



# Sanctions and Anti-Money Laundering Act 2018

## 2018 CHAPTER 13

### PART 1

#### SANCTIONS REGULATIONS

#### CHAPTER 1

##### POWER TO MAKE SANCTIONS REGULATIONS

##### *Contents of sanctions regulations: further provision*

#### **20 Goods etc on ships: non-UK conduct**

- (1) Regulations may make provision conferring on prescribed persons powers exercisable—
- (a) in relation to—
    - (i) British ships in foreign waters or international waters,
    - (ii) ships without nationality in international waters, and
    - (iii) foreign ships in international waters,
  - (b) for the purpose of—
    - (i) investigating the suspected carriage of relevant goods on such ships, or
    - (ii) preventing the continued carriage on such ships of goods suspected to be relevant goods.
- (2) The powers that may be conferred by virtue of this section include powers to—
- (a) stop a ship;
  - (b) board a ship;

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- (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) relevant 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 relevant 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 (6));
  - (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.
- (3) Regulations that confer a power mentioned in subsection (2)(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 relevant goods.
- (4) Regulations that confer a power mentioned in subsection (2)(e)(i) or (f) must provide that the power may be exercised only to the extent reasonably required for the purpose of discovering relevant goods.
- (5) Regulations that confer a power mentioned in subsection (2)(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 (2)(e)(ii).
- (6) Regulations that confer a power mentioned in subsection (2)(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 relevant goods, or
    - (ii) things within subsection (2)(e)(ii).
- (7) 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.
- (8) 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.
- (9) 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—

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- (i) the home state has requested the assistance of the United Kingdom for a purpose mentioned in subsection (1)(b),
  - (ii) the home state has authorised the United Kingdom to act for such a 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.
- (10) The reference in subsection (9) 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.
- (11) In this section—
  - “regulations” means regulations under section 1;
  - “relevant goods” means goods in relation to which relevant non-UK conduct is occurring or has occurred;
  - “relevant non-UK conduct” means conduct outside the United Kingdom by a person other than a United Kingdom person that would constitute a contravention of a relevant prohibition or requirement if the conduct had been—
    - (a) in the United Kingdom, or
    - (b) by a United Kingdom person;
  - “relevant prohibition or requirement” has the same meaning as in section 19 (see subsection (3) of that section);
  - “United Kingdom person” has the same meaning as in section 21 (see subsection (2) of that section).
- (12) In the definition of “relevant non-UK conduct” in subsection (11), the reference to conduct that would constitute a contravention of a relevant prohibition or requirement if the conduct had been in the United Kingdom or by a United Kingdom person 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 (and if the conduct had been in the United Kingdom or by a United Kingdom person) the goods would be dealt with in contravention of that prohibition or requirement.
- (13) In this section, the following expressions have the same meaning as in section 19—
  - “arrangements”,
  - “British ship”,
  - “foreign ship”,
  - “foreign waters”,
  - “goods”,
  - “home state”,
  - “international waters”,
  - “relevant British possession”,
  - “ship”, and
  - “ship without nationality”.

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#### **Modifications etc. (not altering text)**

- C1** S. 20 applied (with modifications) (31.12.2020) by [The Zimbabwe \(Sanctions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/604\)](#), regs. 1(2), **63**; [S.I. 2019/627](#), reg. 13(2); 2020 c. 1, Sch. 5 para. 1(1)
- C2** S. 20 applied (with modifications) (31.12.2020) by [The Democratic People's Republic of Korea \(Sanctions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/411\)](#), regs. 1(2), **124**; [S.I. 2019/627](#), reg. 7(2); 2020 c. 1, Sch. 5 para. 1(1)
- C3** S. 20 applied (with modifications) (31.12.2020) by [The Iran \(Sanctions\) \(Nuclear\) \(EU Exit\) Regulations 2019 \(S.I. 2019/461\)](#), regs. 1(2), **70**; [S.I. 2019/627](#), reg. 8(2); 2020 c. 1, Sch. 5 para. 1(1)
- C4** S. 20 applied (with modifications) (31.12.2020) by [The ISIL \(Da'esh\) and Al-Qaida \(United Nations Sanctions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/466\)](#), regs. 1(2), **53**; [S.I. 2019/627](#), reg. 9(2); 2020 c. 1, Sch. 5 para. 1(1)
- C5** S. 20 applied (with modifications) (31.12.2020) by [The Counter-Terrorism \(International Sanctions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/573\)](#), regs. 1(2), **56**; [S.I. 2019/627](#), reg. 11(2); 2020 c. 1, Sch. 5 para. 1(1)
- C6** S. 20 applied (with modifications) (31.12.2020) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/600\)](#), regs. 1(2), **62**; [S.I. 2019/627](#), reg. 12(2); 2020 c. 1, Sch. 5 para. 1(1)
- C7** S. 20 applied (with modifications) (31.12.2020) by [The Democratic Republic of the Congo \(Sanctions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/433\)](#), regs. 1(2), **63**; [S.I. 2019/627](#), reg. 5(2); 2020 c. 1, Sch. 5 para. 1(1)
- C8** S. 20 applied (with modifications) (31.12.2020) by [The South Sudan \(Sanctions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/438\)](#), regs. 1(2), **63**; [S.I. 2019/627](#), reg. 6(2); 2020 c. 1, Sch. 5 para. 1(1)
- C9** Ss. 19, 20 modified (28.12.2022) by [The Haiti \(Sanctions\) Regulations 2022 \(S.I. 2022/1281\)](#), regs. 1(2), **54(2)**

#### **Commencement Information**

- I1** S. 20 in force at 22.11.2018 by [S.I. 2018/1213](#), **reg. 2(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the Sanctions and Anti-Money Laundering Act 2018, Section 20.