



House of Commons

Tuesday 24 March 2020

COMMITTEE OF THE WHOLE HOUSE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

WINDRUSH COMPENSATION SCHEME (EXPENDITURE) BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Stuart C McDonald
Ian Blackford
Patrick Grady
Joanna Cherry
Kenny MacAskill

Clause 1, page 1, line 2, at the beginning, insert “Subject to subsection (3),”

Member’s explanatory statement

This is a paving amendment for Amendment 2 which requires modifications to the Windrush Compensation Scheme.

1

Ms Diane Abbott
Bell Ribeiro-Addy
Jeremy Corbyn
Mr Nicholas Brown

Clause 1, page 1, line 2, at the beginning insert “Subject to section [Migrants’ Commissioner]”

Member’s explanatory statement

This is a paving amendment for NC9 which provides for a Migrants’ Commissioner, as recommended by the Windrush Lessons Learned Review.

3

Windrush Compensation Scheme (Expenditure) Bill, *continued*

Ms Diane Abbott
 Bell Ribeiro-Addy
 Jeremy Corbyn
 Mr Nicholas Brown

4

Clause 1, page 1, line 7, after “persons” insert “from not only Caribbean but also from other Commonwealth countries who arrived in the United Kingdom before 1 January 1973 and persons who have a right of abode or settled status (or who are now British citizens) and who arrived to live in the UK before 31 December 1988,”

Member’s explanatory statement

This amendment clarifies that the Windrush Compensation Scheme is not literally limited to men and women who originally came to the UK from the Caribbean Commonwealth.

Stuart C McDonald
 Ian Blackford
 Patrick Grady
 Joanna Cherry
 Kenny MacAskill

2

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

“(3) Subject to subsection (4), modifications that must be made to the scheme before subsection (1) comes into force are set out in sections [*Responsibility for the operation of the Compensation Scheme*], [*Consultation on simplifying the application process*], [*Time limit*], [*Public consultation on limits, tariffs and caps*], [*Legal assistance*], [*Restrictions*] and [*Standard of proof*], and [*Appeal to the First Tier Tribunal*].

(4) Subsection (3) does not prevent payment of interim awards under the Windrush Compensation Scheme.”

Member’s explanatory statement

This a paving amendment which requires modifications to the Windrush Compensation Scheme before final payments can be funded by money provided by Parliament.

Ms Diane Abbott
 Bell Ribeiro-Addy
 Jeremy Corbyn
 Mr Nicholas Brown

5

Clause 1, page 1, line 9, at end insert “, taking into account the impact of those difficulties on the family life of those persons”

Member’s explanatory statement

This amendment would require the scheme to take account of the impact on the family life of people who encountered difficulties in demonstrating their lawful immigration status.

Windrush Compensation Scheme (Expenditure) Bill, *continued*

Stuart C McDonald
Ian Blackford
Patrick Grady
Joanna Cherry
Kenny MacAskill

NC1

To move the following Clause—

“Responsibility for the operation of the Windrush Compensation Scheme

Within two months of the date on which this Act is passed, the Secretary of State must arrange for operation of the Windrush Compensation Scheme to be the responsibility of an institution other than the Home Office.”

Member’s explanatory statement

This new clause requires the Secretary of State to move the operation of the Windrush Compensation Scheme to an institution other than the Home Office.

Stuart C McDonald
Ian Blackford
Patrick Grady
Joanna Cherry
Kenny MacAskill

NC2

To move the following Clause—

“Consultation on simplifying the application process

The Secretary of State must launch a public consultation on the applicants’ experience of the application process under the Windrush Compensation Scheme.”

Member’s explanatory statement

This new clause requires the Secretary of State to launch a public consultation on the applicants’ experience of the application process.

Windrush Compensation Scheme (Expenditure) Bill, *continued*

Stuart C McDonald
Ian Blackford
Patrick Grady
Joanna Cherry
Kenny MacAskill

NC3

To move the following Clause—

“Time Limit

No time limit applies to when applications for compensation under the Windrush Compensation Scheme must be received.”

Member’s explanatory statement

This new clause would ensure that no time limit can be imposed on when applications should be received.

