



# Sanctions and Anti-Money Laundering Act 2018

## 2018 CHAPTER 13

### PART 1

#### SANCTIONS REGULATIONS

### CHAPTER 2

#### REVIEW BY APPROPRIATE MINISTER, AND OTHER REVIEWS

##### *Revocation, variation and review of designations*

## **22 Power to vary or revoke designation made under regulations**

- (1) In this section and section 23—
  - “a relevant designation” means a designation made under a designation power contained in regulations under section 1;
  - “the Minister”, in relation to a relevant designation, means the appropriate Minister who made that designation.
- (2) A relevant designation may at any time be varied or revoked by the Minister.
- (3) If at any time the Minister considers that the required conditions are not met in respect of a relevant designation, the Minister must revoke the designation.
- (4) In subsection (3) “the required conditions” means—
  - (a) if the designation is of a named person, the conditions of the provision included in the regulations under section 11(2) (reading that provision, so far as made under section 11(2)(b), as if references to the designation were references to leaving the designation in place),

- (b) if the designation is of persons of a specified description, the conditions of the provision included in the regulations under section 12(2) (reading that provision, so far as made under section 12(5)(b), as if references to the designation were references to leaving the designation in place).

### **23 Right to request variation or revocation of designation**

- (1) At any time while a relevant designation has effect, the designated person may—
  - (a) request the Minister to vary the designation, or
  - (b) request the Minister to revoke the designation.
- (2) But where a request under this section has been made in respect of a designation, no further request may be made under this section in respect of that designation unless the grounds on which the further request is made are or include that there is a significant matter which has not previously been considered by the Minister.
- (3) On a request under this section the Minister must decide whether to vary or revoke the designation or to take no action with respect to it (but see section 22(3)).
- (4) In this section —
  - “the designated person” means the person named by the designation or, where the designation is of persons of a specified description, any person of that description;
  - “the Minister” has the meaning given by section 22(1);
  - “relevant designation” has the meaning given by section 22(1).

### **24 Periodic review of certain designations**

- (1) This section applies where—
  - (a) regulations under section 1 which contain a designation power are in force, and
  - (b) any qualifying designations have been made by an appropriate Minister under the power.
- (2) That appropriate Minister must in each review period—
  - (a) consider each qualifying designation which has effect, and
  - (b) decide in the case of each such designation whether to vary or revoke the designation or to take no action with respect to it (but see section 22(3)).
- (3) In this section a “qualifying designation” means a designation which designates a named person, or persons of a specified description, for the purposes of any provision of the regulations that—
  - (a) imposes a prohibition or requirement for a purpose mentioned in section 3(1) (a), (b)(i) or (d)(i) (asset-freezing etc), or
  - (b) provides for designated persons to be excluded persons for the purposes of section 8B of the Immigration Act 1971.
- (4) For the purposes of this section each of the following is a “review period”—
  - (a) the period of 3 years beginning with the date when the regulations are made, and
  - (b) each period of 3 years that begins with the date of completion of a review under this section of qualifying designations under the regulations.

## **25 Right of UN-named person to request review**

- (1) This section applies where—
  - (a) the purpose, or a purpose, of a provision of regulations under section 1 is compliance with an obligation to take particular measures that the United Kingdom has by virtue of a UN Security Council Resolution (“the Resolution”),
  - (b) a person is a designated person for the purposes of that provision, and
  - (c) the person is such a designated person under provision included in the regulations by virtue of section 13 (persons named by or under UN Security Council Resolutions).
- (2) The person may request the Secretary of State to use the Secretary of State’s best endeavours to secure that the person’s name is removed from the relevant UN list.
- (3) But where a person has made a request under this section in respect of a designation, that person may make no further request under this section in respect of that designation unless the grounds on which the further request is made are or include that there is a significant matter which has not previously been considered by the Secretary of State.
- (4) On a request under this section the Secretary of State must decide whether or not to comply with the request.
- (5) For the purposes of this section a person’s name is “removed from the relevant UN list” if the person ceases to be named (by the Security Council or a subsidiary organ of the Security Council) for the purposes of the Resolution so far as it provides for the taking of the measures in question.

### *Revocation and review in relation to ships*

## **26 Power to revoke specification of ship made under regulations**

- (1) In this section and section 27—
  - “a ship specification” means a specification of a ship made under a power contained in regulations under section 1 by virtue of section 14;
  - “the Minister”, in relation to a ship specification, means the appropriate Minister who made that specification.
- (2) A ship specification may at any time be revoked by the Minister.
- (3) If at any time the Minister considers that the required conditions are not met in respect of a ship specification, the Minister must revoke the specification.
- (4) In subsection (3) “the required conditions” means the conditions of the provision included in the regulations under section 14(6).

