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## Hansard

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# Post Office (Horizon System) Offences Bill

## Volume 749: debated on Monday 29 April 2024

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*Considered in Committee.*

*[Relevant documents: Third Report of the Business and Trade Committee, Post Office and Horizon redress: Instruction to deliver, HC 477; Oral evidence taken before the Justice Committee on 16 April 2024, on Post Office (Horizon System) Offences Bill, HC 684; Correspondence from the Chair of the Justice Committee to the Secretary of State for Business and Trade, on the Post Office (Horizon System) Offences Bill, reported to the House on 24 April 2024; Correspondence between the Joint Committee on Human Rights and the Secretary of State for Business and Trade, on the Post Office (Horizon System) Offences Bill, reported to the House on 20 March and 24 April 2024.]*

*[Dame Rosie Winterton in the Chair]*

### **The First Deputy Chairman of Ways and Means >**

(Dame Rosie Winterton)

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I remind Members that in Committee they should not address the Chair as Deputy Speaker. Please use our names when addressing the Chair. Madam Chair, Chair, Madam Chairman or Mr Chairman are also acceptable.

Clause 1

Quashing of convictions for relevant offences

🕒 7.14pm

### **The Minister of State, Department for Business and Trade >**

(Kevin Hollinrake)

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I beg to move amendment 25, page 1, line 6, at end insert—

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

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

## The First Deputy Chairman >

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With this it will be convenient to discuss the following:

Amendment 1, page 1, line 9, leave out paragraph (b).

Government amendments 27 to 28.

Clause 1 stand part.

Government amendments 29 to 33.

Clause 2 stand part.

Government amendment 34.

Clause 3 stand part.

Government amendments 35 to 41.

Amendment 3, in 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).”

Amendment 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.”

Amendment 5, 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.”

Government amendments 42 to 44.

Clause 4 stand part.

Government amendments 45 and 46.

Amendment 6, in 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).”

Amendment 7, 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.”

Amendment 8, 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.”

Government amendment 47.

Clauses 5 and 6 stand part.

Government amendments 48 to 51.

Clause 7 stand part.

Government amendments 52 and 53.

Amendment 70, page 5, line 39, after “as” insert “Pathway.”

*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.*

Government amendments 54 and 55.

Clause 8 stand part.

Government amendment 56.

Amendment 71, 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.”

Clauses 9 and 10 stand part.

Government new clauses 2 and 3.

New clause 1—*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.”

*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.*

New clause 6—*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.”

Government amendments 23 and 24.

**Kevin Hollinrake** >

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It is a pleasure to serve with you in the Chair, Dame Rosie. Given the nature of this debate, in moving the Government amendments, I will also use my speech to discuss the other amendments that have been tabled.

First, I will address the Government amendments in the name of the Secretary of State relating to Northern Ireland: 23 and 24, 26 to 44, and 46 to 56, as well as new clauses 1 to 3. I am grateful to the House for agreeing to the Government’s instruction motion to enable debate on these important amendments. The Government have listened carefully to representations across the House regarding the extension of the Bill to Northern Ireland. We recognise the unique challenges faced by the Northern Ireland Executive in bringing forward legislation to quash convictions to a similar timeframe as the rest of the UK.

**Gavin Robinson** >

(Belfast East) (DUP)

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I just want to put on record, in Committee, the Democratic Unionist party’s sincere and personal appreciation of the Minister for how he has engaged with us, the pragmatic way he has approached these issues, and the can-do attitude he has extended to Northern Ireland. We have met on a number of occasions. He has received the thorough representations of my right hon. Friend the Member for East Antrim (Sammy Wilson) and colleagues across the House, not least Ministers in the Northern Ireland Executive. We are indebted to him. We recognise that this is a huge step forward for the sub-postmasters in Northern Ireland who felt there would not be light at the end of the tunnel. He has extended the Bill very purposefully for all those affected in Northern Ireland, and we thank him for it.

**Kevin Hollinrake** >

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I am very grateful to the right hon. Gentleman for his kind words. It is a pleasure to work with him and his colleagues from Northern Ireland. We were always sympathetic to his arguments and are delighted to have been able to move forward as we have.

**Jim Shannon** >

(Strangford) (DUP)

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Following on from my right hon. Friend the Member for Belfast East (Gavin Robinson), it is fair to say that a week ago or even a month ago, the 23 sub-postmasters and sub-postmistresses in Northern Ireland had little hope. Today, they have hope and that is due to the Minister’s endeavours on their behalf, pushing this issue and the Government’s acceptance. On behalf of the 23, we would like to say a big thank you to the Minister and the Government.

**Kevin Hollinrake** >

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I am very grateful. The hon. Gentleman is right to address the point about the 23 sub-postmasters. They are why we are here and why we are keen to act in this way. We recognise that there were specific circumstances in Northern Ireland that would have delayed the exoneration and compensation to those individuals, and that is why we are acting as we are today. It is always a pleasure to work with him, as I have on many different issues over the years.

Issues include the Executive's recent restoration and additional public consultation requirements, which the House debated on Second Reading. In deciding to take this step, the Government recognised the extent of cross-community support for the extension of the Bill to Northern Ireland. For those reasons, we have decided to put forward Government amendments which would extend the scope of the Bill to Northern Ireland. I am very grateful to have cross-party support from Members representing Northern Ireland constituencies in co-signing Government amendments, specifically the right hon. Members for Belfast East (Gavin Robinson) and for East Antrim (Sammy Wilson), and the hon. Members for East Londonderry (Mr Campbell), for Strangford (Jim Shannon), for North Antrim (Ian Paisley), for North Down (Stephen Farry), for South Antrim (Paul Girvan), for Upper Bann (Carla Lockhart) and for Belfast South (Claire Hanna).

The amendments, which have been drafted in consultation with the Northern Ireland Executive, empower the Northern Ireland Department of Justice to implement the legislation in the same way as the Secretary of State will in England and Wales. The amendments would modify the criteria for the convictions which are overturned to ensure that the relevant convictions from Northern Ireland are captured within its scope. Specifically, they would add those secured by the Public Prosecution Service for Northern Ireland and refer to distinct Northern Ireland offences. Additionally, this group of amendments would ensure that the relevant cautions will be deleted in Northern Ireland, as they will be in England and Wales. The amendments have the same intent as new clause 1, tabled by the hon. Member for North Antrim, so I hope he will be happy to withdraw it on that basis.

On amendment 1, in the name of the right hon. Member for Birmingham, Hodge Hill (Liam Byrne), I thank him for his continued engagement on the Bill and on wider Horizon matters. It is vital that we stay true to our objective of bringing justice to wrongly convicted postmasters, but it is also important to keep in mind the constitutionally sensitive nature of the Bill. We should legislate in a way that respects the separation of powers and the independence of the judiciary. This amendment would widen the scope of the Bill to include convictions that have been upheld by the Court of Appeal. It would automatically quash such convictions, thereby overriding decisions taken by the senior judiciary. These cases are excluded from the Bill because the Government believe that it should tread very carefully where judges in the senior appellate courts have considered a case on its merits. We do not consider it appropriate for Parliament to interfere with such decisions.

**Liam Byrne >**

(Birmingham, Hodge Hill) (Lab)

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I am grateful to the Minister for giving way on this point and, indeed, for the way he is approaching it. The Chairman of the Justice Committee sent him an excellent letter last week in which he underlined that almost all the witnesses before his Committee agreed that it was unfair for the Bill to take a restrictive approach, in the way the Minister has, while taking a rather expansive approach elsewhere. I know the Minister has written back to the Chairman of the Justice Committee, but his letter did not touch on this point. I wonder whether he will take the opportunity to wrap that up for us.

**Kevin Hollinrake >**

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I thank the right hon. Gentleman and my hon. and learned Friend the Member for Bromley and Chislehurst (Sir Robert Neill) for their work. We take these matters and the independence of the judiciary very seriously. Where the Court of Appeal has upheld a conviction and declared it safe, we think that is a material concern. There will always be different opinions in these areas, but we think we are striking the right balance between overturning convictions that we believe to be unsafe in the main and ones that have been before a senior judge.

**Sir Robert Neill >**

(Bromley and Chislehurst) (Con)

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I, too, pay tribute to the Minister for the extremely constructive way in which he has engaged with everybody on this matter. My initial position was entirely supportive of the Government, but I must say that the evidence given to the Justice Committee causes me to think again. It is usually right to be very wary indeed about trespassing on decisions made by the courts. However, we have chosen to do that because it is thought desirable for the greater good in respect of the bulk of convictions.

The point that needs to be emphasised is that we have perhaps not appreciated that, in cases where convictions were upheld by the Court of Appeal, it applied a narrower test to the relevance of the Horizon evidence. In Hamilton and related cases, it said that the test was whether the Horizon evidence was essential to the conviction. We do not apply that test as a result of a policy decision. That could lead to a bizarre situation whereby someone who did not get to the Court of Appeal because the Criminal Cases Review Commission did not refer the case would have their conviction quashed, whereas someone who the commission thought had an arguable case and who went to the Court of Appeal but who was rejected on a narrower test than Parliament is now creating would not benefit from having their conviction quashed. That is the unfairness that we need to think a little more about, and it is the thrust of what the right hon. Member for Birmingham, Hodge Hill (Liam Byrne) is getting at.

**Kevin Hollinrake** >

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There will, of course, always be different legal opinions on these matters. As my hon. and learned Friend expressed, he has had two different opinions on what we should do in this regard, and I know that his view is based on further submissions of evidence that he has received. Of course, we consider these matters very carefully. My right hon. and learned Friend the Justice Secretary is here and listening to my hon. and learned Friend's comments. We will always continue to reflect on this legislation to make sure that we are getting to the right place, but I understand the points that he raises.

**Sir Robert Neill** >

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There were certainly differences of opinion as to the appropriateness of the measure as a whole, with Dr Quirk being in a minority of three who took a different view, but there was not a difference of opinion on the factual point that the test applied by the Court of Appeal in Hamilton is different from that which is in statute. That was a matter of unanimity.

**Kevin Hollinrake** >

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I understand and accept that point, but a decision has to be taken on whether to include these cases. There is definitely a difference of legal opinion on that point, because I have had different representations made to me.

