

Post Office (Horizon System) Offences Bill — Committee Stage

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

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

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

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

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

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

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

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

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

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

To move the following Clause—

“Deletion of alternatives to prosecution for relevant offences: Scotland

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

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

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

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

- “(3A) Before making regulations under this section, the Secretary of State must obtain the consent of the Scottish Ministers in relation to any provision which—
- (a) would be within the legislative competence of the Scottish Parliament, if contained in an Act of that Parliament, and
 - (b) is not merely incidental to, or consequential on, provision which would be outside that legislative competence.”

To move the following Clause—

“Power of the Scottish Ministers to make further consequential provision

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

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

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

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

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

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

Title, line 1, after "Wales" insert "and Scotland"

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