## **27 Right to request revocation of specification of ship**

- (1) At any time while a ship specification has effect, any person affected by it may request the Minister to revoke the specification.
- (2) But where a person has made a request under this section in respect of a specification, no further request may be made under this section by that person or any other person in

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respect of that specification unless the grounds on which the further request is made are or include that there is a significant matter which has not previously been considered by the Minister.

- (3) On a request under this section the Minister must decide whether to revoke the specification or to take no action with respect to it (but see section 26(3)).
- (4) In this section—  
    “the Minister”, and  
    “ship specification”,  
have the meaning given by section 26(1).

## **28 Periodic review where ships are specified**

- (1) This section applies where—  
    (a) regulations under section 1 are in force which by virtue of section 14 contain a power to specify a ship, and  
    (b) any specifications have been made by an appropriate Minister under that power.
- (2) That appropriate Minister must in each review period—  
    (a) consider each specification of a ship which has effect under the regulations, and  
    (b) decide in the case of each such specification whether to revoke it or to take no action with respect to it (but see section 26(3)).
- (3) For the purposes of this section each of the following is a “review period”—  
    (a) the period of 3 years beginning with the date when the regulations are made, and  
    (b) each period of 3 years that begins with the date of completion of a review under this section of specifications made under the regulations.

## **29 UN-designated ship: right to request review**

- (1) This section applies where a provision of regulations under section 1 is made by virtue of section 7(6) or paragraph 15 of Schedule 1 in relation to ships designated by the Security Council or a subsidiary organ of the Security Council for any purposes of a UN Security Council Resolution (“the Resolution”).
- (2) Any person affected by that provision may request the Secretary of State to use the Secretary of State’s best endeavours to secure that a ship so designated ceases to be designated for any purposes of the Resolution.
- (3) But where a person has made a request under this section in respect of the designation of a ship, no further request may be made under this section by that person or any other person in respect of that designation unless the grounds on which the further request is made are or include that there is a significant matter which has not previously been considered by the Secretary of State.
- (4) On a request under this section the Secretary of State must decide whether or not to comply with the request.

### *Review of regulations*

#### **30 Review by appropriate Minister of regulations under section 1**

- (1) Subsection (2) applies where any regulations under section 1 are in force.
- (2) The appropriate Minister who made the regulations must in each relevant period review whether the regulations are still appropriate for the purpose stated in them under section 1(3).
- (3) If a purpose so stated in any regulations under section 1 is a purpose other than compliance with a UN obligation or other international obligation, any review of those regulations under this section must also include a consideration of—
  - (a) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2),
  - (b) whether there are good reasons to pursue that purpose, and
  - (c) whether the imposition of sanctions is a reasonable course of action for that purpose.
- (4) In subsection (3)(c) “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).
- (5) An appropriate Minister who has carried out a review under this section must lay before Parliament a report containing—
  - (a) the conclusions of the review,
  - (b) the reasons for those conclusions, and
  - (c) a statement of any action that that Minister has taken or proposes to take in consequence of the review.
- (6) Nothing in subsection (5) requires the report to contain anything the disclosure of which may, in the opinion of that Minister, damage national security or international relations.
- (7) For the purposes of this section each of the following is a “relevant period” in relation to regulations under section 1—
  - (a) the period of one year beginning with the date when the regulations are made;
  - (b) each period of one year that begins with the date when a report under this section containing the conclusions of a review of the regulations is laid before Parliament.

#### **31 Independent review of regulations with counter-terrorism purpose**

- (1) The Secretary of State must appoint a person to review the operation of such asset-freeze provisions of relevant regulations made by the Secretary of State as the Secretary of State may from time to time refer to that person.
- (2) The Treasury must appoint a person to review the operation of such asset-freeze provisions of relevant regulations made by the Treasury as the Treasury may from time to time refer to that person.
- (3) The persons appointed under subsections (1) and (2) may be the same person.
- (4) In each calendar year, by 31 January—