We recognise that this approach may leave a small number of individuals concerned about the way forward for their cases. In cases where the Court of Appeal has upheld a conviction, the usual routes of appeal remain available to them. Those affected can apply to the Criminal Cases Review Commission, which can review their cases.

**Mr Kevan Jones** >  
(North Durham) (Lab)

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The Minister knows that we on the advisory board have discussed this issue at length. Given what has come out of the inquiry over the last few weeks, does he agree that there is evidence that may have a bearing on some of these cases? I accept why he does not want to include them in this Bill, but we need to look at some of these cases to see whether there are grounds for appeal.

**Kevin Hollinrake** >

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Of course, and I am listening intently to the evidence before the inquiry. It is true to say there are some shocking revelations. As the right hon. Gentleman illustrated in his work with the advisory board, there was a maliciousness about some of the prosecutions, which is of great concern, as is the flawed Horizon system. Part of the reason why we are legislating as we are reflects that, but we

will continue to look at the evidence that emerges.

**Liam Byrne** >

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If that is the approach that the Minister is going to take, could he tell the House a bit more about how his Department will support individuals who find themselves in this egregious position? As my right hon. Friend the Member for North Durham (Mr Jones) said, evidence will now have come to light that was not available to the Court of Appeal or, indeed, to courts that may have refused leave to appeal. Those individuals will be in a terrible state now. What can his Department do, and on what timetable, to support them through the process that he proposes they take?

**Kevin Hollinrake** >

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The right hon. Gentleman makes the point himself: as more evidence emerges, it may be that the CCRC takes a different view of cases that are brought forward. People who have presented their cases can revisit them by making an application to the Criminal Cases Review Commission, which can make recommendations as it sees fit. Clearly, we are happy to provide any information that we possess, and the Post Office will do the same. As I say, the inquiry's revelations may bring information that would help in some cases. The CCRC may refer cases to the Court of Appeal if it considers that there is a real possibility that convictions would not be upheld. With the constitutional sensitivities in mind, I hope the right hon. Member will agree to withdraw his amendment.

I turn now to amendments 3 and 6, tabled in the name of the right hon. Member for Birmingham, Hodge Hill. These amendments would require the Secretary of State to include details of available financial redress in notifications to people who have had their convictions quashed, or cautions deleted, by this Bill. The amendments come as part of a number of recommendations by the Business and Trade Committee, to which the Government have since provided our response. I can reassure the right hon. Gentleman and the whole Committee that we will include information about redress in the notifications that we send to postmasters when their convictions are overturned. Our aim is that the redress process will follow seamlessly from the process of overturning convictions—there is no need to legislate for this. Those with cautions may have already sought financial redress via the Horizon shortfall scheme or the group litigation order scheme. We will provide them with the necessary guidance to identify the appropriate route to claim financial redress, if they have not done so already.

**Liam Byrne** >

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I am grateful to the Minister for clarifying these points as we go along. He will know that many **sub**-postmasters have not applied for the full extent of their potential claim because they are unsure about the case law involved, and I understand that the Department is using some guidance in making judgments—for example, the Dyson judgment, which is not publicly available, for perfectly good reasons. There is a bit of creativity going into how we solve this problem. The Post Office wrote to me last night to say that, on the Horizon scheme, it is recording the heads of loss and the averages of claims that are being agreed, which could be one of the ways in which **sub**-postmasters are given a sense of what the tariff is. Could the Minister say a bit more about how we absolutely guarantee in the notification that we maximise the chance of **sub**-postmasters claiming the maximum possible amount that they should be entitled to?

**Kevin Hollinrake** >

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We have tried to design the schemes in conjunction with the legal firms that are advising most of the claimants on claiming redress. We will continue to work with them, as we do with the advisory board, and there are different mechanisms that we can use to make this process simpler, more transparent and easier to navigate. Clearly, cases will differ, despite similarities, so if we go down the full assessment route, it is important that all claims be assessed individually, which obviously takes time. If there are mechanisms that we can use—for example, the tariffs that the right hon. Gentleman describes—to expedite the process, we would be happy to look at them. We will continue to work with the advisory board on that.

🕒 7.30pm

The Government will provide more general guidance on the redress scheme in due course. I would be more than happy to consider any recommendations that the right hon. Gentleman or the Committee make; we do not believe at this point that there is a need to legislate for that. I very much hope that he will feel able to withdraw his amendments.

Amendments 4, 5, 7 and 8, also in the right hon. Gentleman's name, are worthy amendments, and I share the sentiment behind them. We all want postmasters to get redress as quickly as possible, but we do not believe that these amendments are the right way to ensure that. The scheme has already been expedited, based on our learnings and experience over the last few weeks and months. In the group litigation order scheme run by the Department for Business and Trade, we have committed to making a first offer within 40 working days of receiving a full claim in 90% of cases. I am delighted to tell the Committee that we are now meeting that target. The figure has been slowly rising; I hope that it will continue to do so. There will always be some claims, of course, that raise novel or difficult issues, and those will take longer than 40 working days. We will try to resolve them as quickly as possible.

We are exploring what delivery targets would be appropriate for the Horizon compensation redress scheme. As was announced to the House, the scheme will deliver redress to those who have their convictions quashed by this Bill, and the Government will update the House in due course on the relevant targets. Our goal will be prompt redress, just as it is for the other Horizon redress schemes.

The Department's response is not usually the problem. As of 26 April, in the GLO scheme, we have made 167 offers in response to 177 full claims received, so we have just 10 claims in hand. The issue generally is the rate at which claims are coming in. We received just 24 between 1 April and 26 April. We do not blame the claimants' lawyers for that. These claims are complex and need to be prepared properly. However, we are working with claimant representatives to find ways of speeding up claim preparation. The GLO scheme is piloting a fast-track approach, under which the level of forensic accounting analysis required is substantially reduced. So far, the pilot looks to be working well, and we are looking to build on it in the coming weeks. We do not feel that we will speed up redress by legislating. We need to deliver change at a nitty-gritty level, and we are determined to do that. With that assurance, I hope that the right hon. Gentleman will withdraw the amendments.

Moving on to Government amendments 25 and 45, the Bill takes effect by quashing convictions upon Royal Assent. The amendments make it clear that the Bill will not affect any convictions secured after that date. That has always been the Government's intention. We tabled the amendments to put it beyond doubt that the Bill does not apply to any future convictions. We must keep in mind the constitutionally sensitive nature of the Bill, and I hope that the amendment reassures the Committee about the exceptional nature of the legislation and the careful balance that we seek to achieve.

Amendment 71, in the name of my hon. and learned Friend the Member for Bromley and Chislehurst (Sir Robert Neill), would introduce a sunset clause to the Bill. We thank him for his amendment, and for all the work that he and the Justice Committee have done in considering the Bill and the issues that it raises. I would like to reassure him that the Government share his concern that the Bill should not be seen as a precedent for Parliament acting outside its usual constitutional role. However, this amendment is not necessary to achieve that aim. The key action of this Bill—the quashing of the convictions for relevant offences in scope—takes place once, and once only: on the day when the Bill comes into force. An expiry date is inherent in clause 1 of the Bill. In effect, it expires as soon as it comes into force. To put that beyond doubt, the Government have tabled amendments 25 and 45, which make it clear that the Bill will not affect any convictions secured after Royal Assent.

However, my hon. and learned Friend's amendment 71 would also sunset the other parts of the Bill, including those setting out the process for identifying quashed convictions, those about notifying individuals that their convictions had been quashed and, crucially, those about amending criminal records. If the amendment were accepted, it would place a time limit on a **postmaster's** ability to come forward and identify their conviction as being in scope of the Bill, and to have their records amended. We could then be in a situation where in, say, three years' time, an individual had had their conviction quashed as a matter of law, but still had a criminal record. That would not give the victims of this scandal the justice that they deserve. We are clear, and there has been agreement across the House, that this exceptional legislation does not set a precedent.

**Vicky Ford** >  
(Chelmsford) (Con)

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I had hoped that my hon. Friend was going to speak to amendment 70 as well. I just so pleased that we are going through the legislation today, because it is so important for so many people. I have written to him about my constituent who came to see me about her husband, who was a **sub-postmaster**. He had been written to by the Post Office, who had told him about his exceptional bookkeeping. He then discovered an unexplained loss in the amounts. He called the auditors; they came in, and they locked him out of his business. They searched his home. They did not find any evidence, but they took away his business, his home, his livelihood and his reputation. We have heard that so many times. The only difference is that this happened in 1992, under the precursor system to

Horizon. Amendment 70 mentioned the Pathway system. My constituent was using something called Capture. Fortunately the case was dropped before it got to criminal court. I know that the Minister is looking at whether there were more of these Capture cases. When the legislation comes before the other place, can we make sure that, if needed, it can also quash any criminal convictions due to Capture, or other precursor systems, as well as Horizon?

**Kevin Hollinrake** >

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I will speak to amendment 70. I wrote back to my right hon. Friend about her case, and we are looking at this. I am sure that the right hon. Member for North Durham (Mr Jones) will have something to say about this issue. We have agreed to instigate an independent review of that software. There are some fundamental differences. For example, it is not networked, so no remote access is possible, whereas that is a major feature of the issues with Horizon. I am happy to continue to engage with my right hon. Friend on the issue, and I congratulate her on the way she has dealt with it on behalf of her constituent.

My hon. and learned Friend the Member for Bromley and Chislehurst's amendment 71 would also sunset other parts of the Bill. This would not give victims of the scandal the justice that they deserve. We are clear—there has been agreement across this House on this—that this exceptional legislation does not set a precedent, and I hope, especially with the reassurance provided by Government amendments 25 and 45, that he will withdraw amendment 71.

**Sir Robert Neill** >

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I understand where the Minister is coming from, and of course he has provided a deal of reassurance, but I want to test this a little. Are we really assuming that it will be necessary to leave open-ended people's ability to come forward to have their conviction quashed? After all, if they cannot reasonably be traced, there is provision for the Secretary of State to notify an appropriate person. For example, if we cannot find the person—or their next of kin, if they are dead—there is a catch-all provision about notifying an appropriate person. Why could that not include the criminal records bodies? Would they not be notified anyway? I just wonder why we have to leave the provision open-ended to that extent. There will come a point when the provision has been exhausted. Also, I am interested in how my hon. Friend envisages a process working through which people can get a document that shows that their conviction is quashed—for example, if they need a visa or work permit, or have to undergo Disclosure and Barring Service checks.

