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Committee Stage: Monday 29 April 2024

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## Post Office (Horizon System) Offences Bill (Amendment Paper)

This document lists all amendments tabled to the Post Office (Horizon System) Offences Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the provisional Selection and Grouping by the Chairman of Ways and Means, which sets out the order in which the amendments will be debated.

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**Secretary Kemi Badenoch**

**Gov 25**

Clause 1, page 1, line 6, at end insert—

“(za) the conviction took place before the coming into force of this Act,”

**Member's explanatory statement**

This amendment makes it clear that clause 1(1) will quash only convictions occurring before the coming into force of the Act.

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**Liam Byrne**

**1**

Clause 1, page 1, line 9, leave out paragraph (b)

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**Secretary Kemi Badenoch**

**Gov 27**

Clause 1, page 1, line 9, after “Appeal” insert “in England and Wales.”

**Member's explanatory statement**

This amendment is consequential on amendment 26.

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**Secretary Kemi Badenoch**

Gov 26

Gavin Robinson  
 Sammy Wilson  
 Mr Gregory Campbell  
 Jim Shannon  
 Ian Paisley

Carla Lockhart  
 Claire Hanna

Paul Girvan

Stephen Farry

Clause 1, page 1, line 9, at end insert—

- “(2A) This Act also applies to a conviction in Northern Ireland for a relevant offence where—
- (a) the conviction took place before the coming into force of this Act,
  - (b) the offence was prosecuted by the Police Service of Northern Ireland, the Director of Public Prosecutions for Northern Ireland or the Public Prosecution Service for Northern Ireland, and
  - (c) the conviction has not been considered by the Court of Appeal in Northern Ireland.”

**Member's explanatory statement**

This amendment provides for convictions in Northern Ireland for relevant offences to be quashed.

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**Marion Fellows**

57

Owen Thompson

Clause 1, page 1, line 9, at end insert—

- “(2A) This Act applies to a conviction in Scotland for a relevant offence where the conviction has not been considered by the High Court of Justiciary.”

**Member's explanatory statement**

This amendment will apply the Bill to a conviction in Scotland for a relevant offence where the conviction has not been considered by the High Court of Justiciary on appeal. The new subsection is therefore equivalent in effect to clause 1(2) of the Bill, but takes account of the different prosecutors and appeal court in Scotland.

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**Marion Fellows**

58

Owen Thompson

Clause 1, page 1, line 12, after “Appeal” insert “or by the High Court of Justiciary”

**Member's explanatory statement**

This amendment to the overview in clause 1(4) simply signposts that clause 3 will deal not only with what it means for a conviction to have been considered by the Court of Appeal, but also what it means for it to have been considered by the High Court of Justiciary.

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**Secretary Kemi Badenoch**

**Gov 28**

Clause 1, page 1, line 12, at end insert “in England and Wales or in Northern Ireland.”

**Member's explanatory statement**

This amendment is consequential on amendment 26.

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**Marion Fellows**

**59**

Owen Thompson

Clause 2, page 2, line 19, at end insert—

“(6A) In its application to Scotland, this section is to be read as if condition B were that the offence is one of the following—

- (a) any of the following offences at common law—
  - (i) embezzlement;
  - (ii) fraud;
  - (iii) theft;
- (b) an offence of attempting or conspiring to commit an offence specified in paragraph (a);
- (c) an offence of inciting a person to commit an offence specified in paragraph (a);
- (d) an offence of aiding, abetting, counselling or procuring the commission of an offence specified in paragraph (a).”

**Member's explanatory statement**

The offences listed in this amendment are relevant offences prosecuted in Scotland which are common law offences, in contrast to the English and Welsh offences which are statutory. The provision also captures ancillary offences in the same way as currently defined in subsection (7) of clause 2 for England and Wales.

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**Secretary Kemi Badenoch**

**Gov 29**

Clause 2, page 2, line 32, at end insert “or section 17 of the Theft Act (Northern Ireland) 1969;”

**Member's explanatory statement**

This amendment, and amendments 30 to 33, add the equivalent offences for Northern Ireland to the list in clause 2(3).

