



Department for
Business & Trade

Kevin Hollinrake MP
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07 May 2024

Dear Marion,

Post Office (Horizon System) Offences Bill

Thank you for your letter of 26 April regarding the above Bill and the exclusion of Scotland from its scope. As I said during the instruction motion debate prior to Committee Stage of the Bill on Monday 29 April, the UK Government's position is that Scotland has an historically separate legal jurisdiction to England and Wales, and the Lord Advocate, Crown Office and Procurator Fiscal service had a unique role in respect of prosecutions in Scotland. As such, it would be more appropriate for the Scottish Government to introduce its own legislation, and for this to be scrutinised by the Scottish Parliament.

Unlike in Northern Ireland, Scotland's legislature has not just been re-established and it can deliver its own approach in a reasonable timeframe. Indeed, the Scottish Government has had capacity to bring its own legislation for some time.

During the debate on 29 April, I said the following:

May I push back on something that the hon. Lady said a few moments ago? She said that this Parliament is sovereign. Absolutely, it is sovereign, but on these matters, her Parliament is also sovereign.

I would like to clarify that what I meant by this statement. Instead of "sovereign", I meant to say that the Scottish Parliament has legislative competence. Justice is a devolved matter in Scotland, so the Scottish Parliament has the power to overturn these convictions via its own legislation, and I would urge the Scottish Government to introduce such legislation as soon as possible.

You write in your letter that it would be 'reckless' for the Scottish Government to legislate in Scotland without full sight of the final UK Bill. I do not agree. There is no reason for the Scottish Bill to be delayed until after the UK Parliament has passed its own legislation. Some differences in legislation North and South of the border are inevitable given, for instance, the different definitions of offences. And the Scottish Parliament may quite legitimately take a different policy view about some of the criteria for exoneration. That is what devolution enables and requires. Regardless of where or how a conviction is quashed in the UK, access to financial redress will be paid on the same basis UK-wide.

Officials in my Department and the Ministry of Justice have been working closely with Scottish Government officials to support them in bringing forward their own proposals, and I have offered further meetings with my Ministerial counterpart in the Scottish Government, in case any further support or assistance is needed.

I want to thank you for your continued passionate support for postmasters affected by the scandal. Like you, I want to see swift justice for postmasters with convictions in Scotland. I hope that the Scottish Government will prioritise this so that they can deliver justice for them.

A copy of this letter will be deposited in the House library.

Yours ever,

A handwritten signature in black ink, appearing to read 'Kevin', written in a cursive style.

KEVIN HOLLINRAKE MP
Minister for Enterprise, Markets and Small Business
Department for Business and Trade