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Convener

Criminal Justice Committee

Scottish Parliament

Edinburgh EH99 1SP

20 May 2024

POST OFFICE (HORIZON SYSTEM) OFFENCES (SCOTLAND) BILL

Dear Convener

As you know, the Scottish Government introduced the Post Office (Horizon System) Offences (Scotland) Bill on 14 May and I am grateful to the Scottish Parliament for its support for the motion to treat this as an emergency Bill. The Bill seeks to ensure parity of treatment for sub-postmasters in Scotland with those across the rest of the UK given that Scotland was the only part of the United Kingdom not included in the UK Government's Post Office (Horizon System) Offences Bill.

The Bill's proposals mirror those of the UK Government in allowing sub-postmasters with convictions for relevant offences in Scotland, as defined in the Bill, to have their convictions quashed in Scotland the day after Royal Assent is obtained. The Scottish Ministers will be required to take reasonable steps to identify those convictions and to notify the person and the court that the conviction has been quashed. A person whose conviction has been quashed will then have access to the UK Government redress scheme. There is also provision to ensure that the Scottish Ministers can instruct the amendment of records for those who received alternatives to prosecution for a relevant offence.

My aim is to achieve parity for Scottish sub-postmasters with their counterparts across the rest of the UK. I am sure this is a desire shared by Parliament and Members would want us to do all we can to achieve this.

As a result, Scottish legislation needs to be in place as soon as possible after the UK Bill is passed — but only after its final form is known. This ensures we will be able to respond and take account of any amendments that are made to the UK legislation that are necessary or appropriate for our legislation.

The UK legislation is proceeding through Westminster, but we do not yet have the final timetable for that and amendments can still be made to the Bill in the House of Commons and Lords. So whilst I am clear that the Scottish Bill must progress quickly - which is why we asked Parliament to allow for this Bill to be treated as an Emergency Bill and Stages 1 and 2 are timetabled for this week - we cannot conclude Stage 3 until it is clear that there are no amendments to the UK Bill that we would need to also reflect in the Scottish Bill.

However, in order to make as much progress as possible it is my intention to seek to hold the amending part of Stage 3 before the UK Bill passes, but for the “as passed” Stage 3 debate to be held only once the UK Bill concludes.

I am therefore committed to asking the Parliament to timetable the amending part of Stage 3 in June following at least initial amending stages in the House of Lords.

The alternative would be potentially needing to bring forward another Bill in summer to reflect any last-minute changes and I do not want to risk that by rushing to conclude Stage 3.

I very much hope the passage of the UK Bill can be before the Scottish Parliament breaks for recess at the end of June. However, as the Minister for Parliamentary Business made clear last week, the possibility of me asking for the Parliament to be recalled for Stage 3 cannot be ruled out.

I want to also inform the Committee I have written to the Lord Advocate, Attorney General, Advocate General and Secretary of State for Scotland to seek their agreement to accelerate post-Stage 3 consideration, thereby shortening the timeframe for receiving Royal Assent. This will allow our Bill to come into force swiftly following its passage if agreed by Parliament.

I hope the Committee, and Members, will appreciate that our duty first and foremost is to sub-postmasters in Scotland and to ensure they have equality and parity with their counterparts in the rest of the UK.



ANGELA CONSTANCE