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**Secretary Kemi Badenoch**

**Gov 30**

Clause 2, page 2, line 35, after “1968” insert “or section 15 or 15A of the Theft Act (Northern Ireland) 1969”

**Member's explanatory statement**

See the explanatory statement for amendment 29.

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**Secretary Kemi Badenoch****Gov 31**

Clause 2, page 2, line 37, leave out "that Act" and insert "the Theft Act 1968 or section 19(1) or (2) of the Theft Act (Northern Ireland) 1969"

**Member's explanatory statement**

See the explanatory statement for amendment 29.

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**Secretary Kemi Badenoch****Gov 32**

Clause 2, page 2, line 41, at end insert "or section 21 of the Theft Act (Northern Ireland) 1969;"

**Member's explanatory statement**

See the explanatory statement for amendment 29.

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**Secretary Kemi Badenoch****Gov 33**

Clause 2, page 3, line 1, at end insert "or section 1(1) of the Theft Act (Northern Ireland) 1969."

**Member's explanatory statement**

See the explanatory statement for amendment 29.

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**Secretary Kemi Badenoch****Gov 34**

Clause 3, page 3, line 15, at end insert—

"(6) In this section "the Court of Appeal" means—

- (a) in the case of a conviction in England and Wales, the Court of Appeal in England and Wales;
- (b) in the case of a conviction in Northern Ireland, the Court of Appeal in Northern Ireland."

**Member's explanatory statement**

This amendment is consequential on the extension of the Bill to Northern Ireland.

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**Marion Fellows****60**

Owen Thompson

Clause 3, page 3, line 15, at end insert—

“(6) In relation to a conviction in Scotland—

- (a) subsections (1) to (5) apply as if for the words “Court of Appeal” there were substituted “High Court of Justiciary”;
- (b) a conviction is also to be taken to have been considered by the High Court of Justiciary where the conviction is by the High Court of Justiciary following its substitution of an amended verdict of guilty on appeal.”

**Member's explanatory statement**

This amendment would apply equivalent rules in respect of the High Court of Justiciary as for the Court of Appeal, with one addition (namely, the High Court substituting an amended verdict in an appeal). This takes account of how the High Court could have disposed of a case in Scotland while allowing a conviction for a relevant offence to continue to exist.

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Liam Byrne

2

Page 3, line 2, leave out Clause 3

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Secretary Kemi Badenoch

Gov 35

Clause 4, page 3, line 17, leave out “Secretary of State” and insert “appropriate authority”

**Member's explanatory statement**

This amendment, and amendments 36 to 43, provide for the functions of the Secretary of State under clause 4 to be exercisable in Northern Ireland by the Department of Justice in Northern Ireland.

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Secretary Kemi Badenoch

Gov 36

Clause 4, page 3, line 18, at end insert—

“(1A) In this section “the appropriate authority” means—

- (a) in the case of convictions in England and Wales, the Secretary of State;
- (b) in the case of convictions in Northern Ireland, the Department of Justice in Northern Ireland.”

**Member's explanatory statement**

See the explanatory statement for amendment 35.

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Secretary Kemi Badenoch

Gov 37

Clause 4, page 3, line 19, leave out “Secretary of State” and insert “appropriate authority”

**Member's explanatory statement**

See the explanatory statement for amendment 35.

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**Secretary Kemi Badenoch**

**Gov 38**

Clause 4, page 3, line 20, leave out "Secretary of State" and insert "authority"

**Member's explanatory statement**

See the explanatory statement for amendment 35.

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**Secretary Kemi Badenoch**

**Gov 39**

Clause 4, page 3, line 25, leave out "Secretary of State" and insert "appropriate authority"

**Member's explanatory statement**

See the explanatory statement for amendment 35.

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**Secretary Kemi Badenoch**

**Gov 40**

Clause 4, page 3, line 26, leave out "Secretary of State" and insert "authority"

**Member's explanatory statement**

See the explanatory statement for amendment 35.