**Kevin Hollinrake** >

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As I said, the legislation expires on the day that the provision is brought into effect. My hon. and learned Friend is talking about the ongoing marking of the records of people who may come forward at a future date. We do not know what that date would be. I am happy to have a conversation with him about what the cut-off would be, but the effect of this legislation, in terms of quashing convictions, expires on the day it receives Royal Assent.

**Sir Robert Neill** >

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I understand that, and I can see my hon. Friend's point, hence the two amendments. My point is that he is praying in aid, as another reason for not having a sunset clause, the provisions for notifying people about applying to have their convictions quashed. What is the mechanism to make sure that does not hang around indefinitely? We will eventually want to bring things to a conclusion—not only getting convictions quashed, but, quite separately, paying out the compensation fund. One day, all the compensation that can be claimed will have been claimed. What do we do then? How do we wrap up the process? That is what it comes down to.

**Kevin Hollinrake** >

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As I said, I am happy to have a continuing conversation with my hon. and learned Friend on that point. I feel that it would be a serious injustice if we set, say, a three year cut-off period and somebody came along a day later. Those are the challenges that we have to meet.

**Liam Byrne >**[Share](#)

In a way, this is the core of the debate about where the four corners of the Bill should stretch to. The hon. and learned Member for Bromley and Chislehurst (Sir Robert Neill) makes a very good point: at some point, there should be a sunset on such unprecedented legislation. At the moment, there are no limits to its expansiveness in terms of time, but the Minister has set a limit on its expansiveness in terms of the individuals involved, because he is ruling out those who have gone through the Court of Appeal. The Bill would benefit from further discussion, perhaps in the other place, about precisely where the four corners should be pinned down.

**Kevin Hollinrake >**[Share](#)

I would welcome that discussion, and I will follow it closely in the other place.

The controversial element of this unprecedented, exceptional legislation is the overturning of the convictions, because we are interfering with the courts by legislating in this way. The convictions expire on day one. All that happens further on from that is the marking of the records, which is not the controversial part. The controversial part is the interference with the courts. Again, I am happy to have a continuing conversation with the right hon. Gentleman.

New clause 7, in the name of the right hon. Member for Orkney and Shetland (Mr Carmichael), would require the establishment of an independent intermediary body to administer financial redress to individuals whose convictions are quashed by the Bill. I also acknowledge the Business and Trade Committee's recommendation on a similar point.

I assure the Committee that we are building independence into the process of making financial redress. Final decisions will, if necessary, be made by an independent panel comprising a King's counsel, an accountant and a retail expert. The panel will have a case manager, who will ensure that cases are settled fairly, swiftly and in a non-adversarial manner. I have been clear throughout my work that we should put the victims of the scandal back in the position that they would have been in, and that we should move as quickly as possible. We feel that it would take months to set up an independent intermediary, and that it would add additional steps to the process and risk creating unnecessary bureaucracy.

**Mr Alistair Carmichael >**  
(Orkney and Shetland) (LD)[Share](#)

If my new clause had been selected for debate, I would probably not seek to press it. I am not in a position to do anything more, but I thank the Minister for his assurances on independence.

**The First Deputy Chairman of Ways and Means >**  
(Dame Rosie Winterton)[Share](#)

As the new clause was not selected, we probably should not be discussing it.

**Kevin Hollinrake >**[Share](#)

My apologies, Dame Rosie. I will move on with pleasure.

Penultimately, I turn to new clause 6. I thank the right hon. Member for North Durham for all his work seeking justice for the former sub-postmasters and, indeed, on the Horizon compensation advisory board. My officials have been working closely with him, as have I, and he will be aware that we have set in train the process of appointing an independent forensic investigator to look into the Capture software, now that the Post Office has addressed concerns about it. Obviously, this relates to my right hon. Friend the Member for Chelmsford (Vicky Ford), who is no longer in her place.

This follows on from the useful meeting that the right hon. Member for North Durham and I had with a **sub-postmaster** and his wife who wanted to talk to me about his experiences. My officials have spoken to other affected **sub-postmasters**, too. New clause 6 would require the Secretary of State to make a statement within 30 days of Royal Assent. As the Committee knows, we aim to complete the Bill's passage very quickly, so a statement may be due quite soon. In practice, we feel it would be too soon, and time is needed to identify and appoint the right person for this role, and for the investigator to complete their work and offer an independent conclusion.

🕒 7.45pm

However, I am happy to promise two things. First, once the investigator has reported, I will certainly make a statement to the House. Secondly, as the work progresses, I will continue to engage fully with the right hon. Gentleman and his advisory board colleagues. I hope this will encourage him not to press new clause 6.

Finally, on amendment 70, I am happy to reassure the right hon. Gentleman that the current scope of the Bill includes the Pathway system, which was a Horizon pilot. The conditions in clause 2 that determine which convictions will be overturned by the Bill were drafted with this in mind. Condition A in clause 2(2) specifies the dates between which an alleged offence must have been committed. The dates are deliberately aligned with the roll-out of Pathway, which we understand from the Post Office to have begun on 23 September 1996.

Condition E in clause 2(6) provides that the Horizon system must have been in use at the post office concerned. Clause 8 defines the Horizon system as any version other than the current one, HNG-A. It follows that, as a pilot of an earlier version of Horizon, Pathway is covered, hence we are clear that the Bill already caters for Pathway and changes to the drafting are not necessary. I hope the right hon. Gentleman is therefore content not to press amendment 70.

**Mr Kevan Jones** >

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Clause 2(2) mentions 23 September 1996. Is the Minister saying that any ICL Pathway system installed in post offices, even prior to that date, will be captured by the Bill?

**Kevin Hollinrake** >

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Certainly, if we regard it as a pilot system of Horizon, that would be the case, as drafted.

**Mr Kevan Jones** >

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So is the date irrelevant? I have spoken to one person whose prosecution might have been 1996, but there is evidence that the Pathway system was in place before that date in 1996.

**Kevin Hollinrake** >

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That is not what we understand from the Post Office, but I am happy to continue our discussions, as I always do, to make sure that every relevant person affected by Horizon or its pilot systems is covered.

**Several hon. Members rose—**

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**The First Deputy Chairman of Ways and Means** >  
(Dame Rosie Winterton)

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Order. Before I call the next speaker, I remind the Committee that this debate has to finish at 9 o'clock. I know some of the points are very detailed, but I am conscious that I have the four Members who are standing and the shadow Minister to get in. Colleagues should bear that in mind, because I cannot impose a time limit. It is about making sure that everyone has a chance to speak.

**Liam Byrne >**

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Thank you, Dame Rosie. It is a privilege to serve under your chairmanship.

I will be very brief, because some of my points have been covered through interventions. There has been good progress since the Bill was published, which is testament to the Minister's leadership and his officials' support. As my right hon. Friend the Member for North Durham (Mr Jones) said, the more that we have heard in the inquiry and through the media since the Bill's publication, the more horrified and more determined we have become to hold individuals, including the former chief executive of the Post Office, to account. It is pretty clear to many of us that the evidence she gave to the Select Committee on 3 February 2015 and 24 June 2020 has been flatly contradicted by the Channel 4 revelations that were published on 27 March. I hope the Select Committee will be able to bring options for the House to consider as soon as possible.

I wish to touch on three points quickly: the speed of redress, the stress of redress, and the scope of this scheme. The point about speed is lit up by a single fact: the total budget for compensation is about £1.2 billion, but as of last Wednesday £196 million has been paid out. The implication of that is that 80% of the compensation budget has not been paid out, after all this time, and all the heartbreak, trauma and scandal. This Bill will correct that imbalance substantially; about £780 million of the budget is earmarked for overturning convictions and this Bill allows us to move that money much faster. However, I remain concerned by what the Minister said today about the lack of any service level agreements for paying more out for the overturning convictions scheme. I would have expected a timetable for paying out that redress alongside this Bill today.

We should be concerned about that because the track record of making payments is not good. For example, if we look at the claims in the Horizon shortfall scheme submitted by the original deadline in November 2020—three and a half years ago—we see that 362 people have still not been paid, which is a sixth of applicants. If we look at the late claims, all 667 of them, we see that three quarters of them have not been paid. That is why the Select Committee looked hard at how we could introduce some strictures to ensure that people were paid much faster.

Since then, my right hon. Friend the Member for North Durham (Mr Jones), who has more experience in this House than pretty much anybody else, and indeed the Minister, raised serious and wise concerns about the risks of putting a legally binding deadline on the entire timetable. I have listened to those concerns with care, which is why the way that my amendment on this has been drafted takes aim at one part of the process: the timeframe between a legitimate claim being submitted and a first offer being made. The Minister's target is four weeks and we are getting close to that now, but the reality is that a significant number of people are still not being paid within that timeframe.

In some of the anonymised evidence the Minister provided to the Committee, we can see that 13% of claimants in the GLO scheme are waiting more than 40 days, with 2% waiting more than 100 days. If my amendments, as I have drafted them, are not right and still run risks, I appeal to the other place to work harder on this to ensure that there is some legally binding stricture on the Department that means that when, God forbid, the Minister is no longer in his position, and we do not have his emollient and tenacity to rely on, his successor, whoever that may be, is bound by some kind of timeframe that ensures we are not still having this debate in years to come.

To check the point, I contacted a number of Select Committee witnesses this morning and found that there was some evidence that the speed of claims was improving. However, new issues were emerging; I am told that the time taken to table a second offer when the first is rejected is, frankly, not fast enough. There have been delays of up to three months or more in offering dates through remediation hearings, so the process is still running too slow. If I have failed to persuade the Committee today, I appeal to the other place to help us to find some legal mechanisms to ensure that there is stiffer timetable to which the Department must adhere.

