

Status: Point in time view as at 27/05/2021.

Changes to legislation: There are currently no known outstanding effects for the Sanctions and Anti-Money Laundering Act 2018, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 59(4) and (5)

CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS CONSEQUENTIAL ON PARTS 1 AND 2

Immigration Act 1971 (c. 77)

- 1 (1) Section 8B of the Immigration Act 1971 (persons excluded from the United Kingdom under international obligations) is amended as follows.
- (2) In the heading for “international obligations” substitute “ certain instruments ”.
- (3) For subsection (4) substitute—
- “(4) “Excluded person” means—
- (a) a person named by or under, or of a description specified in, an instrument falling within subsection (5), or
- (b) a person who under regulations under section 1 of the Sanctions and Anti-Money Laundering Act 2018 is an excluded person for the purposes of this section (see section 4 of that Act).”
- (4) In subsection (5A)(b), for the words from the beginning to “that subsection” substitute “ the person is within subsection (4)(a) and not within subsection (4)(b) and has been exempted from the application of subsection (1), (2) or (3), as the case may be, ”.
- (5) After subsection (5A) insert—
- “(5B) In relation to any person within subsection (4)(b), subsections (1) to (3) are subject to any exception created under, or direction given by virtue of, section 15(4) of the Sanctions and Anti-Money Laundering Act 2018 (power to create exceptions etc).”

Commencement Information

II Sch. 3 para. 1 in force at 22.11.2018 by S.I. 2018/1213, reg. 2(f)

Senior Courts Act 1981 (c. 54)

- 2 In paragraph 2 of Schedule 1 to the Senior Courts Act 1981 (business allocated to the Queen's Bench Division), after sub-paragraph (be) insert—
- “(bf) all proceedings—

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- (i) on an application under section 38 of the Sanctions and Anti-Money Laundering Act 2018 (court review of decisions), or
- (ii) on a claim arising from any matter to which such an application relates;”.

Commencement Information

I2 Sch. 3 para. 2 in force at 22.11.2018 by S.I. 2018/1213, reg. 2(f)

Regulation of Investigatory Powers Act 2000 (c. 23)

- 3 (1) Section 18 of the Regulation of Investigatory Powers Act 2000 (exceptions to matters excluded from legal proceedings) is amended as follows.
- (2) In subsection (1), after paragraph (de) insert—
- “(df) any proceedings—
- (i) on an application under section 38 of the Sanctions and Anti-Money Laundering Act 2018 (court review of decisions), or
 - (ii) on a claim arising from any matter to which such an application relates,
- or any proceedings arising out of such proceedings;”.
- (3) In subsection (2), after paragraph (zd) insert—
- “(ze) in the case of proceedings falling within paragraph (df), to—
- (i) a person, other than the Secretary of State or the Treasury (as the case may be), who is or was a party to the proceedings, or
 - (ii) any person who for the purposes of the proceedings (but otherwise than by virtue of appointment as a special advocate) represents a person falling within subparagraph (i);”.

Commencement Information

I3 Sch. 3 para. 3 in force at 22.11.2018 by S.I. 2018/1213, reg. 2(f)

Serious Organised Crime and Police Act 2005 (c. 15)

- 4 In section 61(1) of the Serious Organised Crime and Police Act 2005 (offences to which investigatory powers etc apply), after paragraph (i) insert—
- “(j) any offence under regulations under section 1 of the Sanctions and Anti-Money Laundering Act 2018 (sanctions regulations) which is specified by those regulations by virtue of section 17(8) of that Act.”

Commencement Information

I4 Sch. 3 para. 4 in force at 22.11.2018 by S.I. 2018/1213, reg. 2(f)

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Serious Crime Act 2007 (c. 27)

- 5 (1) Schedule 1 to the Serious Crime Act 2007 (offences in relation to which a serious crime prevention order may be made) is amended as follows.
- (2) In paragraph 13B after sub-paragraph (5) insert—
- “(5A) An offence under regulations made under section 1 of the Sanctions and Anti-Money Laundering Act 2018.”
- (3) In paragraph 16MA after sub-paragraph (5) insert—
- “(5A) An offence under regulations made under section 1 of the Sanctions and Anti-Money Laundering Act 2018.”
- (4) In paragraph 29A after sub-paragraph (5) insert—
- “(5A) An offence under regulations made under section 1 of the Sanctions and Anti-Money Laundering Act 2018.”
- (5) In the italic headings before each of paragraphs 13B, 16MA and 29A, omit “Financial”.