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**Secretary Kemi Badenoch**

**Gov 41**

Clause 4, page 3, line 32, leave out "Secretary of State" and insert "authority"

**Member's explanatory statement**

See the explanatory statement for amendment 35.

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**Liam Byrne**

**3**

Clause 4, page 3, line 34, at end insert—

"(4A) Notification under subsection (4) must include a written summary of—

- (a) the compensation schemes available to a relevant person following a quashed conviction under section 1(1);
- (b) the relevant heads of loss under which a relevant person may claim compensation; and
- (c) a tariff of compensation available relating to each of the heads of loss mentioned in paragraph (b)."

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**Liam Byrne**

**4**

Clause 4, page 3, line 34, at end insert—

- “(4A) Notification under subsection (4) must include a written commitment from the Secretary of State that—
- (a) the period of time between a full and valid claim for compensation and an offer of compensation will not exceed four weeks; and
  - (b) if the offer is not made within the four week period mentioned in paragraph (a), a fixed penalty amount will be added to the ultimate compensation sum for each day by which the four week period is exceeded.”

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**Liam Byrne**

**5**

Clause 4, page 3, line 34, at end insert—

- “(4A) Notification under subsection (4) must include a written commitment from the Secretary of State to use reasonable endeavours to ensure that the period of time between a full and valid claim for compensation and an offer of compensation will not exceed four weeks.”

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**Secretary Kemi Badenoch**

**Gov 42**

Clause 4, page 3, line 36, leave out “Secretary of State” and insert “appropriate authority”

**Member's explanatory statement**

See the explanatory statement for amendment 35.

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**Secretary Kemi Badenoch**

**Gov 43**

Clause 4, page 3, line 37, leave out “Secretary of State” and insert “authority”

**Member's explanatory statement**

See the explanatory statement for amendment 35.

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**Secretary Kemi Badenoch**

**Gov 44**

Clause 4, page 3, line 37, leave out “in England and Wales”

**Member's explanatory statement**

This amendment is consequential on the extension of the Bill to Northern Ireland.

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**Marion Fellows**

61

Owen Thompson

Clause 4, page 3, line 38, after “Wales” insert “or in Scotland”

**Member's explanatory statement**

Clause 4(5) requires the Secretary of State, when identifying convictions quashed by clause 1, to consider representations made to him that a person has been convicted of a relevant offence in England and Wales. This amendment extends that requirement to representations regarding convictions for a relevant offence in Scotland.

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**Secretary Kemi Badenoch**

Gov 45

Clause 5, page 4, line 3, after “has” insert “before the coming into force of this Act”

**Member's explanatory statement**

This amendment makes it clear that clause 5 applies only in relation to cautions given before the coming into force of the Act.

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**Secretary Kemi Badenoch**

Gov 46

Clause 5, page 4, line 5, before “criminal” insert “UK”

**Member's explanatory statement**

This amendment is consequential on amendment NC2.

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**Liam Byrne**

6

Clause 5, page 4, line 18, at end insert—

“(3A) Notification under subsection (3) must include a written summary of—

- (a) the compensation schemes available to a relevant person following a direction to delete a caution under section 5(1);
- (b) the relevant heads of loss under which a relevant person may claim compensation; and
- (c) a tariff of compensation available relating to each of the heads of loss mentioned in paragraph (b).”

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**Liam Byrne**

7

Clause 5, page 4, line 18, at end insert—

“(3A) Notification under subsection (3) must include a written commitment from the Secretary of State that—



- (a) the period of time between a full and valid claim for compensation and an offer of compensation will not exceed four weeks; and
- (b) if the offer is not made within the four week period mentioned in paragraph (a), a fixed penalty amount will be added to the ultimate compensation sum for each day by which the four week period is exceeded."

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**Liam Byrne**

**8**

Stephen Farry

Clause 5, page 4, line 18, at end insert—

"(3A) Notification under subsection (3) must include a written commitment from the Secretary of State to use reasonable endeavours to ensure that the period of time between a full and valid claim for compensation and an offer of compensation will not exceed four weeks."

