



Sanctions and Anti-Money Laundering Act 2018

2018 CHAPTER 13

PART 1

SANCTIONS REGULATIONS

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POWER TO MAKE SANCTIONS REGULATIONS

Power to make sanctions regulations

1 Power to make sanctions regulations

- (1) An appropriate Minister may make sanctions regulations where that Minister considers that it is appropriate to make the regulations—
 - (a) for the purposes of compliance with a UN obligation,
 - (b) for the purposes of compliance with any other international obligation, or
 - (c) for a purpose within subsection (2).
- (2) A purpose is within this subsection if the appropriate Minister making the regulations considers that carrying out that purpose would—
 - (a) further the prevention of terrorism, in the United Kingdom or elsewhere,
 - (b) be in the interests of national security,
 - (c) be in the interests of international peace and security,
 - (d) further a foreign policy objective of the government of the United Kingdom,
 - (e) promote the resolution of armed conflicts or the protection of civilians in conflict zones,
 - (f) provide accountability for or be a deterrent to gross violations of human rights, or otherwise promote—

Status: This is the original version (as it was originally enacted).

- (i) compliance with international human rights law, or
 - (ii) respect for human rights,
 - (g) promote compliance with international humanitarian law,
 - (h) contribute to multilateral efforts to prevent the spread and use of weapons and materials of mass destruction, or
 - (i) promote respect for democracy, the rule of law and good governance.
- (3) Regulations under this section must state the purpose (or purposes) of the regulations, and any purpose stated must be—
- (a) compliance with a UN obligation, or other international obligation, specified in the regulations, or
 - (b) a particular purpose that is within subsection (2).
- (4) Section 2 contains additional requirements in relation to regulations stating a purpose within subsection (2) above.
- (5) In this section “sanctions regulations” means regulations which do one or more of the following—
- (a) impose financial sanctions (see section 3);
 - (b) impose immigration sanctions (see section 4);
 - (c) impose trade sanctions (see section 5 and Schedule 1);
 - (d) impose aircraft sanctions (see section 6);
 - (e) impose shipping sanctions (see section 7);
 - (f) impose sanctions within section 8 (other sanctions for purposes of UN obligations);
 - (g) make supplemental provision in connection with any provision of the regulations or other regulations made under this section.
- (6) In this section “supplemental provision” includes any provision authorised by any other provision of this Act to be made by regulations under this section (see in particular sections 9 to 17, 19 to 21 and 54).
- (7) In this Act any reference to a gross violation of human rights is to conduct which—
- (a) constitutes, or
 - (b) is connected with,
- the commission of a gross human rights abuse or violation; and whether conduct constitutes or is connected with the commission of such an abuse or violation is to be determined in accordance with section 241A of the Proceeds of Crime Act 2002.
- (8) In this Act—
- “UN obligation” means an obligation that the United Kingdom has by virtue of a UN Security Council Resolution;
 - “UN Security Council Resolution” means a resolution adopted by the Security Council of the United Nations;
 - “international obligation” means an obligation of the United Kingdom created or arising by or under any international agreement.
- (9) For the purposes of any provision of this Act which refers to an “appropriate Minister”, the following are appropriate Ministers—
- (a) the Secretary of State;
 - (b) the Treasury.

- (10) None of paragraphs (a) to (i) of subsection (2) is to be taken to limit the meaning of any other of those paragraphs.

2 Additional requirements for regulations for a purpose within section 1(2)

- (1) This section applies to regulations under section 1 any of whose purposes (as stated under section 1(3)) is a discretionary purpose.

In this section “discretionary purpose” means a purpose which is not compliance with a UN obligation or other international obligation but is within section 1(2).

- (2) An appropriate Minister may not decide that it is appropriate to make regulations to which this section applies unless, in respect of each discretionary purpose stated in the regulations, that Minister—
- (a) has considered whether there are good reasons to pursue that purpose and has determined that there are, and
 - (b) has considered whether the imposition of sanctions is a reasonable course of action for that purpose and has determined that it is.
- (3) In subsection (2)(b) “sanctions” means prohibitions and requirements of the kinds which are imposed by the regulations for the purpose in question (or both for that purpose and for another purpose of the regulations).
- (4) In relation to any regulations to which this section applies, the appropriate Minister making the regulations (“the Minister”) must at the required time lay before Parliament a report which explains in respect of each discretionary purpose stated under section 1(3) in the regulations—
- (a) why the Minister considers that carrying out that purpose would meet one or more of the conditions in paragraphs (a) to (i) of section 1(2),
 - (b) why the Minister considers that there are good reasons to pursue that purpose, and
 - (c) why the Minister considers that the imposition of sanctions (within the meaning given by subsection (3)) is a reasonable course of action for that purpose.
- (5) Nothing in subsection (4) requires the report to contain anything the disclosure of which may, in the opinion of the Minister, damage national security or international relations.
- (6) In subsection (4) “the required time” means—
- (a) in the case of regulations contained in a statutory instrument which is laid before Parliament after being made, the same time as the instrument is laid before Parliament;
 - (b) in the case of regulations contained in a statutory instrument a draft of which is laid before Parliament, the same time as the draft is laid.