My second point is about the stress that many people will face when putting claims in. Many people will not put claims in because legal assistance is not available before the claim is submitted. Many people, such as Christopher Head, are going out of their way to provide pro bono assistance to people in putting claims together, but often it will take hours and hours of work to get a claim form in and many people simply will not be up for that, as they do not have the patience and they want to put this behind them. They certainly will not have the legal assistance available to them. That is why I hope the Department will consider publishing some kind

of tariff to help people ensure that they are claiming for the full amount. The Minister may well say that there is a risk that people will then under-claim, but I checked that with some of the lawyers this morning. Their response was expressed in rather unparliamentary language, I am afraid, Dame Rosie, but the upshot was that such an objection was utter nonsense.

I know that a lot of thought is going on in the Department about the way to do this, and I welcome the letter from the Post Office publishing average offers around the heads of loss that have been set out. Obviously, there will be bandings that are more appropriate, and perhaps that is a way to publish these things. Obviously, there is a judgment the Department is relying on—the Dyson judgment—and the neutral evaluation, which is not publicly available, for good reason. However, my plea to the Minister is this: let us try to make much clearer to claimants the full measure of redress that they should have available. If there are issues in people needing extra help before the claim form is put in, please let us make sure that that help is available right at the beginning of the stage and not simply made available once the claim is in and a contest is under way about what should be paid.

My final point is about scope, which we have already got into. There is a case for the Government to think again about the cases that have already gone to the Court of Appeal and were refused or were not given leave to appeal. The best evidence for that is the Chair of the Justice Committee's excellent letter, in which he says:

“The Bill is in effect treating cases where the CCRC had credible evidence that Horizon data might have been essential to the prosecution case less favourably than those that the CCRC considered had no credible evidence and therefore no basis upon which to refer to the Court of Appeal.”

That is an extremely important point.

I can see what the Minister is trying to do. He is conjuring here with very radical legal remedies, and that is not something we want to be expansive, but the risk we are running is that we leave an injustice that takes years and years to work through. He has addressed some of the points the Chair of the Justice Committee made in his letter, but he has not addressed that one in writing. The objection and the goal of my amendments still stand. I will not press my amendments to a vote, because we are trying to maximise the spirit of collegiate working. I accept that my amendments, particularly on the issue of speed, may not yet be at the state of perfection that they would satisfy everyone in the Committee, especially those Members with more experience of working on these cases than I have.

However, the problem is there: people are not being paid fast enough; they are not being supplied with the right amount of information up front at the beginning of their claim; and the scope of the Bill has been drawn too narrowly. I look forward to working with the other place to try to get amendments in place that can improve the Bill and commend the consent of Members from all parties.

**Sir Robert Neill** >

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I, too, hope that I can be brief, Dame Rosie, because we have covered a deal of the ground in the interventions. However, I wish to make a few short additional points to those that have already been ventilated. They are all contained in the transcript of the evidence of the Justice Committee's hearing with four distinguished witnesses, three senior academic lawyers and, in Mr Rozenberg KC, arguably the most distinguished legal journalist of recent times. Interestingly, the Government will perhaps take comfort from the thought that three of those distinguished witnesses were prepared, despite some of my misgivings, to say that this may be the least worst way of dealing with the position. Equally, however, all of them thought that more things need to be done with the Bill, which is what I ask the Minister to bear in mind.

I am grateful to the right hon. Member for Birmingham, Hodge Hill (Liam Byrne) for referring to the letter that I wrote to the Secretary of State on 24 April. It broadly encompasses what I think are the key points, and I hope that the Secretary of State will be able to respond in writing, so that we can then publish that, in addition to the transcript of our evidence and the letter, for completeness of the record before the Bill goes to the other House.

I come to the other issues we flagged up. A small but perhaps important one relates to the conditions that must be met before the conviction can potentially be quashed. In particular, condition D in clause 2(5) requires the offence to have been committed

“in connection with carrying on, or working for the purposes of, the post office business”.

The Government's explanatory notes say that the provisions of the Bill are “intended to be unambiguous”, but the debate we had in the Justice Committee suggests that there is potential ambiguity there. Take, for example, the position of a post office worker who, during the course of the operation of the Horizon system, is convicted of theft of stock for personal gain. Is that in the scope of the Bill

or not? It is not in relation to a deficiency. In reality, that means that the Secretary of State will have to be advised by officials, perfectly properly, as to whether any individual case comes within the scheme and therefore within the scope of the requirements of clause 4. Some judgment will have to be made, and it would be interesting to know on what basis.

🕒 8.00pm

In particular, if the advice is that the conviction in an individual's case does not meet the statutory conditions, and therefore the Secretary of State does not notify the convicting court of the details of the conviction and it being quashed, will there be a mechanism for anyone affected to seek a reconsideration? That is relevant because in some cases those convictions may have been made on the basis of a guilty plea, perhaps in the magistrates court, and we do not necessarily know what the factual basis in the magistrates court of the guilty plea will be, because—unlike in the Crown court—that will not necessarily be recorded in the transcript. It is a small but technical point, but if we are going to have an expansive approach, perhaps that can be looked at as the Bill progresses. It does not alter the basic principle, but it might prevent an intended injustice arising.

We have talked already about the position of convictions that have gone to the Court of Appeal. On the basis of the evidence I heard, I have rather shifted my ground. On principle, my initial response is to be as restrictive as possible on interfering with decisions of the courts, but once we have gone to the extent that we have, as a matter of policy in this House, to adopt a more expansive approach, there is a potential risk of injustice for a comparatively small but important number of people whose cases were considered by the courts but were rejected.

The difference between the test in the scheme of the Bill and the test set out by the Court of Appeal in the case of Hamilton and others, and subsequent litigation, is really important. The Court of Appeal adopted a fairly classic and restrictive construction as to whether the Horizon evidence was essential to the conviction. As we have already said, this House has decided to take a more expansive approach in what it considers to be the broader public interest. If that is the case, some technical issues may arise from cases going to the Court of Appeal that are not fully captured.

**Liam Byrne** >

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The Chair of the Justice Committee is making a brilliant speech. The Minister characterised the decision and the conundrum here as a legal conundrum, but in a way it is in fact a political conundrum, because we are taking a political decision about the where the scope of the scheme should start and stop. Does the hon. and learned Gentleman have any insight into how long it might take those who are currently left out of the scheme to secure justice if we do not amend the Bill to improve the scope?

**Sir Robert Neill** >

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The right hon. Gentleman is right about the policy choice that ultimately gives rise to this issue. I pray in aid a quotation from Dr Hannah Quirk, who, of all the witnesses who gave evidence to the Justice Committee, was the most sceptical, but she conceded, in reference to people whose cases have gone to the Court of Appeal,

“if we are taking an expansive approach, it seems unfair to exclude them. The Court of Appeal might have been applying different criteria at that stage—the full extent of the scandal had not come to light.”

That is an important point to bear in mind. The Court of Appeal would have been considering a mixture of evidence and law at that stage. Professor Chalmers, who has also been mentioned, said:

“I obviously think it is unreasonable. I can certainly see the argument for cases from Hamilton onwards, but if someone had appealed at the time when the problems with Horizon were not documented, it seems to me to be entirely unfair to exclude them from the Act on that basis.”

**Mr Kevan Jones** >

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Does the hon. and learned Gentleman agree that much has come out since those cases were looked at? The public inquiry evidence about the way the Post Office investigated those cases showed that a text-book aggressive style was used in every case. That had an impact on some sub-postmasters pleading guilty when they were not, and in the way in which some of them were harangued to the court.

**Sir Robert Neill >**

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The right hon. Gentleman makes a perfectly fair point. That is why I hope we can find a formula to revisit this issue as the Bill makes progress. Given the expansive policy decision the House has taken, I do not think any great extra constitutional outrage is caused by including those who have been to the Court of Appeal within scope. It is rather as Keynes said:

“When the facts change, I change my mind. What do you do, sir?”

As the right hon. Gentleman points out, the facts may well have changed.

There may be an alternative formulation to that set out in amendment 1. It might be that a provision could be added to the Bill—I am thinking almost *de bene esse* at the moment—when it goes to the other House to automatically mandate the Criminal Cases Review Commission to refer those cases. At the moment, someone is required to go to the CCRC to seek the reopening of their case and apply to the Court of Appeal for leave to appeal out of time, if the case has been dismissed, and for it then to be reconsidered. As the Lady Chief Justice said in evidence to the Justice Committee, I have no doubt that the Court of Appeal would move very swiftly if that were to occur—she was very clear on that point—but there has to be a trigger mechanism, which is absent at the moment.

To come back to the point made by the right hon. Member for Birmingham, Hodge Hill, the current working processes of the CCRC could not guarantee speed. Some provision to mandate the CCRC to refer such cases swiftly might be a means of achieving justice, without upsetting any more constitutional apple carts. Perhaps that is the sort of discussion we could usefully have as the Bill goes forward.

A point linked to that is the position of someone who has appealed. I notice that clause 3 sets out the various circumstances in determining when a conviction has been considered by the Court of Appeal. Clause 3(4)(a) says one such circumstances is where

“a single judge of the Court of Appeal has refused to give leave to appeal against the conviction,”

and leave to appeal has not been given by the Court of Appeal thereafter. People can appeal the single judge’s leave to the full court, but that does not always happen. The point to make there is that, although in some cases we do not know, a suspicion was strongly raised by witnesses to the Justice Committee that the single judge may have refused leave simply on the grounds that an appeal was out of time, because there are strict time limits on bringing an appeal. If that has been the case, because it never got to the full court, the single judge and the full court would never have considered the merits; leave would have been refused purely on the basis that technically the case was out of time and there was no evidence put forward to justify at that stage why there should be a granting of leave to go beyond time. Again, that might have been because the full facts of the scandal were not yet known. I would hope that that sort of anomaly could be addressed without too much difficulty.

Dame Eleanor, I hope constructive things can still be done on the margins to improve the Bill in relation to those matters and, as the right hon. Member for Birmingham, Hodge Hill rightly said, to get the shape of the Bill into proper form. I will not press my amendment, because we want to take things forward constructively, but I hope that the Minister, in the exceptionally helpful spirit that he has adopted throughout, will continue to engage with those of us who, whatever our misgivings, realise that this is a route that the House has chosen to take. We want to get it working to the best possible extent for those who have been affected by this horrendous scandal. That will lead to ramifications in the prosecutorial process, the disclosure process and many other things beyond.