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**Secretary Kemi Badenoch**

**Gov 47**

Clause 5, page 4, line 27, before "criminal" insert "UK"

**Member's explanatory statement**

This amendment is consequential on amendment NC2.

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**Marion Fellows**

**62**

Owen Thompson

Clause 6, page 5, line 2, at end insert—

"(4) In relation to a conviction in Scotland, the reference in subsection (1) to the conviction having been quashed by a court on an appeal is to be read as a reference to the conviction having been quashed by the High Court of Justiciary on an appeal by the convicted person."

**Member's explanatory statement**

This amendment provides that in Scotland a reference to a conviction having been quashed by a court on an appeal is to be read as a reference to the conviction having been quashed by the High Court of Justiciary on an appeal by the convicted person.

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**Secretary Kemi Badenoch**

**Gov 48**

Clause 7, page 5, line 7, leave out "an Act of Parliament passed" and insert "primary legislation passed or made"

**Member's explanatory statement**

This amendment is consequential on the extension of the Bill to Northern Ireland.

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**Secretary Kemi Badenoch**

**Gov 49**

Clause 7, page 5, line 8, at end insert—

“(2A) But regulations under this section may not make any provision which is transferred Northern Ireland provision for the purposes of section (*Power of Department of Justice to make further consequential provision*).”

**Member's explanatory statement**

This amendment is consequential on amendment NC3.

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**Marion Fellows**

**63**

Owen Thompson

Clause 7, page 5, line 13, at end insert—

“(3A) Before making regulations under this section, the Secretary of State must obtain the consent of the Scottish Ministers in relation to any provision which—

- (a) would be within the legislative competence of the Scottish Parliament, if contained in an Act of that Parliament, and
- (b) is not merely incidental to, or consequential on, provision which would be outside that legislative competence.”

**Member's explanatory statement**

This amendment provides that the Secretary of State would require to obtain the Scottish Ministers' consent to the making of consequential regulations if those regulations would be within the legislative competence of the Scottish Parliament. This mirrors the approach taken in section 94 of the Health and Care Act 2022 (among others).

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**Secretary Kemi Badenoch**

**Gov 50**

Clause 7, page 5, line 15, leave out “an Act of Parliament” and insert “primary legislation”

**Member's explanatory statement**

This amendment is consequential on the extension of the Bill to Northern Ireland.

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**Secretary Kemi Badenoch**

**Gov 51**

Clause 7, page 5, line 20, at end insert—

“(6) In this section “primary legislation” means—

- (a) an Act of Parliament, or

(b) Northern Ireland legislation.”

**Member's explanatory statement**

This amendment is consequential on the extension of the Bill to Northern Ireland.

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**Secretary Kemi Badenoch**

**Gov 52**

Clause 8, page 5, line 23, at end insert—

“(a) in the case of England and Wales—”

**Member's explanatory statement**

This amendment is consequential on amendment 53.

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**Secretary Kemi Badenoch**

**Gov 53**

Clause 8, page 5, line 30, at end insert—

“(b) in the case of Northern Ireland, any caution (including a restorative caution) given to a person in Northern Ireland in respect of an offence which, at the time the caution is given, the person has admitted;”

**Member's explanatory statement**

This amendment makes provision about the meaning of “caution” in relation to Northern Ireland.

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**Marion Fellows**

**64**

Owen Thompson

Clause 8, page 5, line 34, after “proceedings” insert “in England and Wales”

**Member's explanatory statement**

This amendment limits paragraph (b) of the definition of “conviction” so that it only applies to England and Wales. This is linked to the next amendment which substitutes an adapted definition for Scotland.

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**Marion Fellows**

**65**

Owen Thompson

Clause 8, page 5, line 36, at end insert “or

“(c) a finding in any criminal proceedings in Scotland (including a finding linked with mental disorder or in respect of which an admonition or absolute discharge is made) that a person has committed an offence or done the act or made the omission charged,”

**Member's explanatory statement**

This amendment adds a new paragraph (c) to the definition of "conviction", adding an equivalent for Scotland to paragraph (b). This provides for "conviction" to include a finding, linked to mental disorder, that a person has committed the offence/ done the act or omission charged, and a finding which resulted in admonition or absolute discharge.

