

FROM THE OFFICE OF THE JUSTICE MINISTER



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Caroline Perry  
Clerk to the Committee for Justice  
Room 242  
Parliament Buildings  
Ballymiscaw  
Stormont  
Belfast BT4 3XX

3 May 2024

Dear Caroline,

**THE POST OFFICE (HORIZON SYSTEM) OFFENCES BILL – LEGISLATIVE  
CONSENT MOTION**

Further to the written briefing provided under cover of a letter from our Minister to the Chair of the Committee on 24 April, I am writing to let you know that we have now received a letter from the Minister of State for Enterprise, Markets and Small Business, Kevin Hollinrake MP, confirming the UK Government's view that a number of clauses in the Post Office (Horizon System) Offences Bill engage the legislative consent process and requesting an LCM by 31 May 2024 (copy attached for your information).

This represents a challenging timescale, and we have advised Minister Hollinrake's officials that while we will make best efforts to progress the LCM process as expeditiously as possible, there may be some slight slippage though we will aim to have an LCM in place in advance of Lords Report Stage. We understand the Bill is expected to have its Second Reading in the Lords on 13 May, with Committee Stage in early June.

The Minister's letter sought the Committee's cooperation to enable a Legislative Consent Memorandum to be laid before the Assembly by 14 May 2024. I also advised you recently that we would be circulating a draft Executive paper seeking agreement at the Executive meeting on 9 May to proceed with an LCM. We have advised the Executive that given



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the urgency, due to the late agreement by the UK Government to apply the Bill to Northern Ireland and the need to provide the necessary consent as soon as possible, it has not been possible to brief the Committee prior to Executive consideration but that an update on the Committee's views on this matter would be provided to Executive Ministers once the Committee's position is known.

I am extremely grateful to you for your assistance to date and I will, of course, continue to keep you updated on this matter.

Yours sincerely,

**DAVID GRAHAM**

**DALO**

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02 May 2024

Dear Naomi,

### **Post Office (Horizon System) Offences Bill: Legislative Consent Motion**

I am pleased that Government amendments to include Northern Ireland convictions in the scope of the Post Office (Horizon System) Offences Bill were accepted during Committee Stage of the Bill on 29 April. I am grateful for the contribution of your officials in making this possible.

All provisions of the Bill (including the consequential provision) now extend to Northern Ireland. Although postal services are a 'reserved' policy, justice and criminal records are devolved matters in Northern Ireland.

The main provisions which, in the UK Government's view, relate to devolved matters are:

- **Clause 1:** provides that convictions for "relevant offences" will be quashed when the Act comes into force. Subsection 1(3) provides that such convictions in Northern Ireland will be quashed by the Bill if they were prosecuted by the Police Service of Northern Ireland, the Director of Public Prosecutions for Northern Ireland or the Public Prosecution Service for Northern Ireland, have not been considered by the Court of Appeal in Northern Ireland and took place before the Act comes into force.
- **Clause 2:** gives the meaning of "relevant offence" with reference to several conditions set out in the subclauses. All of the conditions must be satisfied for an alleged offence to be quashed by this Bill. These conditions include offences in Northern Ireland legislation, such as false accounting as defined by the Theft Act (Northern Ireland) 1969.
- **Clause 3:** determines when a conviction has been considered by the Court of Appeal. Subsection 3(6)(b) defines what is meant by 'Court of Appeal' in the case of Northern Ireland convictions.
- **Clause 4:** provides for aspects of the administrative process for identifying which convictions have been quashed by the provisions in clause 1. Subsection 4(2) sets out the meaning of "the appropriate authority" who must take "all reasonable steps" to identify the convictions that are quashed. For convictions in Northern Ireland, this refers to the Department of Justice in Northern Ireland.

- **Clause 6:** sets out the process for deleting records of cautions for relevant offences in Northern Ireland. It mirrors the approach to cautions in England and Wales, set out in Clause 5. Where the Department of Justice in Northern Ireland becomes aware of cautions for relevant offences issued before the Act came into force, this clause places on that Department a duty to notify the police to enable records showing those cautions to be deleted. Subsection 6(2) provides that the police must delete the details of the caution as soon as reasonably practicable after receiving that notification.
- **Clause 7:** subsection 7(1) provides that a person whose conviction is quashed by this Bill is to be treated, on the day of commencement, as if the conviction had been quashed by a court on appeal.
- **Clause 9:** allows for amendment or modification of any provision of primary or secondary legislation that is transferred Northern Ireland provision. As with Clause 8, this may be required to ensure that the consequences of the quashing of a conviction can be applied to these convictions quashed by Act of Parliament in the same way as they do to convictions quashed by a court on appeal.
- **Clause 10:** sets out provisions of interpretation of several terms in the Bill. This includes what is meant by a caution in Northern Ireland.
- **Clause 11:** sets out provisions for commencement and territorial extent. Subsection 11(1) provides that the Bill extends to England, Wales and Northern Ireland only.

It is UK Government's view that clauses 1, 2, 3, 4, 6, 7, 9, 10 and 11 engage the legislative consent process.

I would be grateful if you could **write, by 7 May**, to confirm whether you agree with this devolution analysis and that you are content to begin the legislative consent process and support a legislative consent motion in the Northern Ireland Assembly. The Legislative Consent will need to be granted by Lords Report Stage of the Bill. As you know, we are seeking Royal Assent of the legislation as soon as possible before Summer Recess. To ensure no delay in the passage of this legislation, **I am requesting an LCM by 31 May**.

I am copying this letter to the Lord Chancellor, the Minister for Intergovernmental Relations and the Secretary of State for Northern Ireland.

Yours sincerely,



**KEVIN HOLLINRAKE MP**

Minister of State for Enterprise, Markets and Small Business  
Department for Business and Trade