offence. These provisions are similar to those found in clause 4.

## 2.6 Clause 6

Clause 6 relates to the deletion of cautions for relevant offences in Northern Ireland from the official record, where the Department of Justice in Northern Ireland becomes aware of them. It also provides for notification of affected individuals similar to clauses 4 and 5.

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<sup>60</sup> [Explanatory notes](#), p 9.



## 2.7 Clause 7

Clause 7 provides for consequential provision. It includes provision that, aside from requirements for the identification and notification detailed in clause 4, a person whose conviction is quashed is to be treated as if, on the day the bill comes into force, the conviction had been quashed by the Court of Appeal.

This does not apply to convictions quashed for the purposes of paragraph 7(9) of schedule 3 to the Crime and Disorder Act 1998. This means that, unlike when a conviction for an indictable offence is quashed by the Court of Appeal and convictions for any related summary offences are set aside, where a conviction on indictment is quashed by the bill, no related summary convictions would be quashed unless they were also convictions to which clause 1 applies.

The clause also includes provision for convictions quashed to be treated as “convictions quashed on an appeal out of time” for the purposes of section 133 of the Criminal Justice Act 1988, which deals with eligibility for compensation for miscarriages of justice. This means that an individual whose conviction is quashed by the provisions in the bill is not excluded from compensation for miscarriages of justice.

## 2.8 Clause 8

Clause 8 provides a power to the secretary of state to make further consequential provision by amending or modifying primary or secondary legislation which is not a “transferred Northern Ireland provision” (defined in clause 9). 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 the act of parliament in the same way as they do to convictions quashed by a court of appeal.<sup>61</sup>

Subsection 4 outlines how the regulations may be made and what they might include. Subsection 5 requires that regulations amending primary legislation should be subject to the affirmative procedure in Parliament, meaning both Houses of Parliament would have to actively approve them. Subsection 6 specifies that all other regulations made by the clause would be subject to the negative procedure, meaning ministers could sign them into law and

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<sup>61</sup> [Explanatory notes](#), p 11.



they would remain law unless rejected by either House of Parliament within 40 sitting days.

## **2.9 Clause 9**

Clause 9 provides for the Department of Justice in Northern Ireland to make further consequential provision for transferred Northern Ireland provisions. The clause defines these as provisions within the legislative competence of the Northern Ireland Assembly and not requiring the consent of the secretary of state under section 8 of the Northern Ireland Act 1998. Subsections 5–7 detail how the regulations are to be made.

## **2.10 Clause 10**

Clause 10 provides interpretations and definitions of several terms used in the bill, including cautions, convictions, the Horizon system and the Post Office. Subsection 2 details provisions which do not apply for the purposes of the bill, for example section 82 of the sentencing code. Subsection 3 notes that nothing in the bill is to be taken as affecting the powers of any court to quash a conviction to which the bill does not apply.

## **2.11 Clause 11**

Clause 11 details the provisions relating to commencement and territorial extent. The bill would come into force on the day it is passed. The bill extends to England and Wales and Northern Ireland. Clause 5 (Deletion of cautions in England and Wales) has no application in Northern Ireland and clauses 6 and 9 (deletion of cautions in Northern Ireland and the power of the Department of Justice in Northern Ireland to make consequential provisions) have no application in England and Wales.

## **2.12 Clause 12**

Clause 12 establishes the bill's short title.

# **3. Judicial and constitutional issues**

Concerns about the unprecedented nature of using primary legislation to overturn criminal



convictions have been raised since the original HCAB correspondence calling for this course of action.<sup>62</sup>

Giving evidence to the House of Commons Justice Committee on 16 January 2024, Lady Chief Justice Carr argued that both she and the judiciary shared the concern about the “deeply troubling” miscarriage of justice seen in the Horizon scandal. However, she stated:

It is not news for the judiciary because, after two years of robust and fearless case management, the High Court delivered the judgment in 2019 that forms the foundation of the ability to overturn these convictions. 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.<sup>63</sup>

In a February 2024 letter to the House of Lords Constitution Committee, Lord Chancellor Alex Chalk recognised the “constitutional sensitivity and unprecedented nature of the legislation”, commenting “this is an exceptional response to an exceptional situation”.<sup>64</sup> He noted:

The government is clear that 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 prosecutorial misconduct means this is an unprecedented situation that demands an unprecedented response. We are keen to ensure that the legislation achieves its goal of bringing prompt justice to all of those who were wrongfully convicted as a result of the scandal, followed by rapid financial redress.<sup>65</sup>

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<sup>62</sup> Further constitutional background and details of precedent are included in the House of Commons Library briefing ‘[Post Office \(Horizon System\) Offences Bill](#)’, 18 March 2024, pp 35–40.