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- (a) the person appointed under subsection (1) must notify the Secretary of State of what (if any) reviews under that subsection that person intends to carry out in that year, and
  - (b) the person appointed under subsection (2) must notify the Treasury of what (if any) reviews under that subsection that person intends to carry out in that year.
- (5) Reviews of which notice is given under subsection (4) in a particular year—
- (a) may not relate to any provisions that have not been referred before the giving of the notice, and
  - (b) must be completed during that year or as soon as reasonably practicable after the end of it.
- (6) The person who conducts a review under this section must as soon as reasonably practicable after completing the review send a report on its outcome to—
- (a) the Secretary of State, if the review is under subsection (1), or
  - (b) the Treasury, if the review is under subsection (2).
- (7) On receiving a report under this section the Secretary of State or (as the case may be) the Treasury must lay a copy of it before Parliament.
- (8) The Secretary of State may pay the expenses of a person who conducts a review under subsection (1) and also such allowances as the Secretary of State may determine.
- (9) The Treasury may pay the expenses of a person who conducts a review under subsection (2) and also such allowances as the Treasury may determine.
- (10) For the purposes of this section, regulations are “relevant regulations” if—
- (a) they are regulations under section 1, and
  - (b) they state under section 1(3) at least one purpose which—
    - (i) is not compliance with a UN obligation or other international obligation, and
    - (ii) relates to counter-terrorism.
- (11) A purpose “relates to counter-terrorism” if the report under section 2 in respect of the regulations indicated that, in the opinion of the appropriate Minister making them, the carrying out of that purpose would further the prevention of terrorism in the United Kingdom or elsewhere.
- (12) For the purposes of this section a provision of relevant regulations is an “asset-freeze provision” if and to the extent that it—
- (a) imposes a prohibition or requirement for a purpose mentioned in section 3(1) (a), (b) or (d), or
  - (b) makes provision in connection with such a prohibition or requirement.
- (13) If a provision is referred under this section which contains a designation power, any review under this section of the operation of that provision may not include a review of any decisions to designate under that power.

## **32 Periodic reports on exercise of power to make regulations under section 1**

- (1) The Secretary of State must as soon as reasonably practicable after the end of each reporting period lay before Parliament a report which—

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- (a) specifies the regulations under section 1, if any, that were made in that reporting period,
  - (b) identifies which, if any, of those regulations—
    - (i) stated a relevant human rights purpose, or
    - (ii) amended or revoked regulations stating such a purpose,
  - (c) specifies any recommendations which in that reporting period were made by a Parliamentary Committee in connection with a relevant independent review, and
  - (d) includes a copy of any response to those recommendations which was made by the government to that Committee in that reporting period.
- (2) Nothing in subsection (1)(d) requires a report under this section to contain anything the disclosure of which may, in the opinion of the Secretary of State, damage national security or international relations.
- (3) For the purposes of this section the following are reporting periods—
- (a) the period of 12 months beginning with the day on which this Act is passed (“the first reporting period”), and
  - (b) each period of 12 months that ends with an anniversary of the date when the first reporting period ends.
- (4) For the purposes of this section—
- (a) regulations “state” a purpose if the purpose is stated under section 1(3) in the regulations;
  - (b) a purpose is a “relevant human rights purpose” if, in the opinion of the Secretary of State, carrying out that purpose would provide accountability for or be a deterrent to gross violations of human rights.
- (5) In this section—
- “the government” means the government of the United Kingdom;
  - “gross violation of human rights” has the meaning given by section 1(7);
  - a “Parliamentary Committee” means a committee of the House of Commons or a committee of the House of Lords or a joint committee of both Houses;
  - a “relevant independent review”, in relation to a Parliamentary Committee, means a consideration by that Committee of whether the power to make regulations under section 1 should be exercised in connection with a gross violation of human rights.

*Procedure for requests to, and reviews by, appropriate Minister*

### **33 Procedure for requests to, and reviews by, appropriate Minister**

- (1) An appropriate Minister may by regulations make provision about the procedure to be followed in connection with a request under section 23, 25, 27 or 29 or a review under section 24, 28 or 30.
- (2) Regulations made under this section in relation to a request under section 23, 25, 27 or 29 must require—

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- (a) the decision on any such request to be made as soon as reasonably practicable after the receipt by the appropriate Minister dealing with the request of the information needed for making the decision, and
  - (b) the person who made the request to be informed of the decision and the reasons for it as soon as reasonably practicable after the decision is made.
- (3) The regulations may authorise matters to be excluded from the reasons given for the decision where the appropriate Minister who made the decision considers that those matters should be excluded—
- (a) in the interests of national security or international relations,
  - (b) for reasons connected with the prevention or detection of serious crime in the United Kingdom or elsewhere, or
  - (c) in the interests of justice,
- (but the regulations may not authorise that Minister to provide no reasons).