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**Mr Kevan Jones**

70

Clause 8, page 5, line 39, after "as" insert "Pathway,"

**Member's explanatory statement**

This amendment would provide additional clarity by ensuring that the application called Pathway, which was rolled out as a pilot version of Horizon, is explicitly referenced as a Horizon system for the purposes of the Bill.

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**Secretary Kemi Badenoch**

Gov 54

Clause 8, page 6, line 9, after "Wales" insert "or Northern Ireland"

**Member's explanatory statement**

This amendment is consequential on the extension of the Bill to Northern Ireland.

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**Marion Fellows**

66

Owen Thompson

Clause 8, page 6, line 9, after "Wales" insert "or Scotland"

**Member's explanatory statement**

This amendment to the definition of "post office" in clause 8(1) extends the definition to post offices to include any premises or vehicles from which postal services are provided (whether alone or with other services) directly to the public in Scotland. This ensures that those working in post offices in Scotland are covered by condition C in clause 2.

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**Secretary Kemi Badenoch**

Gov 55

Clause 8, page 6, line 21, at end insert—

"(c) Article 6 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))."

**Member's explanatory statement**

This amendment is consequential on the extension of the Bill to Northern Ireland.

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**Secretary Kemi Badenoch**

**Gov 56**

Clause 9, page 6, line 25, leave out “only” and insert “and Northern Ireland”

**Member's explanatory statement**

This amendment provides for the Bill to extend to Northern Ireland (as well as to England and Wales).

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**Marion Fellows**

**67**

Owen Thompson

Clause 9, page 6, line 25, after “Wales” insert “and Scotland”

**Member's explanatory statement**

This amendment provides for the Bill to extend Scotland.

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**Sir Robert Neill**

**71**

Clause 9, page 6, line 26, at end insert—

“(3) This Act expires at the end of the period of 2 years beginning with the day on which it is passed.”

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**Secretary Kemi Badenoch**

**Gov NC2**

Gavin Robinson  
Sammy Wilson  
Mr Gregory Campbell  
Jim Shannon  
Ian Paisley

Carla Lockhart  
Claire Hanna

Paul Girvan

Stephen Farry

To move the following Clause—

**“Deletion of cautions for relevant offences: Northern Ireland**

- (1) If it appears to the Department of Justice in Northern Ireland (“the Department”) that a person has before the coming into force of this Act been cautioned in Northern Ireland for a relevant offence, the Department must direct the Chief Constable to delete details, contained in relevant criminal records, of the caution.
- (2) As soon as is reasonably practicable after receiving a direction under subsection (1), the Chief Constable must delete the details of the caution.
- (3) Where the Department gives a direction under subsection (1) in relation to a person’s caution, the Department—

- (a) must take all reasonable steps to notify the person, or, if the person is no longer alive, the person's personal representatives, that the direction has been given, or
  - (b) if it is not reasonably practicable to give a notification under paragraph (a), must take all reasonable steps to—
    - (i) identify some other person whom the Department considers it is appropriate to notify, and
    - (ii) notify that person that the direction has been given.
- (4) For the purposes of this section, the Department must, in particular, consider any representations made to it which claim that a person has been cautioned in Northern Ireland for a relevant offence, whether or not made by that person.
- (5) In this section—
- “the Chief Constable” means the Chief Constable of the Police Service of Northern Ireland;
  - “the Northern Ireland criminal records database” means the names database maintained by the Department for the purpose of recording convictions and cautions;
  - “relevant criminal records” means—
    - (a) the Northern Ireland criminal records database, and
    - (b) the UK criminal records database;
  - “the UK criminal records database” means the names database held by the Secretary of State for the use of constables.”

#### Member's explanatory statement

This new clause makes provision for Northern Ireland corresponding to that made by clause 5.