<sup>63</sup> House of Commons Justice Committee, ‘[Oral evidence: Work of the Lady Chief Justice](#)’, 16 January 2024, HC 466 of session 2023–24, Q4.

<sup>64</sup> House of Lords Constitution Committee, ‘[Letter from Lord Chancellor Alex Chalk and Kevin Hollinrake MP ref update on Post Office convictions legislation](#)’, 22 February 2024, p 1.

<sup>65</sup> As above.



Giving evidence to the House of Lords Constitution Committee in March 2024, the Lord Chancellor conceded that “legal opinion is split on this. I have spoken to very senior lawyers, practitioners and others; it is fair to say that there are differences of view”.<sup>66</sup> However, he noted:

Anybody who cares about the system has misgivings and we seek to tread carefully. I will make a final point [...]. Where the Court of Appeal has specifically considered matters and upheld the convictions, my present view is that we ought not to stray into that territory. On balance, given the unique circumstances, making crystal clear that this is not a precedent, this is the right way to proceed.<sup>67</sup>

The House of Commons Justice Committee took evidence on the bill from a range of legal experts on 16 April 2024.<sup>68</sup> Sir Robert Neil, chair of the committee, wrote to Secretary of State for Business and Trade Kemi Badenoch on 24 April 2024. Summarising the key findings of the evidence session he outlined committee concerns relating to the issues of separation of powers and the scope of the bill:

The first point that we wish to raise relates to the separation of powers. The explanatory notes to the bill state that the conditions in clause 2 are “intended to be unambiguous and capable of being applied without any element of judgment or discretion” (para 23). During the evidence session, the witnesses raised doubts as to whether the conditions in clause 2 were in fact unambiguous, for example Joshua Rozenberg told us “There are bound to be borderline cases [...] where officials are going to have to take a decision and make a recommendation to the secretary of state”. [...]

The second point concerns the bill’s exclusion of convictions that have been considered by the Court of Appeal. All the witnesses that appeared before the committee agreed that it was unfair for the bill to take a restrictive approach to excluding convictions considered by the Court of Appeal when the bill takes an expansive approach elsewhere, such as quashing convictions even if Horizon evidence did not form part of the prosecution.<sup>69</sup>

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<sup>66</sup> House of Lords Constitution Committee, [‘Corrected oral evidence: Annual evidence session with the Lord Chancellor’](#), 20 March 2024, Q2.

<sup>67</sup> As above.

<sup>68</sup> House of Commons Justice Committee, [‘Oral evidence: Post Office \(Horizon System\) Offences Bill’](#), 16 April 2024, HC 684 of session 2023–24, Q1–63.

<sup>69</sup> House of Commons Justice Committee, [‘Letter to Secretary of State for Business and Trade Kemi Badenoch ref Post Office \(Horizon System\) Offences Bill oral evidence session on 16 April 2024’](#), 24 April 2024.



The following material includes further information on this subject:

- House of Commons Justice Committee, '[Oral evidence: Post Office \(Horizon System\) Offences Bill](#)', 16 April 2024, HC 684 of session 2023–24, Q1–63
- Institute for Government, '[Explainer: The Post Office \(Horizon System\) Offences Bill](#)', 14 March 2024
- David Allen Green, '[Why legislating to acquit Horizon victims may be unnecessary in practice and wrong in principle](#)', Prospect, 18 January 2024
- Robert Craig, '[The constitutional implications of legislating to exonerate the Post Office sub-postmasters](#)', UK Constitutional Law Association, 16 January 2024

## 4. Scrutiny in the House of Commons

The bill was introduced into the House of Commons on 13 March 2024. It received its second reading on 20 March 2024. The bill was considered in a committee of the whole House on 29 April 2024 and completed its remaining stages the same day.