**Mr Kevan Jones >**

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First, may I declare my interest as a member of the Horizon compensation advisory board and take some responsibility for why we are here today? It was the advisory board that recommended this course of action, but this suggestion was down to the tenacity of the Minister and of the Law Officers, who he worked with closely.

When the idea was first muted at the advisory board, we thought that, possibly, this would not be acceptable to the Government, but the persuasive powers of the Minister, who I have come to admire, clearly worked their magic within Government. None the less, this was the only path to take; many individuals would not have come forward without this approach, which the hon. and learned Member for Bromley and Chislehurst (Sir Robert Neill) has described as unique.

May I also put it on the record that I am pleased that the Northern Ireland cases have been included in the scope of the legislation? Although there is only a small number, it would have been wrong to have held them up, through no fault of their own, because of the way that the consultation had taken place. Again, I congratulate all parties in Northern Ireland on how they have come together to take this united position for the victims.

Let me refer to amendment 70, and the ICL Pathway. Although the Minister has given some assurances on this, let me explain why I tabled the amendment. ICL Pathway was introduced in 1996, and the purpose of my amendment is to get some clarification on it. It was a stand-alone pilot, but the legislation refers to the "Horizon pilot". I am quite convinced by the Minister's assurance that this will be in the scope of this legislation. That is important, because there are a number of individuals, certainly in the north-east of England, who used the ICL Pathway—it was not called the Horizon pilot at that stage—who were subsequently prosecuted and will now be brought into the remit of the Bill. That is important, because it will mean that at least one individual I have met, who originally thought they would not be included in this legislation, will be.

Let me turn now to new clause 6 on the Capture cases. The Minister will not be surprised that I have tabled this clause, because—given the anorak that I am in terms of the Horizon scandal—I think we have potentially discovered another scandal that predates Horizon. For the benefit of the Committee, I would like to provide a little bit of background. As the Minister said earlier, Capture was very different from Horizon; it was developed by the Post Office itself from 1992 onwards, and it was not a linked or networked system like Horizon. It was sold as a quick way of

"producing cash accounts quickly and accurately."

It was a computer-based system, but was not networked, and it is quite clear that there were huge troubles, with it generating shortfalls. With each upgrade of the software, new bugs seemed to have grown on the system. According to the analysis that has been done on the upgrades, the Post Office identified at least 123 bugs in the Capture software.

Once we had the publicity around the Horizon scandal, a lot of people came forward and talked about experiencing shortfalls, including someone I went to visit in the north-east who described exactly their experience with the Post Office. I initially thought, "Well, this is a Horizon case." It involved a computer, and the aggressive way in the way the Post Office prosecuted that individual. But it was only when I looked at the dates that I realised that they did not match up; it could not be Horizon or ICL Pathway, because it was before then. Since then, 35 individuals—36 from today, I think, because the right hon. Member for Chelmsford (Vicky Ford) has raised another case—have come forward. We are talking about a long time ago, so a lot of these individuals will have sadly passed away, but more people are coming forward. I heard of someone this week who is now on the other side of the world; they had moved away from this country because they had been made bankrupt by the Post Office.

🕒 8.15pm

The scandal is that the Post Office knew about the problems with the system. I will come on to how I discovered all this. I think the Minister must realise that I have more evidence than the actual Post Office has about this scheme. The Post Office was helpfully sending out newsletters, saying that there were bugs in the system. One would have thought that that would have set alarm bells ringing in the Post Office to say that when there is a shortfall at a post office using Capture, people should not be prosecuted. But it just carried on doing it. In 1999, it sent out a letter to the north-east postmasters, claiming that more than 100 had been prosecuted for false accounting over the previous six years. Again, no alarm bells seem to ring in the Post Office over why, suddenly, it had all these kleptomaniacs working for it. It used the same aggressive approach in its investigations as those we have heard about at the Horizon public inquiry in terms of audit and arguing that the computer could not be wrong.

I want to raise the individual case of June Tooby from Bishop Auckland in the north-east. In 1999, she was suspended after a shortfall was discovered in her accounts, and ultimately her contract was terminated. In court, she raised the possibility that the Capture system could be to blame for the shortfalls in her sub-post office. Post Office lawyers argued that this could not be the case. One investigator said:

"I have no reason to believe the computer was faulty."

Again, this comes to the point about judges, including in the Horizon cases. I am not one to attack judges, but, in this case, the judge just accepted that, almost pooh-poohing the case, saying that the computer is always right. Clearly, it is not. The Post Office also said that these faults just seemed to be appearing.

Sadly, June died in 2020, but in many ways she is still with us. She was a remarkable woman—I would have loved to have met her. She kept everything, including the full transcripts not only of her trial but of her interviews with the Post Office investigators, as well as a transcript of a taped telephone conversation that she had with the Post Office. More importantly, she kept the old floppy disks and all the operating manuals to go with the Capture system. Basically, what we have is a full example of a Capture case, which is something that the Post Office does not have.

I pay tribute to June's husband, Ken Tooby, and Vivian, her niece, who have kept all of this, and very helpfully supplied it to me. It came in large boxes, and it has taken a long time to go through it all. I also pay tribute to my assistant, Ryan Jackson, who spent a long time reading all of this and differentiating between what was and was not relevant. We have been working with Simon Recaldin from the Post Office, and we have passed copies on to the Department, which I think now has all the information.

It is a full case, and I do not think that the Post Office has anything that compares with it. If we changed the name on the documents to Horizon, they would be the mirror image of a Horizon case, given the way in which the prosecutions were carried out, dismissing the idea that the computer system could be wrong. I am pleased, having worked with the Minister's officials, and with the Minister himself, that he has agreed to have an independent expert look at the discs and the evidence to clarify what happened. Steve Marston and Steve Lewis are two other individuals who have come forward and been helpful—certainly Steve Marston has—in trying to show that the floppy discs create problems.

As I say, Capture was rolled out nearly 30 years ago. Many people will have passed away. It is important that we get justice for people. I suggested to the Minister that individuals affected by Capture could be included in the Bill for exoneration. I accept why he cannot do that, but if we get clarification—if we get independent expert advice that the computer system was wrong, and on the other evidence that I have produced—before the Bill passes through the other place, perhaps we could add Capture. The Minister is right that we need that independent verification.

If it is not possible to add Capture, we will have to find some other mechanism to get justice for those individuals. To be fair to the Minister, I think he is committed to looking at that. There may well be other individuals out there who have not yet come forward. The right hon. Member for Chelmsford raised a case. I appeal to anybody out there who had such involvement with the Capture system to please come forward. If any right hon. and hon. Members have such cases, please feed them through to me.

The Bill is unusual, as the hon. and learned Member for Bromley and Chislehurst said, but I think it has got the balance right. The Chair of the Business and Trade Committee knows my reservations about putting time limits on compensation. I have sat on the advisory board and seen the difficulty of dealing with some of the cases. To the Minister's credit, offering fixed-sum awards has helped to move some cases on very quickly. Some, however, are very difficult just by their nature. I do not think that anyone wants them to go on for longer than they should. Some of the proposals that I think the Minister will announce, following our board meeting last week, will help to speed up the process.

I understand the nervousness around Court of Appeal cases not being included in the Bill. We need to find a mechanism for dealing with such cases. Given what has come out of the inquiry in the past few weeks, evidence is now in the public domain that possibly was not available to people when they brought their cases forward. I accept that some parts of the judiciary feel nervous about the approach. The Minister, the Justice Committee and the Business and Trade Committee need to sit down with Government Law Officers to look at ways in which we can at least look at some of those cases.

Once the inquiry is complete, I think we will have a full picture of not only the investigatory side but the decision-making process. I have to say, having heard from senior people in the Post Office this past week, it seems to be that they cannot remember, but that is no defence. It is important that we do not forget about such cases. I will not press my amendments to a vote, but hopefully we can ensure that we get justice for not only those individuals affected by Horizon but those affected by Capture, who fall outside the scope of the Bill at the moment.

**Ian Paisley >**  
(North Antrim) (DUP)

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Like other Members, I will not speak for very long. In this instance, I actually mean that. I will speak to new clause 1 in my name and those of my colleagues, and new clauses 3 and 2 in the names of the Secretary of State and my colleagues. The Minister will really have an opportunity to dine out on all the thanks and gratitude. It is not given lightly. He has shown something that the public

constantly tell us is absent from this place: honour. He has been completely honourable with the people of Northern Ireland in this matter.

Whenever my right hon. Friends the Members for East Antrim (Sammy Wilson) and for Belfast East (Gavin Robinson) raised the matter in the Chamber, they consistently asked for Northern Ireland to be included. From day one, the Minister was consistent in saying that he would use his best endeavours to do that. Sometimes we hear those words and it is only acknowledged in the breach, but he was absolutely clear that he was going to do it. There were ups and downs in the process, but every effort was made to ensure that, on a cross-party, cross-ministerial and cross-legal-jurisdiction basis, the consistent message came back to the Minister that this was the way to resolve the issue. Accepting the instruction this evening was a clear indication that that would happen.

New clause 1 is now superfluous to requirements. It has been incorporated in the Government's own new clauses. We welcome that and thank the Government for it. **Sub**-postmasters across Northern Ireland will know that they are being treated exactly the same, with the same opportunity for fairness and to receive compensation, as their colleagues in England and Wales. I hope it is not inappropriate to thank the Clerks' office. I really want to draw attention to how, frankly, brilliant they are in helping us to ensure that new clauses are drafted correctly. That made it easier for the Government's team to then accept what we had tabled. Without the Clerks' help, we would not have been as successful. It is only appropriate to acknowledge that.

I know from speaking to some of the victims that they are extremely grateful. They were wound up a bit from time to time by the media, who told them, "Northern Ireland is being excluded. You're not going to get it," even after we had the commitment from the Minister. Thankfully, tonight postmasters in Northern Ireland will see justice, and I thank him for that. I will therefore not press new clause 1 in my name.

