

All line references relate to the large print version of
the Bill



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to date and includes any withdrawn amendments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.**

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Stuart C McDonald

1

Clause 1, page 1, line 3, 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.*

Ms Diane Abbott

3

Clause 1, page 1, line 3, 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.*

Ms Diane Abbott

4

Clause 1, page 2, line 4, after “persons” insert “from
not only Caribbean but also from other
Commonwealth countries who arrived in the
United Kingdom before 1 January 1973 and

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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

2

Clause 1, page 2, line 7, 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).

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(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

5

Clause 1, page 2, line 7, 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.*

Stuart C McDonald

NC1

To move the following Clause—

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“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

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.”

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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.

Stuart C McDonald

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

NC4

To move the following Clause—

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“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.

Stuart C McDonald

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.

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Stuart C McDonald

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

NC7

To move the following Clause—

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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,
- (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

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

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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

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—

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- (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).

(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.

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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

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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
