

Post Office (Horizon System) Offences (Scotland) Bill — Stage 2

Section 1

Angela Constance

Supported by: Maggie Chapman

- 1 In section 1, page 1, line 9, leave out from <for> to end of line 11 and insert <which—
() is for a relevant offence, and
() took place before the coming into force of this Act.>

Section 2

Maggie Chapman

- 2 In section 2, page 2, line 1, after <that,> insert—
<(aa)>

Maggie Chapman

- 3 In section 2, page 2, line 4, at end insert <, or
(ab) the person was a co-accused of a person mentioned in paragraph (aa).>

Maggie Chapman

- 4 In section 2, page 2, line 4, at end insert—
<(c) was a close relative of a person mentioned in paragraph (a) or (b).>

Pauline McNeill

- 5 In section 2, page 2, line 4, at end insert—
<(d) had a close connection with a person mentioned in paragraph (a) or (b).>

Pauline McNeill

- 6 In section 2, page 2, line 4, at end insert—
<() For the avoidance of doubt, subsection (4) includes a family member who was assisting
(whether for payment or otherwise)—
(a) in the carrying on of a post office business,
(b) with working in a post office for the purposes of a post office business.>

Maggie Chapman

- 7 In section 2, page 2, line 5, after <that> insert <—
() in respect of a person mentioned in subsection (4)(aa).>

Maggie Chapman
Supported by: Pauline McNeill

- 8 In section 2, page 2, line 5, after <that> insert <—
() in respect of a person mentioned in subsection (4)(a) or (b),>

Maggie Chapman

- 9 In section 2, page 2, line 6, at end insert—
<() in respect of a person mentioned in subsection (4)(ab), the person was alleged to have committed the offence in connection with a person mentioned in subsection (4)(aa) carrying on, or working for the purposes of, the post office business.>

Maggie Chapman

- 10 In section 2, page 2, line 6, at end insert—
<() in respect of a person mentioned in subsection (4)(c), the person was alleged to have committed the offence in connection with a person mentioned in subsection (4)(a) or (b) carrying on, or working for the purposes of, the post office business.>

Pauline McNeill

- 11 In section 2, page 2, line 6, at end insert—
<() in respect of a person mentioned in subsection (4)(d), the person was alleged to have committed the offence in connection with a person mentioned in subsection (4)(a) or (b) carrying on, or working for the purposes of, the post office business.>

Pauline McNeill

- 12 In section 2, page 2, line 8, at end insert—
<(6A) The Scottish Ministers may by regulations make provision about the meaning of “close connection” for the purposes of subsection (4)(d).
(6B) Regulations under subsection (6A) are subject to the affirmative procedure.>

Maggie Chapman

- 13 In section 2, page 2, line 14, at end insert—
<“close relative” means—
(a) a parent,
(b) a child,
(c) a spouse,
(d) a civil partner,
(e) a sibling.>

Pauline McNeill

- 14 In section 2, page 2, line 14, at end insert—

<“family member” means—

- (a) a parent,
- (b) a child,
- (c) a spouse,
- (d) a civil partner,
- (e) a sibling,

of a person carrying on a post office business or working in a post office for the purposes of a post office business.>

Section 3

Angela Constance

Supported by: Maggie Chapman

- 15 Leave out section 3

Section 4

Russell Findlay

Supported by: Sharon Dowey

- 16 In section 4, page 3, line 4, after <representatives,> insert <or next of kin where no personal representatives can be notified,>

Fergus Ewing

- 17 In section 4, page 3, line 10, at end insert—

<(4A) Notification under subsection (4) must include—

- (a) information on the advice available to a person following the quashing of a conviction under section 1(1),
- (b) an offer of a meeting at a location of the person’s choice for the purposes of giving that advice.

(4B) The Scottish Ministers must make provision for the advice mentioned in subsection (4A) to include advice provided free of charge by a solicitor.>

Fergus Ewing

- 18 In section 4, page 3, line 14, at end insert—

<(5A) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period—

- (a) prepare and publish a report on the steps taken to—
 - (i) identify the convictions quashed under section 1(1),
 - (ii) give notifications under subsection (4),

- (b) send a copy of the report to a committee of the Scottish Parliament whose remit includes matters relating to criminal justice for the time being appointed by virtue of the standing orders.
- (5B) For the purposes of subsection (5A), a reporting period is—
- (a) the period of 6 months beginning with the day of Royal Assent,
 - (b) each subsequent period of 6 months.>

Section 5

Fergus Ewing

19 In section 5, page 3, line 33, at end insert—

<(3A) Notification under subsection (3) must include—

- (a) information on the advice available to a person following a direction to delete the details of an alternative to prosecution under subsection (1),
 - (b) an offer of a meeting at a location of the person's choice for the purposes of giving that advice.
- (3B) The Scottish Ministers must make provision for the advice mentioned in subsection (3A) to include advice provided free of charge by a solicitor.>

Section 6

Russell Findlay

Supported by: Sharon Dowey

20 In section 6, page 4, line 16, at end insert—

- <() A person who fails to comply with an information notice under this section is liable to a penalty.
- () The Scottish Ministers may, by regulations, make further provision regarding a penalty under this section.
- () Regulations under this section are subject to the affirmative procedure.>

After section 6

Maggie Chapman

21 After section 6, insert—

<Review of options for legal action

Review of options for legal action

- (1) The Scottish Ministers must carry out a review of the options available to them to pursue legal action against those responsible for the miscarriages of justice relating to those alleged to have committed a relevant offence.
- (2) The Scottish Ministers must, no later than 12 months after Royal Assent—
 - (a) publish a report on the review under subsection (1),

- (b) lay the report before the Scottish Parliament.>

Russell Findlay

Supported by: Sharon Dowey

- 22 After section 6, insert—

<Report on operation of the Act

Report on operation of the Act

- (1) The Scottish Ministers must, within one year of Royal Assent, prepare and publish a report on the operation of this Act.
- (2) A report under subsection (1) must include information on—
 - (a) the number of convictions quashed by section 1(1),
 - (b) the number of people notified under section 4(4)(a),
 - (c) the number of people notified under section 4(4)(b),
 - (d) the number of convictions quashed where no person has been notified,
 - (e) the number of people who have received compensation following a conviction being quashed by section 1(1),
 - (f) for each conviction quashed by section 1(1), an explanation of why the legal process resulted in a conviction.>

Section 7

Fergus Ewing

- 23 In section 7, page 4, line 25, at end insert—

- <(3) For the purposes of subsection (1), any fine which is entitled to be repaid to a person whose conviction is quashed by section 1(1) in accordance with section 122(3) of the Criminal Procedure (Scotland) Act 1995 must be paid—
- (a) directly to the person,
 - (b) with full interest at the highest relevant statutory rate.>

Fergus Ewing

- 24 In section 7, page 4, line 25, at end insert—

- <(4) A person whose conviction is quashed by section 1(1) is entitled to receive a sum equivalent to any payment made by the person to the Post Office as a result of the conviction for a relevant offence.
- (5) Any repayment made under subsection (5) must be paid with full interest at the highest relevant statutory rate.>