**Rushanara Ali** >  
(Bethnal Green and Bow) (Lab)

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It cannot be repeated often enough that the Horizon scandal remains one of the greatest miscarriages of justice our nation has experienced. It is a scandal characterised by abuse of power, the mistreatment of innocent people and the wholesale failure of the entire system. We might blame it on a failure of IT, but that is not the whole story. It is human failure on a grand scale—a failure to listen, and a failure to learn. It is a failure by the powerful to listen to **sub**-postmasters, and it has had a catastrophic cost in reputation, income and suffering on hard-working, innocent **sub**-postmasters and their loved ones.

**Sub**-postmasters are people we rely on, at the heart of our communities—the people who serve us, help us and hold our communities together. Without the tireless campaigning of people such as Alan Bates, the relentless efforts of parliamentarians across the House, and the work of journalists and filmmakers, perhaps justice would have never been done. To them I pay tribute, and I extend my gratitude to the Minister for the work that he has done, from the Front Bench as well as from the Back Benches. We have heard horrific stories of **sub**-postmasters who took their own life because of the suffering, and stories of shame, pain and suffering for **sub**-postmasters, as well as their families and friends.

Labour supports this unprecedented Bill, and we believe that it must pass into law with the necessary urgency, given the gravity of the situation. This has been said already, but it is crucial that this Bill should not set a precedent. It is an exception. We must understand the weight of this action, so that it is never even considered again. The legal solution in this Bill is a wholly exceptional and isolated case. These necessary actions are being taken to match a miscarriage of justice unprecedented in both scale and impact. The Bill must not set a precedent.

 8.30pm

We welcome the inclusion of Northern Ireland in the territorial scope of the Bill. I thank the Minister for listening to the representations made across the board about getting the Northern Ireland element into the Bill. I know it will be a significant relief to the 27 **sub**-postmasters in Northern Ireland who were wrongly convicted.

The amendments tabled by my right hon. Friend the Member for Birmingham, Hodge Hill (Liam Byrne), which he has spoken to, sought to clarify the position on compensation and the expediting process for those exonerated. Of course, for the victims of this scandal, the quashing of their convictions must be swiftly followed by further compensation. It would surely rub salt in the wounds to quash a conviction after all these years and then to have delays, beyond a reasonable time, in the payment of compensation. Given everything that has happened, it is right that the Minister should be in a position to set out explicitly in more detail how the Government will ensure that the compensation is delivered without further delay.

My right hon. Friend set out very clearly the reasons behind the amendment he tabled; he has agreed to withdraw it, but what he says is important, and I very much hope that the Minister will heed the points he has made. There are of course complex cases in the exoneration process, and we do not want deadlines that may have unintended consequences, as my right hon. Friend acknowledges. However, we must act with urgency and speed to ensure that delay has no further part in this already-long process, which has caused so much suffering to victims.

As the inquiry rolls on, more and more horrifying stories are emerging—more stories of cover-ups, obfuscation, dirty tricks and a shameful culture at one of our oldest institutions. Today's legislation is seismic, but it is only part of the story. I know Ministers recognise the wider work that is needed to ensure that **sub**-postmasters get the justice they deserve. I want to touch on those wider points that the Minister is thinking about and working on, and to put them on the record. For example, questions about the requirement to sign non-disclosure agreements were exposed in last week's hearing in relation to Mr Griffiths, who tragically took his own life as a result of the pressure that the Horizon scandal put on him. The widow was encouraged by the Post Office to sign an NDA. It is important that Ministers think about the implications of such issues.

My right hon. Friend the Member for North Durham (Mr Jones) set out the ongoing concerns about Capture. I welcome the Minister's clarification on the Pathway scheme, but it is crucial that we ensure that action is taken. I welcome his recent announcement on Capture, and we look forward to seeing progress as speedily as possible.

This is outside the scope of the Bill, but it is helpful that the Government are focused on ensuring that Fujitsu contributes to the compensation plan, given that public money in the order of £1 billion has been committed to it, and that Fujitsu has continued to receive Government contracts worth £3.4 billion since 2019. Alongside this legislation, which is vital and which we support, it is critical that the Government work at pace to address the wider issues in the Post Office—its leadership and management, and their failures and abuses of power, which have been exposed by this scandal—so that it is fit for purpose. We look forward to working to ensure that that happens.

**Kevin Hollinrake** >

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I will tackle the points that have been made as briefly as possible. The Chair of the Business and Trade Committee, the right hon. Member for Birmingham, Hodge Hill (Liam Byrne), is right to say that £196 million has been paid out so far. This legislation will open the door to a lot more compensation, and it should go out rapidly to victims of prosecutions. Also, we expect that number to rise significantly with the introduction of the fixed-sum award of £75,000 for Horizon shortfall scheme claimants. To be clear, around 70% of claims submitted in time have been settled, following the final settlement for those individuals, so we are making progress, but we are determined to make more. Certainly, we are working with the Horizon compensation advisory board to ensure that that is the case. We are very happy to get into the weeds and nitty-gritty of this; we do that daily. The right hon. Gentleman said that, for whatever reason, I may not always be the Minister with this brief. I am very happy to help whoever takes over the brief when that happens, should more help be needed.

Yes, we are keen to accelerate the timescales right across the piece for the GLO scheme. As I say, we are hitting our target of making 90% of first offers within 40 days, but we will come forward with more service-level agreements for other schemes. I am very happy to work alongside the right hon. Member for Birmingham, Hodge Hill on that.

**Liam Byrne** >

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I am grateful for that reassurance. Does the Minister think that he will have the service-level agreements for the overturned convictions scheme on the table before the Bill is sent for Royal Assent?

**Kevin Hollinrake** >

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Yes. The right hon. Gentleman asked about tariffs. We are keen to do whatever we can to make the process quicker, easier, clearer and more transparent. We are taking that away and looking at it right now.

Of course, legal advice is available prior to the submission of a claim to the Horizon overturned convictions and compensation scheme, as it is in the GLO. It is only in the HSS, which was seen as non-adversarial, that that does not apply prior to the offer being made, but legal advice is available after that point.

We are obviously keen to continue discussing the cases that are before the Court of Appeal. We will certainly respond in due course to the letter from the Chair of the Justice Committee, my hon. and learned Friend the Member for Bromley and Chislehurst (Sir Robert Neill).

**Liam Byrne >**

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I am grateful to the Minister for taking a final intervention. It is maybe a non-adversarial process, but it is none the less an intimidating one that involves a complicated 16-page form that takes several hours to fill in. That is the equivalent of several thousand pounds-worth of legal assistance. At the moment, such assistance is being provided pro bono by those with some experience, but I hope that the Minister will look at the matter again.

**Kevin Hollinrake >**

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I am happy to look at that. I should point out that a lot of the 16-page form is legalese. Only about four pages of it is actually stuff that needs to be filled in, but I understand the right hon. Gentleman's point, and the advisory board has made a recommendation for an independent appeals process for this scheme as well, which we are looking at.

I thank my hon. and learned Friend the Member for Bromley and Chislehurst for his work on the issue with the Justice Committee. I agree that what is before us is the least worst option, and I am glad that the legal fraternity is coming to the same opinion. We will respond to his letter of 24 April, particularly on the Court of Appeal cases. There are 13 cases—seven before the Court of Appeal, and six that have been refused leave to appeal—and I am very happy to look at them, and to continue our conversations. I understand the potential injustices around those cases. We will also have a look at his point about subsection (4)(b) of clause 2, to make sure that there are no unintended consequences from the legislation.

I thank the right hon. Member for North Durham (Mr Jones) for all his work on the advisory board. He has talked about my persuasive powers; I think the ITV series was far more persuasive than I was in moving things on and getting us to where we are today, but certainly, following his recommendations, which were made before the series aired, we were looking at ways to expedite the overturning of convictions, and some of the Bill is based on those recommendations. As I say, we are looking at the Capture software through the independent review. We have both met with Mr and Mrs Marston, and their story, like many others, was compelling.

The right hon. Gentleman raised the issue of the date range, which is dealt with in subsection (2)(a) of clause 2, under which the offence has to have taken place between 23 December 1996 and the later date. If an offence was committed at an earlier date, it would be excluded under the legislation. We need a conversation with the right hon. Gentleman about that, but the independent review should inform our debate going forward. It is easier to include Horizon than other things that were not directly connected to Horizon, as the court has found convictions unsafe on the basis of Horizon evidence. That is why we are able to legislate in this way.

I thank the hon. Member for North Antrim (Ian Paisley) for his kind words. It is important to recognise that all of us are here to do the right thing, and it is a pleasure to have the opportunity to do so in this way, on a cross-party basis. We are very pleased to be able to agree with the DUP's wishes that Northern Ireland be included in the legislation, particularly for the sake of the 23 postmasters in Northern Ireland who have suffered as a result of Post Office actions.

I also thank the shadow Minister, the hon. Member for Bethnal Green and Bow (Rushanara Ali), and her Front-Bench colleagues for their support. We are very keen to make sure that Fujitsu contributes—it has agreed to do so, and has a moral obligation to do so. My Secretary of State, who has been massively supportive of all my work on these issues, has met Fujitsu's global chief executive officer, and we expect to provide more news to the House in due course.

With that, I commend the Government amendments to the House.

*Amendment 25 agreed to.*

*Amendments made: 27, page 1, line 9, after "Appeal" insert "in England and Wales."*

*This amendment is consequential on amendment 26.*

Amendment 26, 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.”

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

Amendment 28, page 1, line 12, at end insert

“in England and Wales or in Northern Ireland.”—(Kevin Hollinrake.)

*This amendment is consequential on amendment 26.*

*Clause 1, as amended, ordered to stand part of the Bill.*

Clause 2

Meaning of “relevant offence”

*Amendments made:* 29, page 2, line 32, at end insert

“or section 17 of the Theft Act (Northern Ireland) 1969;”

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

Amendment 30, page 2, line 35, after “1968” insert

“or section 15 or 15A of the Theft Act (Northern Ireland) 1969”.

*See the explanatory statement for amendment 29.*

Amendment 31, 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”.