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#### Secretary Kemi Badenoch

Gavin Robinson  
 Sammy Wilson  
 Mr Gregory Campbell  
 Jim Shannon  
 Ian Paisley

Carla Lockhart  
 Claire Hanna

Paul Girvan

Stephen Farry

Gov NC3

To move the following Clause—

#### “Power of Department of Justice to make further consequential provision

- (1) The Department of Justice in Northern Ireland may by regulations make provision that—
  - (a) is consequential on any provision made by this Act, and
  - (b) is transferred Northern Ireland provision.
- (2) For the purposes of this section “transferred Northern Ireland provision” means provision that—

- (a) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
  - (b) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.
- (3) The power to make regulations under this section may, in particular, be exercised by amending or modifying any provision made by or under primary legislation passed or made before, or in the same session of Parliament as, this Act.
- (4) Regulations under this section—
- (a) may make different provision for different purposes;
  - (b) may contain supplementary, incidental, consequential, transitional or saving provision.
- (5) The power to make regulations under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (6) Regulations under this section that amend any provision of primary legislation may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (7) Any other regulations under this section are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954.
- (8) In this section “primary legislation” has the same meaning as in section 7.”

**Member's explanatory statement**

This new clause confers power on the Department of Justice in Northern Ireland to make consequential provision as a result of the Bill.

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**Ian Paisley**

**NC1**

Gavin Robinson  
Sammy Wilson  
Mr Gregory Campbell  
Jim Shannon  
Carla Lockhart  
Paul Girvan

To move the following Clause—

**“Provision relating to Northern Ireland**

- (1) The Secretary of State must consult the First Minister and deputy First Minister about making provision for quashing any conviction in Northern Ireland for an equivalent “relevant offence” (see section 2) alleged to have been committed in Northern Ireland.

- (2) The Secretary of State may make regulations to apply the provisions of this Act, with any necessary modifications to take account of the law and legal system in Northern Ireland, to secure the quashing of any conviction in Northern Ireland for an equivalent “relevant offence” (see section 2).
- (3) Unless the First Minister and deputy First Minister acting jointly advise to the contrary, the Secretary of State must lay before Parliament a draft of regulations to be made under subsection (2) no later than one week after the day on which this Act is passed.
- (4) Regulations under this section are to be made by statutory instrument and may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (5) Subject to subsection (4) of this section, section 7 of this Act applies to other regulations made under this section.”

#### Member's explanatory statement

This skeleton clause would require comparable provision to be made to quash convictions in Northern Ireland on the same basis as in England and Wales.

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Marion Fellows

NC4

Owen Thompson

To move the following Clause—

#### “Deletion of alternatives to prosecution for relevant offences: Scotland

- (1) Section 5 applies in relation to an alternative to prosecution given to a person in Scotland for a relevant offence as it applies in relation to a caution given to a person in England and Wales for a relevant offence, subject to the following modifications—
  - (a) references to the appropriate chief officer of police are to be read as references to the chief constable of the Police Service of Scotland;
  - (b) the reference to the criminal records database is to be read as a reference to the criminal history database of the Police Service of Scotland held for the use of police forces generally.
- (2) For the purposes of this section, an alternative to prosecution has been given to a person for a relevant offence if the person—
  - (a) has been given a warning in respect of the offence by a constable in Scotland or a procurator fiscal,
  - (b) has accepted, or is deemed to have accepted—
    - (i) a conditional offer issued in respect of the offence under section 302 of the Criminal Procedure (Scotland) Act 1995, or
    - (ii) a compensation offer issued in respect of the offence under section 302A of that Act,
  - (c) has had a work order made against the person in respect of the offence under section 303ZA of that Act, or



- (d) has accepted an offer made by a procurator fiscal in respect of the offence to undertake an activity or treatment or to receive services or do any other thing as an alternative to prosecution.”

**Member's explanatory statement**

Clause 5 of the Bill makes provision relating to deletion of cautions for relevant offences in England and Wales where the Secretary of State becomes aware of them. This amendment applies this process to the various types of alternatives to prosecution available in Scotland in the same way as it applies to cautions in England and Wales.

