



# Sanctions and Anti-Money Laundering Act 2018

## 2018 CHAPTER 13

### PART 1

#### SANCTIONS REGULATIONS

### CHAPTER 5

#### MISCELLANEOUS

#### **41 Procedure for dealing with goods etc seized from ships**

- (1) The Secretary of State may by regulations make provision about the procedure to be followed in connection with goods seized under a power conferred by regulations under section 1 by virtue of section 19 or 20.
- (2) Regulations under this section relating to goods seized on suspicion of being prohibited goods or relevant goods may include provision—
  - (a) requiring prescribed persons to be notified of the seizure of the goods;
  - (b) requiring the Secretary of State to determine whether the seized goods were, at the time of their seizure, prohibited goods (where the goods were seized under a power conferred by virtue of section 19) or relevant goods (where the goods were seized under a power conferred by virtue of section 20);
  - (c) enabling the making of a claim by prescribed persons in relation to the seized goods;
  - (d) about the determination by a prescribed court of any such claim;
  - (e) about the publicity to be given to any such determination by a court;
  - (f) for and about the return of seized goods to prescribed persons before or after any such determination of a claim by a court;
  - (g) about the treatment of seized goods not so returned (including, in prescribed circumstances, their destruction or sale);

- (h) for and about the payment of compensation by the Secretary of State following a determination by a court that the goods were not, at the time of their seizure, prohibited goods (where the goods were seized under a power conferred by virtue of section 19) or relevant goods (where the goods were seized under a power conferred by virtue of section 20).
- (3) In this section—
  - “goods” has the same meaning as in sections 19 and 20 (see subsections (13) of those sections);
  - “prohibited goods” has the same meaning as in section 19 (see subsection (13) of that section);
  - “relevant goods” has the same meaning as in section 20 (see subsection (11) of that section).

#### **42 Suspension of prohibitions and requirements**

- (1) An appropriate Minister may make regulations (“suspending regulations”) providing that—
  - (a) while the suspending regulations have effect, or
  - (b) for a specified period,
 a specified prohibition or requirement of regulations under section 1 is not to have effect.
- (2) In this section “specified” means specified in the suspending regulations.
- (3) A period specified under subsection (1)(b) may be expressed in any way, including, for example, being expressed in a way such that—
  - (a) the period begins, or ends, when a specified condition is met, or
  - (b) the period begins when a specified condition is met and lasts for so long as the suspending regulations or a specified provision of those regulations has effect.

#### **43 Guidance about regulations under section 1**

- (1) Where regulations are made under section 1, the appropriate Minister who made the regulations must issue guidance about any prohibitions and requirements imposed by the regulations.
- (2) The guidance may include guidance about—
  - (a) best practice for complying with the prohibitions and requirements;
  - (b) the enforcement of the prohibitions and requirements;
  - (c) circumstances where the prohibitions and requirements do not apply.

#### **44 Protection for acts done for purposes of compliance**

- (1) This section applies to an act done in the reasonable belief that the act is in compliance with—
  - (a) regulations under section 1, or
  - (b) directions given by virtue of section 6 or 7.
- (2) A person is not liable to any civil proceedings to which that person would, in the absence of this section, have been liable in respect of the act.

(3) In this section “act” includes an omission.

#### **45 Revocation and amendment of regulations under section 1**

(1) Section 1 includes a power, by further regulations under that section (“new regulations”)—

- (a) to revoke any regulations under that section, or
- (b) to amend any regulations under that section where the condition in subsection (2) below is met.

(2) The condition referred to in subsection (1)(b) is that the appropriate Minister making the new regulations—

- (a) considers that the regulations being amended will, as amended, be sanctions regulations within the meaning given by section 1(5) that are appropriate for the purpose stated in them under section 1(3), and
- (b) if any purpose stated in the regulations being amended is a purpose other than compliance with a UN obligation or other international obligation, considers in respect of each such purpose—
  - (i) that carrying out that purpose would meet one or more of the conditions in paragraphs (a) to (i) of section 1(2),
  - (ii) that there are good reasons to pursue that purpose, and
  - (iii) that the imposition of sanctions is a reasonable course of action for that purpose.

(3) In subsection (2)(b)(iii) “sanctions” means prohibitions and requirements of the kinds imposed by the amended regulations for the purpose in question (or both for that purpose and for another purpose of those regulations).

In this subsection “the amended regulations” means the regulations being amended as those regulations will be when amended.

(4) Except as permitted by subsection (5), the purpose stated under section 1(3) in any regulations under section 1 may not be amended (but this does not prevent regulations under that section from being revoked and replaced by regulations with a purpose that is to any extent different from that of the revoked regulations).

