



Sanctions and Anti-Money Laundering Act 2018

2018 CHAPTER 13

PART 1

SANCTIONS REGULATIONS

CHAPTER 3

TEMPORARY POWERS IN RELATION TO EU SANCTIONS LISTS

34 Temporary powers in relation to EU sanctions lists

- (1) This section applies where—
 - (a) a provision of retained EU sanctions law relates to persons named in any Annex, instrument or other document, or
 - (b) a provision of an instrument made by the Council of the European Union (however expressed) requires or recommends that persons named, or of a description specified, in that instrument or any other document must not or should not be admitted to the United Kingdom (see section 8B of the Immigration Act 1971).
- (2) An Annex, instrument or other document mentioned in subsection (1)(a) or (b) is an “EU sanctions list” for the purposes of this section.
- (3) An appropriate Minister may, in respect of any EU sanctions list—
 - (a) direct that a person’s name is to be treated as added to the list with effect from a date specified in the direction, or
 - (b) direct that a person’s name is to be treated as removed from the list with effect from a date specified in the direction.

Status: This is the original version (as it was originally enacted).

- (4) The giving of a direction under paragraph (a) or (b) of subsection (3) does not prevent the giving of any subsequent direction under either of those paragraphs in respect of the same person.
- (5) The power to give a direction under this section is not exercisable after two years beginning with the day on which this section comes into force.
- (6) In this section “a provision of retained EU sanctions law” means a provision of retained EU law which corresponds to any provision that by virtue of any of sections 3 and 5 to 7 could be made by regulations under section 1 in relation to designated persons.
- (7) Section 35 makes further provision about directions under this section.

35 Directions under section 34: further provision

- (1) An appropriate Minister may not under section 34 direct that a person’s name is to be treated as added to an EU sanctions list except where that Minister—
 - (a) has reasonable grounds to suspect that the person is an involved person (see subsections (2) and (3) below), and
 - (b) considers that it is appropriate to give the direction, having regard to—
 - (i) the purpose of the EU provision which relates to persons in that list (see subsections (4) and (5) below), and
 - (ii) the likely significant effects of the direction on the person to whom it relates (as they appear to that Minister to be on the basis of the information that the Minister has).
- (2) In subsection (1)(a) “an involved person” means a person who—
 - (a) is or has been involved in an activity which is specified, by regulations made by an appropriate Minister, in relation to the list in question,
 - (b) is owned or controlled directly or indirectly by a person who is or has been so involved,
 - (c) is acting on behalf of or at the direction of a person who is or has been so involved, or
 - (d) is a member of, or associated with, a person who is or has been so involved.
- (3) An activity may not be specified by regulations under subsection (2)(a) unless the appropriate Minister making the regulations considers that specifying the activity is appropriate having regard to the purpose of the EU provision which relates to persons in the list in question.
- (4) In subsections (1) and (3) any reference to the “purpose” of any EU provision is to such purpose, or purposes, as may be prescribed in relation to that provision by regulations made by an appropriate Minister.
- (5) Any purpose prescribed under subsection (4) must be a purpose that it is reasonable to assume was the purpose (or one of the purposes) of the provision in question.
- (6) Regulations under subsection (2)(a) which specify an activity may also make provision as to the meaning, for the purposes of subsection (2) as it applies in relation to the list in question, of a person’s—
 - (a) being involved in the specified activity;
 - (b) being “owned or controlled directly or indirectly by” another person;
 - (c) being “associated with” another person.

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

- (7) Regulations made by an appropriate Minister may make provision as to the steps to be taken as regards notification and publicity where a direction is given under section 34.
- (8) Regulations made under subsection (7) must, in relation to any case where a direction under section 34 has been given, require the appropriate Minister who gave the direction (“the Minister”) to take without delay such steps as are reasonably practicable—
- (a) to inform the person to whom it relates that the direction has been given, and
 - (b) where the direction is under section 34(3)(a), to include with that information a brief statement of the matters that the Minister knows, or has reasonable grounds to suspect, in relation to that person which have led the Minister to give the direction.
- (9) The regulations may authorise the statement required by virtue of subsection (8)(b) to exclude matters where the Minister considers that they 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 the Minister to provide no such statement).
- (10) The regulations need not require a person to be notified of an intention to make a direction under section 34.
- (11) In this section—
- “EU sanctions list” has the same meaning as in section 34;
 - “EU provision” means—
- (a) a provision of retained EU sanctions law (within the meaning of section 34), or
 - (b) a provision of an instrument made by the Council of the European Union.

36 Rights of person on EU sanctions list

- (1) A person whose name is included, or treated as included, in an EU sanctions list may make a request for a direction under section 34(3)(b) that the person’s name be treated as removed from the list.

This is subject to section 37 (UN-named persons).

- (2) Any request under this section must be made—
- (a) if the person is treated as included in the list by virtue of a direction under section 34(3)(a), to the appropriate Minister who gave that direction;
 - (b) in any other case, to an appropriate Minister.
- (3) Where a request under this section has been made for a direction in respect of a person and a list, no further request may be made under this section in respect of that person and that list 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.
- (4) On a request under this section the appropriate Minister to whom the request is made must decide whether or not to comply with the request.

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

- (5) An appropriate Minister may by regulations make provision about the procedure to be followed in connection with a request under this section or section 37.
- (6) Regulations made under subsection (5) in relation to a request under this section or section 37 must require—
 - (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.
- (7) 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).
- (8) In this section “EU sanctions list” has the same meaning as in section 34.

37 Rights of UN-named person on EU sanctions list

- (1) This section applies where—
 - (a) a person whose name is included or treated as included in an EU sanctions list is a person in relation to whom, by virtue of a UN Security Council Resolution (“the Resolution”), the United Kingdom has an obligation to take particular measures, and
 - (b) that obligation is met by—
 - (i) provision mentioned in section 34(1)(a) which relates to that EU sanctions list, or
 - (ii) the application to the person, by virtue of that EU sanctions list, of any provision of section 8B of the Immigration Act 1971.
- (2) The person—
 - (a) may not make a request under section 36 in respect of the EU sanctions list concerned, but
 - (b) may at any relevant time make a request under this section for 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) Where a person has made a request under this section by virtue of being on an EU sanctions list, the person may make no further request under this section by virtue of being on that list 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.

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

- (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.
- (6) In subsection (2) a “relevant time” means a time when no provision of regulations under section 1 has been made the purpose (or a purpose) of which is compliance with the United Kingdom’s obligation to take the measures in question.
- (7) For the purposes of subsection (3) a person is “on” an EU sanctions list if the person’s name is included or treated as included in that list.
- (8) In this section “EU sanctions list” has the same meaning as in section 34.