During committee stage the government sponsored amendments to the bill to extend its territorial extent to Northern Ireland. The SNP sought to extend the bill to Scotland but this was negated on division. During the bill's passage in the House of Commons, MPs expressed hope "the other place" would examine several issues, namely: including Scotland in the territorial extent of the bill and increasing the bill's scope to include convictions of individuals who were refused leave to appeal or whose appeal was dismissed.

### 4.1 Second reading

The bill received its second reading on 20 March 2024. Introducing the bill, Secretary of State for Business and Trade Kemi Badenoch described the bill as a crucial step in delivering justice to victims of "one of the greatest miscarriages of justice in our nation's history".<sup>70</sup>

Ms Badenoch emphasised the exceptional nature of the legislation, stressing:

[...] it will be Parliament, not the government, that is overturning the convictions, so there will be no intrusion by the executive into the proper role of the judiciary. [...]

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<sup>70</sup> [HC Hansard, 20 March 2024, col 956.](#)



this legislation does not set any kind of precedent for the future. It recognises that an extraordinary response has been necessitated by an extraordinary miscarriage of justice.<sup>71</sup>

The bill was welcomed by Shadow Secretary of State Jonathan Reynolds, who argued that while he recognised “the difficult legal and constitutional position it represents” he believed the bill was required. He stressed the exceptional nature of the circumstances that required the legislation, noting that no precedents should be set through the legislation and “any incoming Labour government would never use this kind of action again”.<sup>72</sup>

The chair of the Justice Committee, Sir Robert Neill (Conservative MP for Bromley and Chislehurst), also stressed the sensitive constitutional nature of the bill, arguing that Parliament should only “trespass on the legitimate preserves of the independent courts” in exceptional circumstances.<sup>73</sup> He felt that “this is one of those instances”, but suggested a sunset clause limiting the bill would be appropriate to remove the “constitutional anomaly” from the statute book.<sup>74</sup>

Several MPs discussed the territorial extent of the proposed legislation. Ian Paisley (DUP MP for North Antrim) appealed to ministers to “listen to cross-party representations” to include Northern Ireland in the scope of the bill. Stephen Farry (Alliance MP for North Down) stressed the political consensus in favour of this action. He noted the nature of devolution in Northern Ireland required there to be a public consultation prior to the replication of any Westminster legislation, leading to delay. He added that “in the best-case scenario we are looking [at this happening] well towards the end of this year”.<sup>75</sup> Sammy Wilson (DUP MP for East Antrim) echoed these concerns, noting that the first minister, deputy first minister and justice minister from the Northern Ireland Executive had all expressed support for extending the territorial extent of the bill.<sup>76</sup> Speaking for Labour, Jonathan Reynolds supported the inclusion of Northern Ireland in the bill. He noted that “when all the political parties in Northern Ireland are in agreement on something, it is usually worth listening and understanding why that might be the case”.<sup>77</sup>

A number of MPs also called for the legislation to extend to Scotland. Chair of the APPG on

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<sup>71</sup> [HC Hansard, 20 March 2024, cols 962–3.](#)

<sup>72</sup> [HC Hansard, 20 March 2024, col 967.](#)

<sup>73</sup> [HC Hansard, 20 March 2024, col 959.](#)

<sup>74</sup> [HC Hansard, 20 March 2024, col 959.](#)

<sup>75</sup> [HC Hansard, 20 March 2024, col 961.](#)

<sup>76</sup> [HC Hansard, 20 March 2024, col 992.](#)

<sup>77</sup> [HC Hansard, 20 March 2024, col 969.](#)





Post Offices Marion Fellows (SNP MP for Motherwell and Wishaw) declared she was “deeply disappointed that Scotland was left out of the bill”, arguing that extending it to Scotland was supported by the Scottish government and would be best for the victims of the scandal in Scotland.<sup>78</sup> In contrast Alistair Carmichael (Liberal Democrat MP for Orkney and Shetland) did not support the inclusion of Scotland in the bill. He pointed to the remarks of the Lord Advocate in Scotland about the need to consider each case carefully.<sup>79</sup> He argued that the lines of political accountability through the Scottish government and Crown Office offered a rational basis for the bill not being extended to Scotland.<sup>80</sup> HCAB member Kevan Jones (Labour MP for North Durham) expressed “less sympathy with the idea of including Scotland in the bill”, pointing to the differing legal system in Scotland and the possibility of the Scottish government introducing legislation.<sup>81</sup>

