

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



House of Commons

**Tuesday 24 March 2020**

**COMMITTEE OF THE WHOLE HOUSE**

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*New Amendments handed in are marked thus \**

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

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**WINDRUSH COMPENSATION SCHEME  
(EXPENDITURE) BILL**

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**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to date and includes any withdrawn amendments  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.*

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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.*

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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.*

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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.*

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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.*

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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.*

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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.*

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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.*

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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

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