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**Marion Fellows**

**NCS**

Owen Thompson

To move the following Clause—

**“Power of the Scottish Ministers to make further consequential provision**

- (1) The Scottish Ministers may by regulations make provision that is consequential on any provision made by this Act (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), as a result of which such regulations are to be made by Scottish statutory instrument).
- (2) Regulations under this section may amend, repeal or revoke provision made by or under—
  - (a) an Act of the Scottish Parliament passed before this Act, or
  - (b) an Act passed—
    - (i) before this Act, or
    - (ii) later in the same session of Parliament as this Act.
- (3) The power to make regulations under this section includes power to make—
  - (a) supplementary, incidental, transitional or saving provision;
  - (b) different provision for different purposes.
- (4) Regulations under this section may only make provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.
- (5) Regulations made under this section that amend or repeal provision made by an Act of the Scottish Parliament, or by an Act, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (6) Any other regulations made under this section are subject to the negative procedure (see section 28 of that Act).”

**Member's explanatory statement**

This new clause provides a parallel regulationmaking power for Scottish Ministers to the provision made in clause 7.

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**Mr Kevan Jones**

**NC6**

To move the following Clause—

**“Statement on quashing convictions relating to Capture software**

The Secretary of State must, no later than 30 days after the day on which this Act is passed, make a written statement to Parliament outlining action the Government intends to take to secure the quashing of convictions of persons carrying on a Post Office business while using the Capture software from 1992 onwards.”

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**Mr Alistair Carmichael**

**NC7**

To move the following Clause—

**“Independent intermediary**

Within 6 months of this Act coming into force, a body shall be established to act as an independent intermediary in the administration of compensation to those who have been notified that their convictions have been quashed under section 1 of this Act.”

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**Secretary Kemi Badenoch**

**Gov 23**

Title, line 1, after “Wales” insert “and Northern Ireland”

**Member's explanatory statement**

This amendment is consequential on the extension of the Bill to Northern Ireland.

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**Marion Fellows**

**68**

Owen Thompson

Title, line 1, after “Wales” insert “and Scotland”

**Member's explanatory statement**

This amendment adjusts the Bill’s long title to reflect the fact that, under the preceding amendments, the Bill would also apply to convictions in Scotland.

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**Secretary Kemi Badenoch**

**Gov 24**

Title, line 4, after “Wales” insert “or Northern Ireland”

**Member's explanatory statement**

This amendment is consequential on the extension of the Bill to Northern Ireland.

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**Marion Fellows**

69

Owen Thompson

Title, line 4, after “Wales” insert “and of alternatives to prosecution given in Scotland”

**Member's explanatory statement**

This amendment adjusts the Bill's long title to reflect the fact that, under the preceding amendments, it would also apply to the deletion of details of alternatives to prosecution in Scotland.

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## Order of the House

[20 March 2024]

That the following provisions shall apply to the Post Office (Horizon System) Offences Bill:

**Committal**

1. The Bill shall be committed to a Committee of the whole House.

**Proceedings in Committee of the whole House, on Consideration and on Third Reading**

2. Proceedings in Committee of the whole House, any proceedings on Consideration and proceedings on Third Reading shall be completed either in one day or in two days, in accordance with the following provisions of this Order.
3. Proceedings in Committee of the whole House shall (so far as not previously concluded) be brought to a conclusion five hours after their commencement.
4. If there are no proceedings on Consideration, proceedings on Third Reading—
  - (a) shall be taken on the day on which proceedings in Committee commenced, and
  - (b) shall (so far as not previously concluded) be brought to a conclusion one hour after the commencement of proceedings on Third Reading.
5. If there are proceedings on Consideration—
  - (a) those proceedings shall be taken on the second day, and shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on that day, and
  - (b) proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

**Programming committee**

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to proceedings on Third Reading.

**Other proceedings**

7. Any other proceedings on the Bill may be programmed.
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**Withdrawn Amendments**

The following amendments were withdrawn on 24 April 2024:

9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22