



Northern Ireland  
Assembly

Committee for Justice

# Report on the Legislative Consent Memorandum on the Post Office (Horizon System) Offences Bill

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Report: NIA 34/22-27 Committee for Justice

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# Powers and Membership

## Powers

The Committee for Justice is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, Section 29 of the Northern Ireland Act 1998 and under Standing Order 48. The Committee has a scrutiny, policy development and consultation role with respect to the Department of Justice and has a role in the initiation of legislation.

The Committee has power to:

- consider and advise on Departmental budgets and annual plans in the context of the overall budget allocation;
- consider relevant subordinate legislation and take the Committee Stage of primary legislation;
- call for persons and papers;
- initiate inquiries and make reports; and
- consider and advise on matters brought to the Committee by the Minister of Justice.

## Membership

The Committee has nine members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Joanne Bunting MLA (Chairperson)
- Sinéad Ennis MLA (Deputy Chairperson)<sup>1</sup>
- Doug Beattie MLA
- Maurice Bradley MLA
- Stewart Dickson MLA
- Alex Easton MLA
- Ciara Ferguson MLA
- Justin McNulty MLA

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<sup>1</sup> With effect from 15 May 2024, Sinéad Ennis replaced Deirdre Hargey as Deputy Chairperson

# Background

1. The Post Office Horizon scandal has been described as the one of the most widespread miscarriages of justice in the UK, with the largest single series of wrongful convictions.<sup>2</sup> A number of postmasters who ran individual branches experienced problems with the Horizon Post Office computer system, which was piloted in 1996 and introduced across the network of branches in 2000.
2. Errors in the system showed false shortfalls on the accounts of postmasters, which they were required to repay. This led to suspensions, dismissals, bankruptcies, imprisonment, health problems, family breakdowns and suicides. Hundreds of people were convicted using evidence from the Horizon system.
3. The Department for Business and Trade introduced the [Post Office \(Horizon System\) Offences Bill](#) in the House of Commons on 13 March 2024.
4. The Bill has 12 clauses. It would automatically quash convictions for specified offences of dishonesty (including false accounting, fraud and theft) that 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, as well as the Post Office or the Crown Prosecution Service. Convictions covered by the Bill would be quashed on the day that the legislation is brought into operation (due on the day the legislation is passed).
5. However, convictions that have already been considered by the Court of Appeal are excluded from the Bill.
6. The Bill contains duties to identify individuals whose convictions have been quashed by the Bill, and to notify them (or another party on their behalf) that their conviction has been quashed. The convicting court would be required to replace the record of conviction with a record that the conviction has been quashed.

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<sup>2</sup> Criminal Cases Review Commission

7. The Department of Justice has advised that around 26 cases in Northern Ireland may be within the scope of the Bill. Three individuals have brought appeals against their convictions in Northern Ireland. Two of the convictions had been quashed and a third has been stayed.

# Purpose of the Legislative Consent Memorandum

8. This section provides an overview of the provisions within the Bill and highlights those that would apply to Northern Ireland.

## **Clause 1 — Quashing of convictions for relevant offences**

Clause 1 provides that convictions in England and Wales for “relevant offences”, prosecuted by the Post Office or the Crown Prosecution Service, and which have not been considered by the Court of Appeal, are to be quashed on the day on which the legislation comes into force. The amendments made in respect of Clause 1 allow for the inclusion of prosecutions taken forward by the Director of Public Prosecutions in Northern Ireland, and the Police Service of Northern Ireland. This amendment takes account of the fact that prior to the establishment of the Public Prosecution Service in 2005, low level prosecutions were taken forward by the police service.

## **Clause 2 — Meaning of “relevant offence”**

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 included within the scope of the Bill. The amendments made to Clause 2 would add the following Northern Ireland offences from the Theft Act (Northern Ireland) 1969 to the definition of a “relevant offence”:

- False accounting;
- Fraud;
- Handling stolen goods; and
- Theft.

The definition of “money laundering” within the Clause 2 as introduced extends to Northern Ireland and does not require any amendment.

### **Clause 3 — Determining when a conviction has been considered by the Court of Appeal**

Clause 3 provides for when a conviction is to be determined as having been “considered by the Court of Appeal” for the purposes of Clause 1. An amendment has been made to bring cases considered by the Court of Appeal in Northern Ireland within scope.

### **Clause 4 — Identification and notification of quashed convictions**

Clause 4 provides for aspects of the process for identifying which convictions have been quashed by the provisions in Clause 1. Amendments were made to Clause 4 to include Northern Ireland within the scope of the requirement to identify and notify individuals of quashed convictions for relevant offences, placing this duty on the Department of Justice.

### **Clause 5 — Deletion of cautions for relevant offences: England and Wales**

Clause 5 sets out the process for deleting records of cautions for relevant offences. Cautions are not ordered by a court and are not “quashed” in the same way as convictions or recorded in the same way. An amendment was tabled to insert a new equivalent Clause within the Bill (now Clause 6), which sets out the process for deleting cautions for relevant offences in Northern Ireland. This Clause requires the Department of Justice, if it becomes aware or is made aware of a caution for a relevant offence, to direct the Chief Constable to delete details of the caution from the Northern Ireland criminal records database and the UK criminal records database. The Clause also includes a requirement for the Chief Constable to act upon this direction.