Stuart C McDonald
Ian Blackford
Patrick Grady
Joanna Cherry
Kenny MacAskill

NC4

To move the following Clause—

“Public consultation on limits, tariffs and caps

The Secretary of State must launch a public consultation on the limits, tariffs and caps in the Windrush Compensation Scheme.”

Member’s explanatory statement

This new clause would require a public consultation on the limits, tariffs and caps in the scheme.

Windrush Compensation Scheme (Expenditure) Bill, *continued*

Stuart C McDonald
Ian Blackford
Patrick Grady
Joanna Cherry
Kenny MacAskill

NC5

To move the following Clause—

“Legal assistance

The Windrush Compensation Scheme must make provision for the reimbursement to applicants under the scheme of their reasonable costs of legal assistance in making applications for compensation under the Scheme.”

Member’s explanatory statement

This new clause would allow applicants to recover their legal costs in applying to the scheme.

Stuart C McDonald
Ian Blackford
Patrick Grady
Joanna Cherry
Kenny MacAskill

NC6

To move the following Clause—

“Restrictions

- (1) Compensation under the Windrush Compensation Scheme may not be denied to any individual on the basis that they have a criminal record.
- (2) Awards of compensation under the Windrush Compensation Scheme may not be reduced on grounds that the individual failed to contact the Home Office at an earlier stage.

Member’s explanatory statement

This new clause would modify the restrictions on the payment of compensation under the scheme.

Stuart C McDonald
Ian Blackford
Patrick Grady
Joanna Cherry
Kenny MacAskill

NC7

To move the following Clause—

“Standard of proof

No requirement may be made of applicants for a level of proof beyond the balance of probabilities for claims under the Windrush Compensation Scheme, including any claims relating to—

- (a) loss of earnings
- (b) reimbursement of private medical fees,

Windrush Compensation Scheme (Expenditure) Bill, *continued*

- (c) reimbursement of international student fees, and
- (d) loss of access to banking.”

Member’s explanatory statement

This new clause would apply a civil standard of proof to claims for compensation under the scheme.

Stuart C McDonald
 Ian Blackford
 Patrick Grady
 Joanna Cherry
 Kenny MacAskill

NC8

To move the following Clause—

“Appeal to the First Tier Tribunal

- (1) The Secretary of State must make provision by way of regulations for claimants to have a right of appeal to the First Tier Tribunal against any determination issued under the Windrush Compensation Scheme.
- (2) An appeal under subsection (1) must be brought on the grounds that the determination was not in accordance with the Windrush Compensation Scheme.”

Member’s explanatory statement

This new clause would allow claimants to appeal to the First Tier Tribunal against determinations made under the scheme.

Ms Diane Abbott
 Bell Ribeiro-Addy
 Jeremy Corbyn
 Mr Nicholas Brown

NC9

To move the following Clause—

“Migrants’ Commissioner

- (1) The Home Secretary must appoint, within six months of the date on which this Act is passed, a Migrants’ Commissioner.
- (2) The responsibilities of the Migrants’ Commissioner must include—
 - (a) speaking up for migrants and those affected by the immigration and nationality system directly or indirectly,
 - (b) engaging with migrants and communities,
 - (c) being an advocate for individuals as a means of identifying any systemic concerns, and
 - (d) working with the Government and the Independent Chief Inspector of Borders and Immigration to address those concerns.
- (3) The Secretary of State may make regulations on the powers, duties, appointment, terms of reference, resources and any other provision necessary for the Migrants’ Commissioner to fulfil effectively the responsibilities in subsection (2)

Windrush Compensation Scheme (Expenditure) Bill, *continued*

- (4) Regulations under this section are subject to annulment by either House of Parliament.”

Member’s explanatory statement

This new clause responds to Recommendation 9 of Wendy Williams’ Windrush Lessons Learned Review.

ORDER OF THE HOUSE [10 FEBRUARY 2020]

That the following provisions shall apply to the Windrush Compensation Scheme (Expenditure) Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee, on Consideration and up to and including Third Reading

2. Proceedings in Committee, any proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings in Committee of the whole House.
3. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion four hours after the commencement of proceedings in Committee of the whole House.
4. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

Other proceedings

5. Any other proceedings on the Bill may be programmed.
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