The chair of the House of Commons Business and Trade Committee, Liam Byrne (Labour MP for Birmingham, Hodge Hill), called for the scope of the bill to be enlarged. He noted that the bill excluded individuals who went to the Court of Appeal and lost, or who were not given leave to appeal.<sup>82</sup> The point was echoed by Kevan Jones who, though welcoming the bill as “historic”,<sup>83</sup> noted:

[...] we have to get those cases looked at again, because evidence has come out in the Sir Wyn Williams inquiry that was not available at the time. Will the secretary of state commit to at least sit down with the judiciary to look at these cases and emphasise the fact that there is new information, and that responsibility for some of this injustice has got to lie with the justice system?<sup>84</sup>

He argued that the number of individuals impacted would be in single figures and while he was “not criticising the government for not including these individuals [...] we need to look at them”.<sup>85</sup> Sammy Wilson also felt that the cases “should not be ignored”.<sup>86</sup> Responding to these calls, Ms Badenoch argued that the priority in passing the bill was to make exoneration “simple and quick” for the majority of affected people. She added “that does not mean we will not be able to look at other scenarios later and see if we can find solutions”.<sup>87</sup>

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<sup>78</sup> [HC Hansard, 20 March 2024, col 977.](#)

<sup>79</sup> [HC Hansard, 20 March 2024, col 998.](#)

<sup>80</sup> [HC Hansard, 20 March 2024, col 996.](#)

<sup>81</sup> [HC Hansard, 20 March 2024, col 987.](#)

<sup>82</sup> [HC Hansard, 20 March 2024, col 957.](#)

<sup>83</sup> [HC Hansard, 20 March 2024, col 983.](#)

<sup>84</sup> [HC Hansard, 20 March 2024, col 958.](#)

<sup>85</sup> [HC Hansard, 20 March 2024, col 987.](#)

<sup>86</sup> [HC Hansard, 20 March 2024, col 992.](#)

<sup>87</sup> [HC Hansard, 20 March 2024, col 959.](#)



The bill was read for a second time and committed to a committee of the whole House.<sup>88</sup>

## 4.2 Remaining stages in the House of Commons

The House of Commons considered the bill's remaining stages on 29 April 2024.

Before the beginning of committee stage the Commons considered instructions to the committee about the territorial extent of the bill.<sup>89</sup> As introduced the bill was confined by its long title to England and Wales. Therefore, amendments relating to Scotland or Northern Ireland could only be selected in committee if the House of Commons first passed an instruction allowing the committee to consider such amendments.

The question “that it be an instruction to the committee on the Post Office (Horizon System) Offences Bill that it has power to make provision in the bill for it to extend to Northern Ireland” was put and agreed to without division.<sup>90</sup>

Marion Fellows, chair of the APPG on Post Offices, moved a further instruction to the committee which would have extended the provisions in the bill to Scotland. She argued it was “absolutely disgraceful” that Scottish sub-postmasters would not be able to get justice at the same time as those in England and Wales and in Northern Ireland.<sup>91</sup> Patricia Gibson (SNP MP for North Ayrshire and Arran) argued it “looks like petty partisanship” to not include Scotland,<sup>92</sup> while Gavin Newlands (SNP MP for Renfrewshire North) described the government as “utterly shameful” for “denying my constituent the justice she deserves”.<sup>93</sup>

Responding for the government, Postal Affairs Minister Kevin Hollinrake argued that the Scottish government should introduce its own legislation to quash convictions, stating:

Scotland has a historically separate legal jurisdiction, and the Lord Advocate and the Crown Office and Procurator Fiscal Service have a unique role in prosecutions in Scotland. We feel it is more appropriate for the Scottish government to bring forward proposals to address prosecutions on this matter in Scotland, and for those to be

<sup>88</sup> [HC Hansard, 20 March 2024, col 1009.](#)

<sup>89</sup> [HC Hansard, 29 April 2024, cols 65–82.](#)