(5) Where the purpose stated under section 1(3) in any regulations under section 1 is or includes compliance with a specified UN obligation or other international obligation, regulations made by virtue of this section may amend that purpose so as to—

- (a) add a reference to a UN obligation, or other international obligation, to which the United Kingdom is for the time being subject,
- (b) substitute such a reference for another reference to a UN obligation or other international obligation, or
- (c) remove a reference to a UN obligation, or other international obligation, to which the United Kingdom is no longer subject.

(6) The requirements of section 1(1) and (3), section 2 and section 30 do not apply in relation to regulations made by virtue of this section.

(7) In relation to section 1, this section has effect in place of section 14 of the Interpretation Act 1978 (implied power to revoke and amend).

**46 Report where regulations for a purpose within section 1(2) are amended**

- (1) This section applies where—
  - (a) by virtue of section 45 regulations under section 1 are amended by further regulations under section 1 (“new regulations”), and
  - (b) the regulations being amended state under section 1(3) a purpose other than compliance with a UN obligation or other international obligation.
- (2) The appropriate Minister making the new regulations must at the required time lay before Parliament a report which explains why that Minister is of the opinion mentioned in section 45(2)(b).
- (3) Nothing in subsection (2) requires the report to contain anything the disclosure of which may in the opinion of that Minister damage national security or international relations.
- (4) In subsection (2) “the required time” means—
  - (a) where the new regulations are contained in a statutory instrument which is laid before Parliament after being made, the same time as the instrument is laid before Parliament;
  - (b) where a draft of a statutory instrument containing the new regulations is laid before Parliament, the same time as the draft is laid.

**47 Power to amend Part 1 so as to authorise additional sanctions**

- (1) An appropriate Minister may by regulations amend this Part so as to authorise regulations under section 1 to impose prohibitions or requirements of kinds—
  - (a) which are not for the time being authorised by Chapter 1 (ignoring section 8), but
  - (b) which are kinds of prohibition or requirement that the United Kingdom—
    - (i) has any UN obligation or other international obligation to impose, or
    - (ii) has at any time had any UN obligation or other international obligation to impose.
- (2) Without prejudice to the generality of subsection (1) or section 54(2), regulations under this section—
  - (a) may amend the definition of “sanctions regulations” in section 1(5), and
  - (b) where they make any such amendment, may amend this Part in connection with that amendment.
- (3) For the avoidance of doubt, regulations under this section may not add to or amend the purposes mentioned in section 1(1) or amend section 1(2).

**48 Power to make provision relating to certain appeals**

- (1) In this section an “immigration designation” means a designation of a person (whether by name or by description) which—
  - (a) is made under a designation power contained in regulations under section 1, and
  - (b) designates the person for the purposes of any provision of the regulations that provides for designated persons to be excluded persons for the purposes of section 8B of the Immigration Act 1971.

- (2) In this section an “immigration claim” means any representation made by a person to an appropriate Minister which—
- (a) is made in connection with an immigration designation of that person, and
  - (b) is within subsection (3).
- (3) A representation is within this subsection if it is a representation by a person—
- (a) that removal from the United Kingdom of that person would—
    - (i) breach the United Kingdom’s obligations under the Human Rights Convention (“human rights obligations”), or
    - (ii) breach the United Kingdom’s obligations under the Refugee Convention (“Refugee Convention obligations”),
  - (b) that requiring that person to leave the United Kingdom would breach human rights obligations or breach Refugee Convention obligations, or
  - (c) that refusal of entry of that person into the United Kingdom would breach human rights obligations or breach Refugee Convention obligations.
- (4) The Secretary of State may by regulations make provision—
- (a) about the effect of an immigration claim, or a prescribed description of immigration claim, for the purposes of prescribed provisions of the Immigration Acts;
  - (b) for a decision of a prescribed description made by an appropriate Minister under this Part, or such a decision so far as relating to prescribed matters, to be treated as a decision from which a person may appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”);
  - (c) modifying Part 5 of the 2002 Act in relation to an appeal relating to such a decision;
  - (d) preventing the court in proceedings on an application under section 38 above from considering prescribed issues where—
    - (i) an immigration claim has been made and the circumstances are such as may be prescribed, or
    - (ii) a representation within subsection (3) is made in the proceedings and the circumstances are such as may be prescribed;
  - (e) in relation to any case where under regulations under section 1 above a person is an excluded person for the purposes of section 8B of the Immigration Act 1971, disapplying any of subsections (1), (2) and (3) of that section until the end of a prescribed period or until the occurrence of a prescribed event.
- (5) In this section “the Human Rights Convention” and “the Refugee Convention” have the same meaning as in section 8B of the Immigration Act 1971.