



Sanctions and Anti-Money Laundering Act 2018

2018 CHAPTER 13

PART 1

SANCTIONS REGULATIONS

CHAPTER 4

COURT REVIEWS

38 Court review of decisions

- (1) This section applies to—
- (a) any decision under section 23(3) or 24(2) (decision, following a request to or review by an appropriate Minister, on whether a designation of a person made under a designation power should be varied or revoked);
 - (b) any decision under section 27(3) or 28(2) (decision, following a request to or review by an appropriate Minister, on whether a ship specification should be revoked);
 - (c) any decision under section 25(4), 29(4), 36(4) or 37(4) not to comply with a request;
 - (d) any other decision of an appropriate Minister in connection with functions of that Minister under this Part or regulations under this Part, other than—
 - (i) a decision to make or vary, or not to revoke or vary, a designation under a designation power where the designated person has a right to make a request under section 23 or would have but for section 23(2),
 - (ii) a decision to make a ship specification, or not to revoke a ship specification, where a person has a right to make a request in respect of that specification under section 27 or would have but for section 27(2), or

Status: This is the original version (as it was originally enacted).

- (iii) a decision to give a direction under section 34(3)(a) where the person has a right to make a request under section 36 or would have but for section 36(3) or 37.
- (2) The appropriate person may apply to the High Court or, in Scotland, the Court of Session, for the decision to be set aside.
- (3) “The appropriate person” means—
 - (a) in relation to a decision within subsection (1)(a), the person named by the designation or, where the designation is of persons of a specified description, any person of that description;
 - (b) in relation to a decision within subsection (1)(b) or (d), any person affected by the decision;
 - (c) in relation to a decision within subsection (1)(c), the person who made the request.
- (4) In determining whether the decision should be set aside, the court must apply the principles applicable on an application for judicial review.
- (5) If the court decides that a decision should be set aside it may make any such order, or give any such relief, as could in the absence of this section be made or given in proceedings for judicial review of the decision; but this is subject to section 39(1) to (4).
- (6) In this section and section 39 “a ship specification” means a specification of a ship made under a power contained in regulations under section 1 by virtue of section 14.