*See the explanatory statement for amendment 29.*

Amendment 32, page 2, line 41, at end insert

“or section 21 of the Theft Act (Northern Ireland) 1969;”

*See the explanatory statement for amendment 29.*

Amendment 33, page 3, line 1, at end insert

“or section 1(1) of the Theft Act (Northern Ireland) 1969.”—(Kevin Hollinrake.)

*See the explanatory statement for amendment 29.*

*Clause 2, as amended, ordered to stand part of the Bill.*

Clause 3

Determining when a conviction has been considered by Court of Appeal

*Amendment made:* 34, 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.”—(Kevin Hollinrake.)

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

*Clause 3, as amended, ordered to stand part of the Bill.*

Clause 4

Identification and notification of quashed convictions

*Amendments made:* 35, page 3, line 17, leave out “Secretary of State” and insert “appropriate authority”.

*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.*

Amendment 36, 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.”

*See the explanatory statement for amendment 35.*

Amendment 37, page 3, line 19, leave out “Secretary of State” and insert “appropriate authority”.

*See the explanatory statement for amendment 35.*

Amendment 38, page 3, line 20, leave out “Secretary of State” and insert “authority”.

*See the explanatory statement for amendment 35.*

Amendment 39, page 3, line 25, leave out “Secretary of State” and insert “appropriate authority”.

*See the explanatory statement for amendment 35.*

Amendment 40, page 3, line 26, leave out “Secretary of State” and insert “authority”.

*See the explanatory statement for amendment 35.*

Amendment 41, page 3, line 32, leave out “Secretary of State” and insert “authority”.

*See the explanatory statement for amendment 35.*

Amendment 42, page 3, line 36, leave out “Secretary of State” and insert “appropriate authority”.

*See the explanatory statement for amendment 35.*

Amendment 43, page 3, line 37, leave out “Secretary of State” and insert “authority”.

*See the explanatory statement for amendment 35.*

Amendment 44, page 3, line 37, leave out “in England and Wales”.—(Kevin Hollinrake.)

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

*Clause 4, as amended, ordered to stand part of the Bill.*

Clause 5

Deletion of cautions for relevant offences

*Amendments made:* 45, page 4, line 3, after “has” insert

“before the coming into force of this Act”.

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

Amendment 46, page 4, line 5, before “criminal” insert “UK”.

*This amendment is consequential on amendment NC2.*

Amendment 47, page 4, line 27, before “criminal” insert “UK”.—(Kevin Hollinrake.)

*This amendment is consequential on amendment NC2.*

*Clause 5, as amended, ordered to stand part of the Bill.*

*Clause 6 ordered to stand part of the Bill.*

Clause 7

Power to make further consequential provision

*Amendments made:* 48, page 5, line 7, leave out

“an Act of Parliament passed”

and insert

“primary legislation passed or made”.

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

Amendment 49, 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*).”

*This amendment is consequential on amendment NC3.*

Amendment 50, page 5, line 15, leave out “an Act of Parliament” and insert “primary legislation”.

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

Amendment 51, page 5, line 20, at end insert—

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

(a) an Act of Parliament, or

(b) Northern Ireland legislation.”—(Kevin Hollinrake.)

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

*Clause 7, as amended, ordered to stand part of the Bill.*

Clause 8

Interpretation

*Amendments made:* 52, page 5, line 23, at end insert—

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

*This amendment is consequential on amendment 53.*

Amendment 53, 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;”.

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

Amendment 54, page 6, line 9, after “Wales” insert “or Northern Ireland”.

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

Amendment 55, 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)).”—(Kevin Hollinrake.)

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

*Clause 8, as amended, ordered to stand part of the Bill.*

Clause 9

Extent and commencement

*Amendment made:* 56, page 6, line 25, leave out “only” and insert “and Northern Ireland”.—(Kevin Hollinrake.)

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

*Clause 9, as amended, ordered to stand part of the Bill.*

*Clause 10 ordered to stand part of the Bill.*

New Clause 2

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.”—(Kevin Hollinrake.)

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

*Brought up, read the First and Second time, and added to the Bill.*

New Clause 3

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.”—(Kevin Hollinrake.)

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

*Brought up, read the First and Second time, and added to the Bill.*

Title

*Amendments made: 23, line 1, after “Wales” insert “and Northern Ireland”.*

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

*Amendment 24, line 4, after “Wales” insert “or Northern Ireland”.—(Kevin Hollinrake.)*

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

*The Deputy Speaker resumed the Chair.*

*Bill, as amended, reported.*

*Bill, as amended in the Committee, considered.*

*Third Reading*

🕒 8.49pm

**The Secretary of State for Business and Trade >**

(Kemi Badenoch)

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I beg to move, That the Bill be now read the Third time.

Hon. Members will need no reminder of the significance of this Bill. This legislation will, I hope, bring some much-needed relief and closure to those caught up in one of the greatest miscarriages of justice in our nation's history. For the postmasters wrongfully accused of, and convicted and punished for, crimes they never committed, this Bill means hard-won exoneration, with their convictions wiped clean from the slate.

A wrong is finally being put right but, as hon. Members know, these postmasters will also receive the fair compensation they deserve through the Horizon conviction redress scheme; this will be delivered by my Department rather than the Post Office. While the scale of the Government's response in this case is extraordinary, I am keen to remind hon. Members that it does not set a precedent for our involvement in other judicial matters. I know this sentiment has been echoed across this House during debates on the Bill. We have chosen this path because the sheer extent of the Post Office's prosecutorial misconduct is an affront to justice in and of itself. It demanded an exceptional response from Government.

That is why I was glad to see this Bill being welcomed on both sides of the House on Second Reading. There is, I believe, a unanimous consensus that the provisions of this legislation are needed to bring justice to postmasters who have suffered too much for far too long.

**Bob Seely >**

(Isle of Wight) (Con)

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I am sorry to intervene on Third Reading. The Secretary of State is talking about justice for postmasters and mistresses, which is completely right, but I want to ask one question about the policy aspect of this. I and other Members have had postmasters who have written to us who have not been prosecuted but found that the Horizon system was working badly and had to top up out of their own money when Horizon was reporting losses due to faults in the system. What is their redress route if they are now saying, "I was hundreds of pounds out of pocket because I was having to make up the difference"?

**Kemi Badenoch >** [Share](#)

We have devised the Horizon shortfall scheme to deal with those specific situations and if my hon. Friend writes to the Department we can look at some of the cases brought to him as a constituency MP.

I know the debate to date has centred around calls to extend the Bill to Northern Ireland, and the Government have been supportive of them. So, in consultation with the Northern Ireland Executive, I was pleased to see the Government amendments in my name accepted by the Committee of the whole House. As a result of the House's support, postmasters in Northern Ireland who suffered the same injustices as those in the rest of the UK will now also see their good names restored, with proper financial redress.

As has been noted during recent debates, the speed of that redress could not be more important. Because of the Horizon scandal, people lost more than just their jobs; they were pursued for non-existent losses, they racked up legal bills, and they suffered enormous financial and personal strain because of the Post Office's actions. It is therefore entirely right that victims do not wait a second longer than necessary to have that money paid back to them—with interest—to reflect what they have lost. I am determined that this legislation complements the ongoing work to hasten redress across the existing schemes. Here we are already making good progress, with payments allowing postmasters to finally move on with their lives.

I would like to take this opportunity to thank the Opposition, especially the hon. Member for Stalybridge and Hyde (Jonathan Reynolds) for his constructive and supportive approach to working with the Government on this Bill, and so many Members across the House who have engaged with us over and over again to deliver the right result for postmasters. I would also like to thank the officials of both my Department, Business and Trade, and the Ministry of Justice who have been working hard behind the scenes for some time to ensure that postmasters affected by the Horizon scandal are supported and compensated fairly. But most of all I thank my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) for his exemplary work as Post Office Minister and in taking through this Bill and dealing with the issue in a very sensitive manner and helping to create confidence in the scheme.

This Bill is a major step forward in that mission. After years of campaigning and fighting to clear their names, postmasters are now receiving the justice they deserve. No Bill can fully undo the damage that has been done or remove the scars the Horizon scandal has left on its victims, but through this legislation we are doing our best to right the wrongs of the past so that every **postmaster** caught up in this scandal can begin to rebuild their lives. I commend the Bill to the House.

🕒 8.54pm

**Rushanara Ali** >

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I thank the Minister and the Secretary of State for their remarks. Today's Bill, as has been acknowledged, provides an important step forward in bringing justice for **sub**-postmasters. They have suffered more than we can imagine, as the Secretary of State has pointed out. That has included unjust prison sentences, bankruptcy, ostracisation from communities, family breakdown and homelessness. Tragically, the scandal has led to some **sub**-postmasters taking their own lives. Today by no means makes amends for what they have been through and the suffering their families have endured, but it is an important positive step.

We welcome, as I have said previously, the fact that today's Bill will bring particular relief for the 27 Northern Ireland cases and ensure that they receive exoneration. The many stories we have heard of those affected, whether in this debate or in previous statements and debates, are just snapshots of the scale of suffering that the Horizon scandal has caused. It has been a scandal defined by the abuse of power, secrecy and delay. As others have acknowledged, we have seen the inquiry revealing yet more challenges and yet more issues, whether those relate to the cases referred to today, non-disclosure agreements, the speed with which action is taken, the particular abuses that we have seen or much else. While this Bill has a particular focus, it will not be enough.

As I said earlier, I welcome the actions the Minister is taking to address the concerns on Capture. I welcome the clarification he has made on Pathway and the assurances he has given to Members on both sides of the House on the speed of providing the necessary compensation and on ensuring that this Bill remains a unique provision, given the unique and extraordinary situation that **sub**-postmasters have experienced and the injustice they have faced.

We look forward to seeing progress on the action that will be taken to deliver the compensation that **sub**-postmasters desperately need. We look forward to working with the Government to make sure that the Post Office is fit for purpose, because frankly what we have seen from this scandal and what has been uncovered over the period that the Post Office has presided over it and its implications has exposed major failings that we urgently need to address. We must ensure that the institution is fit for purpose, that further scandals do not hit that institution and that more people do not suffer. What we have seen does not inspire confidence, and action must be taken. I look forward to working with Ministers to help achieve that.