### **Clause 6 — Deletion of cautions for relevant offences: Northern Ireland**

Clause 6 sets out the process for deletion of cautions for relevant offences in Northern Ireland from the official record, where the Department of Justice becomes aware of them. It also provides for notification of affected individuals.



## **Clause 7 — Consequential provision**

Clause 7 makes consequential amendments to related legislation.

## **Clause 8 — Power of Secretary of State to make further consequential provision**

Clause 8 allows for amendment or modification of any provision of primary or secondary legislation. 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 Act of Parliament in the same way as they do to convictions quashed by a court on appeal.

An amendment has been made to insert a new equivalent Clause within the Bill (Clause 9), to provide the Department of Justice with a regulation-making power to make provision that is consequential to the provisions within the Act and is related to a devolved matter. If the regulations make provision in respect of primary legislation, they would be subject to affirmative resolution, and any other regulations would be subject to negative resolution. It may well be the case that no further consequential provision is required, in practice. However, given the Bill has been brought forward at pace, the Department for Business and Trade thought it prudent to create a power to deal with any unanticipated issues. It was considered appropriate for the Department of Justice, rather than the Secretary of State for Business and Trade, to be responsible for any amendments that may subsequently be required to legislation relating to a devolved matter.

## **Clause 9 — Power of Department of Justice to make further consequential provision**

Clause 9 provides a power for the Department of Justice to make further consequential provision for transferred Northern Ireland provision.

### **Clause 10 — Interpretation**

Clause 10 sets out provisions on the interpretation of several terms in the Bill. Amendments have been made to extend provisions to Northern Ireland, and to broaden the definition of a caution to include Northern Ireland.

### **Clause 11 — Extent and commencement**

Clause 11 sets out provisions for commencement and territorial extent. An amendment was made to reflect Northern Ireland's addition to the territorial extent of the Bill.

### **Clause 12 — Short title**

Clause 12 establishes the Bill's short title.

# Committee Consideration of the Legislative Consent Memorandum

9. The Government announced on 22 April 2024 that the Bill would be extended to Northern Ireland. The amendments to do this would quash convictions for certain offences in Northern Ireland alleged to have been committed while the Horizon system was in use, and provide for the deletion of cautions given here for such offences. The Bill as amended would also place a duty on the Department of Justice to identify and notify individuals within the scope of the legislation.
10. The Department of Justice wrote to the Committee on 24 April 2024, advising that a legislative consent motion would be required. At its meeting on 25 April 2024, the Committee agreed to schedule an oral evidence session on a potential Legislative Consent Motion on the Post Office (Horizon Systems) Offences Bill.
11. At its meeting on 9 May 2024, the Committee considered correspondence from the Department regarding the background to the Bill and its provisions, which extend and apply to Northern Ireland. Officials then briefed the Committee through an oral evidence session at the same meeting.
12. Officials noted that legislating to overturn convictions is unusual, but said that the circumstances were “unique and exceptional” and that the approach being adopted would “ensure swift access to justice” for those affected.
13. The Committee enquired about separate compensation schemes, and officials confirmed that the funding for this would come from the UK Government and that the Department for Business and Trade is managing the schemes on a UK-wide basis.
14. Asked about the exclusion of cases that had been unsuccessful on appeal from the Bill, officials said that this was unlikely to have an effect in Northern Ireland

as the Public Prosecution Service for Northern Ireland is not aware of any case where appeal has been unsuccessful.

15. At the conclusion of the evidence session, the Committee for Justice agreed that it was content for a Legislative Consent Memorandum to be laid before the Assembly by mid-May 2024.
16. The Legislative Consent Memorandum was laid by the Department of Justice on 13 May 2024. Therefore, the Committee had limited time to scrutinise and report on the Legislative Consent Motion.
17. At its meeting on 16 May 2024, the Committee agreed that it was content with the proposal to extend provisions in the Post Office (Horizon System) Offences Bill to Northern Ireland by way of a Legislative Consent Motion.

## Conclusion

18. The Committee wished to highlight the political agreement on this issue to ensure that sub-postmasters in Northern Ireland are treated on the same basis as their counterparts in England and Wales. Despite the initial reluctance of the UK Government to extend the provisions to Northern Ireland, as a result of political collaboration between the Minister of Justice, the First Minister and deputy First Minister and due to the unanimity of the Assembly, agreement was reached for the Bill to be extended.
19. Following consideration of the Legislative Consent Memorandum laid on 13 May 2024, the Committee for Justice agreed to support the Minister of Justice in seeking the Assembly's endorsement of the Legislative Consent Motion:

*“That this Assembly endorses the principle of the extension of the provisions of the Post Office (Horizon System) Offences Bill to Northern Ireland”.*

# Links to Appendices

## **Appendix 1: Memoranda and Papers from the Department of Justice**

[View Memoranda and Papers supplied to the Committee by the Department of Justice](#)

## **Appendix 2: Minutes of Proceedings**

[View Minutes of Proceedings of Committee meetings related to the report](#)

## **Appendix 3: Minutes of Evidence**

[View Minutes of Evidence from evidence sessions related to the report](#)

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