



Post Office (Horizon System) Offences (Scotland) Act 2024

2024 asp 6

Quashing of convictions

1 Quashing of convictions for relevant offences

- (1) Every conviction to which this Act applies is quashed on the coming into force of this Act.
- (2) This Act applies to a conviction in Scotland which—
 - (a) is for a relevant offence, and
 - (b) took place before the coming into force of this Act.

Commencement Information

II S. 1 in force at 14.6.2024, see [s. 10](#)

2 Meaning of “relevant offence”

- (1) For the purposes of this Act, an offence alleged to have been committed by a person is a “relevant offence” if conditions A to E are met.
- (2) Condition A is that the offence was alleged to have been committed—
 - (a) on a date or dates falling within the period that begins with 23 September 1996 and ends with 31 December 2018, or
 - (b) at any time during a period that falls wholly or partly within the period mentioned in [paragraph \(a\)](#).
- (3) Condition B is that the offence is one of the following—
 - (a) embezzlement,
 - (b) fraud,
 - (c) theft,
 - (d) uttering,
 - (e) an ancillary offence (see [subsection \(7\)](#)).

Changes to legislation: There are currently no known outstanding effects for the Post Office (Horizon System) Offences (Scotland) Act 2024, Cross Heading: Quashing of convictions. (See end of Document for details)

- (4) Condition C is that, at the time of the alleged offence, the person—
- (a) was carrying on a post office business, or
 - (b) was working in a post office (whether under a contract of employment or otherwise) for the purposes of a post office business.
- (5) Condition D is that the person was alleged to have committed the offence in connection with carrying on, or working for the purposes of, the post office business.
- (6) Condition E is that—
- (a) at the time of the alleged offence, the Horizon system was being used for the purposes of the post office business, or
 - (b) where the offence was alleged to have been committed at any time during a period as mentioned in [subsection \(2\)\(b\)](#), the Horizon system was being used for the purposes of the post office business for the whole or part of that period.
- (7) In this section, “ancillary offence” means—
- (a) an offence of attempting or conspiring to commit an offence specified in any of paragraphs (a) to (d) of [subsection \(3\)](#) (a “specified offence”),
 - (b) an offence of inciting a person to commit a specified offence, or
 - (c) an offence of aiding, abetting, counselling or procuring the commission of a specified offence.

Commencement Information

I2 S. 2 in force at 14.6.2024, see [s. 10](#)

3 Identification and notification of quashed convictions

- (1) The Scottish Ministers must take all reasonable steps to identify the convictions quashed by section [1\(1\)](#).
- (2) Where the Scottish Ministers identify that a person’s conviction has been quashed by section [1\(1\)](#), the Scottish Ministers must notify the convicting court of the details of the conviction.
- (3) As soon as is reasonably practicable after receiving notification under [subsection \(2\)](#), the convicting court must enter, instead of the record of conviction, a record that the conviction was quashed by this Act.
- (4) Where the Scottish Ministers identify that a person’s conviction has been quashed by section [1\(1\)](#), the Scottish Ministers—
 - (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 conviction has been quashed, 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 Scottish Ministers consider it appropriate to notify, and
 - (ii) notify that person that the conviction has been quashed.
- (5) For the purpose of identifying convictions quashed by section [1\(1\)](#), the Scottish Ministers must, in particular, consider any representations made to the Scottish

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Ministers which claim that a person has been convicted of a relevant offence, whether or not made by that person.

(6) In this section, “the convicting court”, in relation to a person’s conviction, means the court by or before which the person was convicted.

Commencement Information

I3 S. 3 in force at 14.6.2024, see [s. 10](#)

Changes to legislation:

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