🕒 8.58pm

**Mr Carmichael** >

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I am pleased to give this Bill my support and that of my party on Third Reading. It shows what is possible when the House comes together and works collegiately, as we have done. It must surely remain a concern to us all that it is necessary in the first place.

I pay warm tribute to the Minister for how he has handled this matter, not just as a Minister but in his time before he came into office, as well as to the right hon. Member for North Durham (Mr Jones) and the hon. Member for Motherwell and Wishaw (Marion Fellows), although she is not in her place at the moment. I would say only that I hope that the Scottish Government can bring to the Scottish Parliament the legislation that has been prepared so that we can all come to the same place at the same time, because the important thing here—we have to come back to this time and again—is the outcome for the **sub**-postmasters themselves. For the Post Office as an institution, this is an important step in restoring its trust and its standing in the communities that we all represent.

I leave the House with this final thought. There is a temptation to think that when the Bill passes and its provisions are implemented, somehow or other that is it—job done. I caution the House against that. We are here tonight because of a head of steam that was built up because of the nature of the Post Office as an institution, the standing of **sub**-postmasters in our communities, the sheer number of cases and the remarkable way in which the ITV programme caught the mood of the nation.

What happened to **sub**-postmasters is different from what happens to people all the time only in one respect: the sheer scale of it. In my time as a Member of Parliament, I have come across so many examples of people with good, reasonable cases who were squeezed out of what they are entitled to because of the inequality of arms. Public bodies have deep pockets—the taxpayer is behind them every step of the way—to pay for the best legal representation and to stonewall in cases where people would otherwise have good justice.

I will be back in Westminster Hall on Wednesday morning to deal with a case about the accountability of the Financial Conduct Authority, where it acted in respect of claims made by constituents of mine who had been the victims of a Ponzi scheme only because it was eventually forced into doing so by people who, as with the Post Office, were brave enough to take their case to court. Ultimately, they lost, but in the process of taking their case to court, they put the FCA in a position where there was no alternative but to pay out to all the victims through the financial services compensation scheme.

The brave 95 people who took the legal action in the first place are left £2 million out of pocket. Everybody gets something because they were brave enough to stand up, but they are left to pay at the end of it. That might be the law, Madam Deputy Speaker, but you will never persuade me that it is justice.

🕒 9.01pm

**Gavin Robinson** >

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Like others who have spoken, I indicate the Democratic Unionist party's full support for the Bill at Third Reading. The Secretary of State was kind enough to thank the Minister. As she was not present to hear all our tributes to him throughout the course of the evening, I want to repeat them for her benefit.

The Minister has thoughtfully and doggedly worked through the issues on the inclusion of Northern Ireland. We are incredibly grateful to him. He used to sidle up to me weekly and suggest something else that I needed to do to allow him to advance the case for inclusion, and every time I satisfied what he had asked of me, he presented another challenge, and then another. He requested that I speak with people who are really uncontactable for politicians because they are too impartial for such work. But my colleagues and I genuinely appreciate the way in which he has engaged with us.

Tribute was paid to the Northern Ireland Executive and the way in which they have engaged in this issue, but as the party leader it would be remiss of me not to put on record my appreciation for the work of my right hon. Friend the Member for East Antrim (Sammy Wilson), who took an interest in the issue long before the restoration of the Northern Ireland Executive. He has recognised the deep injustice that has been at the heart of the Horizon scandal and doggedly pursued resolution and justice for those affected in Northern Ireland.

Our friend, the right hon. Member for North Durham (Mr Jones), has always been a champion for Northern Ireland's inclusion in the legislation. We are grateful not just for his interest in us, but for his commitment to the issue over many years and the thoughtful way in which he has engaged in it.

It serves to prove the impact that Back Benchers can have in the parliamentary process that there is no frailty to the pursuit that we have. Though we may not have sufficiency of numbers to provide the opposition in and of ourselves, we have been able through effective relationships to ensure positive progress in the Bill. However, that can work only if there is reciprocation. For that, throughout the course of the last weeks and months, and longer relationships on other issues, we are grateful.

🕒 9.04pm

**Mr Kevan Jones** >

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This is a historic, unique and very controversial Bill. It is another small step in the justice for **sub**-postmasters campaign, which has been going on for decades. I pay tribute to Alan Bates and all his campaigners. They said no to the people who were telling them to go away. They kept at it, and they are the heroes in all this.

I pay tribute to the fellow members of the advisory board, Professor Chris Hodges, Richard Moorhead and James Arbuthnot. We proposed this solution for overturning convictions, but did we expect it to be accepted? No, we did not. That is down to the Minister's work. I also want to put on record my thanks to the Attorney General and Justice Secretary, both of whom not only engaged with the arguments but saw the logic of this controversial way of doing it—the only way of doing it. Without their help, it could not have been done.

Let me put on record my thanks to the Minister's long-suffering officials. They have to put up with not just him but me and the other advisory board members. They worked tremendously hard on this, as did the officials in the Ministry of Justice. We are into civil service bashing again this week, but I must say that without them, we could not have achieved what we have in this Bill. I heard what the Minister said on the issues around Capture. Hopefully, given the constructive way in which he has approached the issue, we can get justice for those affected.

Finally, our thoughts should be with all those people who are no longer with us, such as Tom Brown, my constituent who originally got me involved in this scandal. June Tooby's forensic cataloguing of the Capture case will hopefully lead to some justice for those victims, too. This is an important step forward. Let us hope that it gives families some comfort to know that their loved ones will be exonerated as part of this process.

🕒 9.07pm

**Sammy Wilson** >

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Let me also put on record my thanks to the Minister for his work on this issue. I first came across it when I witnessed the anger, frustration and despair of people who knew that they had done no wrong, yet had their reputations sullied, lost their business and faced the suspicion of their friends and even their family. They felt that they were beating their heads against a brick wall of bureaucracy—they were against people who had standing, and who were believed, regardless of the evidence that mounted against the case that they were making. The Minister has done a great thing by giving hope and exoneration to people, many of whom felt that they would never get justice. Now they have found it.

The Minister knew about the scandal before he took his position, and he made it clear at the very start that he intended to see this through. He has used his position to do a good thing. It is important to recognise that this place has been the vehicle by which justice has been delivered. A committed Minister was determined to use his position to do the right thing for individuals.

When the issue of Northern Ireland was first raised with the Minister, there was a reluctance; there is no doubt about it. When I put questions to him on the Floor of the House, and in my conversations with him, there were always reasons why legislation should be introduced in Northern Ireland. Here is a good thing: the arguments were listened to, over time.

As my right hon. Friend the Member for Belfast East (Gavin Robinson) said, the Minister did not just roll over. He expected us to do something as well, and make the case—that is the job. I am thankful for the fact that he listened, and that Northern Ireland was included.

I thank the Clerk for his advice. Many of us are not really aware of all the parliamentary procedures, even though we have been here for I do not know how long. We do not always know the best of way of going about things. The advice and the support that was given was very important in getting this over the line.

Unfortunately, even though people will be exonerated as a result of this legislation, there are many who died with this shadow on them, and with the shame of what was done to them by people who, as the inquiry now shows, were cynical, manipulative and calculating in how they pursued them through the courts. This is not for debate today, but I hope that once the inquiry is over, there will be accountability for those who knowingly put **sub**-postmasters through this, quite apart from the embarrassment some have had during the inquiry, when they have forgotten matters, shown arrogance, or claimed that they were just doing their job. As I say, some **sub**-postmasters died without their name ever being cleared. We can do nothing about that, but I hope that their families will at least feel some reassurance as a result of this legislation.

Once the Bill passes into law, **sub**-postmasters will be exonerated from a legal point of view, but I hope that the compensation that they are due will be paid out quickly. The Minister outlined some of the ways he intends to ensure that compensation claims are dealt with quickly; I hope that they are.

I hope that other Ministers learn from this experience. Do not forget that even when the evidence was piling up, and the issues had been pointed out, and suddenly **sub**-postmasters and **sub**-mistresses across the country were common thieves, Ministers turned a blind eye, or accepted the explanation given by their officials. As I mentioned at the very start, the frustration that people feel when the state denies them justice, or tells them that they have done something that they have not, causes them to have no confidence at all in Government and its institutions. We could go through a number of issues. I look at the evidence that is building up on the loan charge. I ask myself whether, in five years' time, we will find the same kind of issue there, with programmes put in place, and Ministers embarrassed and unable to explain why they did not take action when all the evidence was there. I hope Ministers take heed of this sorry tale, in which they believed people in power, rather than the victims of those in power.

**Mr Jonathan Lord >**

(Woking) (Con)

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I was elected in 2010, and was an MP of just a few months' standing when my constituent Seema Misra approached me, saying that she had just been sentenced to jail. She was pregnant and her sentence came down on her son's 10th birthday. With the help of James Arbuthnot, now in the other place, within a few days I realised that there were other colleagues who had similar cases, and it all pointed to the Horizon system. I wrote to the Post Office Minister at the time and I was rebuffed. There must have been other colleagues who did the same thing. A Back Bencher of just a few months' standing was able to see right to the heart of the problem with the help of the internet and a couple of fantastic colleagues, yet a Minister of the Crown was not. Now, Ministers in our system have surgeries—

**Madam Deputy Speaker >**

(Dame Eleanor Laing)

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Order. This is not a Second Reading speech. We are at the very end of the Bill and the hon. Gentleman should be making an intervention, but that was very much a speech. We all have sympathy with the point he is making, but this is not the time in the proceedings when such points are made. I believe that the right hon. Member for East Antrim was just about to conclude the entire debate on the entire Bill.

**Sammy Wilson >**[Share](#)

I was indeed, but the intervention shows that Ministers need to listen. I pay tribute to the right hon. Member for North Durham (Mr Jones) for giving us great support for the case of Northern Ireland, and to others who persisted in raising this issue. I know that a lot has been said about the TV programme, but even before it aired there was a realisation, because of the persistence of Members, that something had to be done. I am glad it has been done, and I hope that this will be a great relief to many people who have lived under the shadow and the cloud of the things that happened to them over a number of years.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

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