<sup>90</sup> [HC Hansard, 29 April 2024, col 65.](#)

<sup>91</sup> [HC Hansard, 29 April 2024, col 68.](#)

<sup>92</sup> [HC Hansard, 29 April 2024, col 66.](#)

<sup>93</sup> [HC Hansard, 29 April 2024, col 66.](#)



scrutinised by the Scottish Parliament. The first minister has previously made public comments suggesting that the UK government's approach to the criteria in our legislation was too broad in relation to the convictions it would quash.<sup>94</sup>

For Labour, shadow minister Rushanara Ali agreed with the government's position, stating:

In a context where, as I have said, there is disagreement between the judiciary and the legislature in Scotland, we believe it is not appropriate for the United Kingdom Parliament to overrule the Scottish judiciary. It should be for Holyrood to make that call and pass a mirror bill. Therefore, we intend to abstain on this motion to include Scotland.<sup>95</sup>

The instructions to include Scotland in the bill were negated on division by 265 votes to 42.<sup>96</sup>

#### **4.2.1 Committee stage**

During committee stage the government made several amendments to the bill to extend its territorial extent to Northern Ireland. The government also amended clause 1 to specify that only convictions occurring prior to the bill coming into force would be considered.

The issues of including Scotland in the territorial extent of the bill and increasing the scope of the bill to include convictions of individuals who were refused leave to appeal or whose appeal was dismissed were highlighted again during the debate. MPs expressed hope that "the other place" would examine these concerns when the bill reached the House of Lords.

Speaking on Northern Ireland, Kevin Hollinrake argued that the government recognised that there were specific circumstances in Northern Ireland "that would have delayed the exoneration and compensation to those individuals".<sup>97</sup> He said that this had led to the government acting as it had to extend the bill. The move was welcomed by a number of MPs representing constituencies in Northern Ireland, such as Jim Shannon (DUP MP for Strangford) and Ian Paisley (DUP MP for North Antrim). Government amendments to

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<sup>94</sup> [HC Hansard, 29 April 2024, col 70.](#)

<sup>95</sup> [HC Hansard, 29 April 2024, col 72.](#)

<sup>96</sup> [HC Hansard, 29 April 2024, cols 81–2.](#)

<sup>97</sup> [HC Hansard, 29 April 2024, col 86.](#)



extend the bill's provisions to Northern Ireland were passed without division.<sup>98</sup>

Several members raised issues about the bill's scope and the decision to exclude individuals who had been refused leave to appeal or whose appeals had been dismissed. Sir Robert Neill, chair of the Justice Committee, argued that he had changed his mind on the issue following expert evidence that the committee had received. He stressed:

The point that needs to be emphasised is that we have perhaps not appreciated that, in cases where convictions were upheld by the Court of Appeal, it applied a narrower test to the relevance of the Horizon evidence. In Hamilton and related cases, it said that the test was whether the Horizon evidence was essential to the conviction. We do not apply that test as a result of a policy decision.

That could lead to a bizarre situation whereby someone who did not get to the Court of Appeal because the Criminal Cases Review Commission did not refer the case would have their conviction quashed, whereas someone who the commission thought had an arguable case and who went to the Court of Appeal but who was rejected on a narrower test than Parliament is now creating would not benefit from having their conviction quashed. That is the unfairness that we need to think a little more about.<sup>99</sup>

Labour MP for North Durham Kevan Jones also raised the issue, noting:

I understand the nervousness around Court of Appeal cases not being included in the bill. We need to find a mechanism for dealing with such cases. Given what has come out of the inquiry in the past few weeks, evidence is now in the public domain that possibly was not available to people when they brought their cases forward. I accept that some parts of the judiciary feel nervous about the approach. The minister, the Justice Committee and the Business and Trade Committee need to sit down with government law officers to look at ways in which we can at least look at some of those cases.<sup>100</sup>

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<sup>98</sup> [HC Hansard, 29 April 2024, cols 107–12.](#)

<sup>99</sup> [HC Hansard, 29 April 2024, col 87.](#)

<sup>100</sup> [HC Hansard, 29 April 2024, col 103.](#)



Responding, Kevin Hollinrake contended that the exclusion of these convictions was “striking the right balance”.<sup>101</sup> He argued:

