



Sanctions and Anti-Money Laundering Act 2018

2018 CHAPTER 13

PART 1

SANCTIONS REGULATIONS

CHAPTER 1

POWER TO MAKE SANCTIONS REGULATIONS

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- (1) The provision that may be made by virtue of section 17(2) (enforcement of prohibitions or requirements) includes provision as to the powers and duties of prescribed persons in relation to—
 - (a) British ships in foreign waters or international waters,
 - (b) ships without nationality in international waters, and
 - (c) foreign ships in international waters.
- (2) Regulations may make provision by virtue of this section only for the purpose of enforcing relevant prohibitions or requirements.
- (3) A prohibition or requirement is a “relevant prohibition or requirement” for the purposes of this section if it is—
 - (a) a prohibition or requirement specified by the regulations which is imposed by regulations for a purpose mentioned in any of paragraphs 2 to 7, 15(a), (b) or (c) or 16(a) of Schedule 1, or

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- (b) a prohibition or requirement imposed by a condition of a licence or direction issued by virtue of section 15 in relation to a prohibition or requirement mentioned in paragraph (a).
- (4) The powers that may be conferred by virtue of this section include powers to—
- (a) stop a ship;
 - (b) board a ship;
 - (c) require any person found on a ship boarded by virtue of this section to provide information or produce documents;
 - (d) inspect and copy such documents or information;
 - (e) stop any person found on such a ship and search that person for—
 - (i) prohibited goods, or
 - (ii) any thing that might be used to cause physical injury or damage to property or to endanger the safety of any ship;
 - (f) search a ship boarded by virtue of this section, or any thing found on such a ship (including cargo), for prohibited goods;
 - (g) seize goods found on a ship, in any thing found on a ship, or on any person found on a ship (but see subsection (8));
 - (h) for the purpose of exercising a power mentioned in paragraph (e), (f) or (g), require a ship to be taken to, and remain in, a port or anchorage in the United Kingdom or any other country willing to receive it.
- (5) Regulations that confer a power mentioned in subsection (4)(a) to (f) or (h) must provide that a person may not exercise the power in relation to a ship unless the person has reasonable grounds to suspect that the ship is carrying prohibited goods (and the regulations need not require the person to have reasonable grounds to suspect that an offence is being or has been committed).
- (6) Regulations that confer a power mentioned in subsection (4)(e)(i) or (f) must provide that the power may be exercised only to the extent reasonably required for the purpose of discovering prohibited goods.
- (7) Regulations that confer a power mentioned in subsection (4)(e)(ii) on a person (“the officer”) may permit the search of a person only where the officer has reasonable grounds to believe that that person might use a thing in a way mentioned in subsection (4)(e)(ii).
- (8) Regulations that confer a power mentioned in subsection (4)(g) on a person—
- (a) must provide for the power to be exercisable on a ship only where that person is lawfully on the ship (whether in exercise of powers conferred by virtue of this section or otherwise), and
 - (b) may permit the seizure only of—
 - (i) goods which that person has reasonable grounds to suspect are prohibited goods, or
 - (ii) things within subsection (4)(e)(ii).
- (9) Regulations that confer a power on a person by virtue of this section may authorise that person to use reasonable force, if necessary, in the exercise of the power.
- (10) Regulations that confer a power by virtue of this section must provide that—
- (a) the power may be exercised in relation to a British ship in foreign waters only with the authority of the Secretary of State, and

- (b) in relation to foreign waters other than the sea and other waters within the seaward limits of the territorial sea adjacent to any relevant British possession, the Secretary of State may give authority only if the State in whose waters the power would be exercised consents to the exercise of the power.
- (11) Regulations that confer a power by virtue of this section must provide that—
- (a) the power may be exercised in relation to a foreign ship only with the authority of the Secretary of State, and
 - (b) the Secretary of State may give authority only if—
 - (i) the home state has requested the assistance of the United Kingdom for the purpose of enforcing relevant prohibitions or requirements,
 - (ii) the home state has authorised the United Kingdom to act for that purpose, or
 - (iii) the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) or a UN Security Council Resolution otherwise permits the exercise of the powers in relation to the ship.
- (12) The reference in subsection (11) to the United Nations Convention on the Law of the Sea includes a reference to any modifications of that Convention agreed after the passing of this Act that have entered into force in relation to the United Kingdom.
- (13) In this section—
- “arrangements” includes any agreement, understanding, scheme, transaction or series of transactions (whether or not legally enforceable);
 - “British ship” means a ship falling within paragraph (a), (c), (d) or (e) of section 7(12);
 - “foreign ship” means a ship which—
 - (a) is registered in a State other than the United Kingdom, or
 - (b) is not so registered but is entitled to fly the flag of a State other than the United Kingdom;
 - “foreign waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to any relevant British possession or State other than the United Kingdom;
 - “goods” includes technology within the meaning of Schedule 1 (see paragraph 37 of that Schedule);
 - “home state”, in relation to a foreign ship, means—
 - (a) the State in which the ship is registered, or
 - (b) the State whose flag the ship is otherwise entitled to fly;
 - “international waters” means waters beyond the territorial sea of the United Kingdom or of any other State or relevant British possession;
 - “prohibited goods” means goods which have been, or are being, dealt with in contravention of a relevant prohibition or requirement (see subsection (3));
 - “regulations” means regulations under section 1;
 - “relevant British possession” has the same meaning as in section 7 (see subsection (14) of that section);
 - “ship” has the same meaning as in section 7 (see subsection (14) of that section);
 - “ship without nationality” means a ship which—
 - (a) is not registered in, or otherwise entitled to fly the flag of, any State or relevant British possession, or

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- (b) sails under the flags of two or more States or relevant British possessions, or under the flags of a State and relevant British possession, using them according to convenience.
- (14) In the definition of “prohibited goods” in subsection (13), the reference to goods dealt with in contravention of a relevant prohibition or requirement includes a reference to a case where—
- (a) arrangements relating to goods have been entered into that have not been fully implemented, and
 - (b) if those arrangements were to be fully implemented, the goods would be dealt with in contravention of that prohibition or requirement.