We recognise that this approach may leave a small number of individuals concerned about the way forward for their cases. In cases where the Court of Appeal has upheld a conviction, the usual routes of appeal remain available to them. Those affected can apply to the Criminal Cases Review Commission, which can review their cases.<sup>102</sup>

Liam Byrne, chair of the Business and Trade Committee, proposed amendments which would require the secretary of state to include details of available financial redress in notifications to individuals whose convictions were quashed. Kevin Hollinrake confirmed that such information would be included in the notifications, and so the amendments were not required.<sup>103</sup> Mr Byrne subsequently withdrew his amendments.<sup>104</sup>

Kevan Jones, raised the issue of Pathway, a pilot system used prior to the introduction of Horizon.<sup>105</sup> Responding to an amendment on this issue for the government, Kevin Hollinrake was “happy to reassure” Mr Jones that Pathway was included in the scope of the bill.<sup>106</sup> He stressed the dates in the legislation “are deliberately aligned with the roll-out of Pathway, which we understood from the Post Office to have begun on 23 September 1996”.<sup>107</sup> Mr Jones withdrew his amendment stating he was “quite convinced by the minister’s assurance”.<sup>108</sup>

Mr Jones also raised the issue of Capture, a Post Office computer system which was rolled out from 1992. Unlike Horizon the system was not a linked or networked system. Capture is not included in the scope of the bill. Mr Jones argued that “it is quite clear that there were huge troubles, with it generating shortfalls”.<sup>109</sup> He confirmed that he had passed Kevin Hollinrake a substantial amount of evidence about the system which was currently being looked at. The minister confirmed that the DBT had “set in train the process of appointing an independent forensic investigator to look into the Capture software”.<sup>110</sup>

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<sup>101</sup> [HC Hansard, 29 April 2024, col 87.](#)

<sup>102</sup> [HC Hansard, 29 April 2024, col 88.](#)

<sup>103</sup> [HC Hansard, 29 April 2024, col 89.](#)

<sup>104</sup> [HC Hansard, 29 April 2024, col 97.](#)

<sup>105</sup> [HC Hansard, 29 April 2024, col 100.](#)

<sup>106</sup> [HC Hansard, 29 April 2024, col 94.](#)

<sup>107</sup> [HC Hansard, 29 April 2024, col 94.](#)

<sup>108</sup> [HC Hansard, 29 April 2024, col 100.](#)

<sup>109</sup> [HC Hansard, 29 April 2024, col 101.](#)

<sup>110</sup> [HC Hansard, 29 April 2024, col 93.](#)



### 4.3 Third reading

Opening the third reading debate Secretary of State for Business and Trade Kemi Badenoch argued that the “significant” bill would bring “much needed relief and closure to those caught up in one of the greatest miscarriages of justice in our nation’s history”.<sup>111</sup> She praised the “unanimous consensus” with the provisions of the legislation and thanked opposition parties for their “constructive and supportive approach” to the bill.

Speaking for Labour, Shadow Minister for Investment and Small Business Rushanara Ali supported the extension of the bill to Northern Ireland.<sup>112</sup> She also welcomed minister Kevin Hollinrake’s assurances regarding the Pathway Horizon pilot and the Capture IT system.

For the Liberal Democrats, Alistair Carmichael, the party’s spokesperson on justice matters, also supported the bill. He praised the work of MPs such as Kevin Hollinrake, Kevan Jones and Marion Fellows for their work in addressing the scandal, also expressing hope that the Scottish government would also be able to legislate on the matter.<sup>113</sup>

HCAB member Kevan Jones welcomed the legislation. He argued the bill was “historic, unique and very controversial” noting that although the HCAB had proposed the solution for dealing with convictions, they did not expect it to be accepted.<sup>114</sup>

Third reading of the bill was agreed without division.<sup>115</sup>

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<sup>111</sup> [HC Hansard, 29 April 2024, col 112.](#)

<sup>112</sup> [HC Hansard, 29 April 2024, col 113.](#)

<sup>113</sup> [HC Hansard, 29 April 2024, col 114.](#)

<sup>114</sup> [HC Hansard, 29 April 2024, col 116.](#)

<sup>115</sup> [HC Hansard, 29 April 2024, col 118.](#)

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