Commencement Information

I5 Sch. 3 para. 5 in force at 22.11.2018 by S.I. 2018/1213, reg. 2(f)

Crime and Courts Act 2013 (c. 22)

- 6 (1) Part 2 of Schedule 17 to the Crime and Courts Act 2013 (offences in relation to which a deferred prosecution agreement may be entered into) is amended as follows.
- (2) In paragraph 26A, after sub-paragraph (5) insert—
- “(5A) An offence under regulations made under section 1 of the Sanctions and Anti-Money Laundering Act 2018 (sanctions regulations).”
- (3) After paragraph 27 insert—
- “27A An offence under regulations made under section 49 of the Sanctions and Anti-Money Laundering Act 2018 (money laundering and terrorist financing etc).”

Commencement Information

I6 Sch. 3 para. 6 in force at 22.11.2018 by S.I. 2018/1213, reg. 2(f)

Investigatory Powers Act 2016 (c. 25)

- 7 In Schedule 3 to the Investigatory Powers Act 2016 (exceptions to section 56), after paragraph 9 insert—

“Sanctions proceedings

- 9A (1) Section 56(1) does not apply in relation to any proceedings—

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- (a) on an application under section 38 of the Sanctions and Anti-Money Laundering Act 2018 (court review of decisions), or
 - (b) on a claim arising from any matter to which such an application relates,
- or any proceedings arising out of such proceedings.
- (2) But sub-paragraph (1) does not permit the disclosure of anything to—
- (a) any person, other than the Secretary of State or the Treasury (as the case may be), who is or was a party to the proceedings, or
 - (b) any person who—
 - (i) represents such a person for the purposes of the proceedings, and
 - (ii) does so otherwise than by virtue of appointment as a special advocate.”

Commencement Information

I7 Sch. 3 para. 7 in force at 22.11.2018 by S.I. 2018/1213, reg. 2(f)

Policing and Crime Act 2017 (c. 3)

- 8 (1) Part 8 of the Policing and Crime Act 2017 (financial sanctions) is amended as follows.
- (2) In section 143(4) (meaning of “financial sanctions legislation”) after paragraph (e) insert—
- “(f) a provision of regulations made under section 1 of the Sanctions and Anti-Money Laundering Act 2018 that contains a prohibition or requirement imposed for a purpose mentioned in section 3(1) or (2) of that Act.”
- (3) After section 143(4) insert—
- “(4A) But “financial sanctions legislation” does not include any provision of regulations made under section 1 of the Sanctions and Anti-Money Laundering Act 2018 which is specified in the regulations as a provision to be regarded as not being financial sanctions legislation for the purposes of this Part.”
- (4) Omit sections 152 to 156 (avoidance of delay: temporary regulations).

Commencement Information

I8 Sch. 3 para. 8(1)-(3) in force at 22.11.2018 by S.I. 2018/1213, reg. 2(f)

I9 Sch. 3 para. 8(4) in force at 27.5.2021 by S.I. 2021/628, reg. 2(b)

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PART 2

REPEALS ETC CONSEQUENTIAL ON REPEALS IN TERRORIST ASSET-FREEZING ETC ACT 2010

Repeals and revocations

9 The following provisions are repealed or revoked—

<i>Title</i>	<i>Extent of repeal or revocation</i>
Senior Courts Act 1981	In Schedule 1, paragraph 2(bc).
Regulation of Investigatory Powers Act 2000	In section 18, subsection (1)(dc) and, in subsection (2)(zb), the words “or (dc)”.
Counter-Terrorism Act 2008	Section 28(2)(d).
Charities Act 2011	In section 178(1), in Case J, paragraph (a).
Electronic Money Regulations 2011 (S.I. 2011/99)	In regulation 13(8)(d), the words “the Terrorist Asset-Freezing etc Act 2010,”.
Legal Aid, Sentencing and Punishment of Offenders Act 2012	In Schedule 5, paragraph 71.
Financial Services Act 2012	In Schedule 18, paragraph 132.
Counter-Terrorism and Security Act 2015	Section 45(2). Section 46(1)(b). Section 49(4)(c).
Investigatory Powers Act 2016	In Schedule 3, paragraph 11. In Schedule 10, paragraph 25.
Payment Services Regulations 2017 (S.I. 2017/752)	Regulation 14(5)(e).
Sanctions and Anti-Money Laundering Act 2018	In section 49(3), in the definition of “terrorist financing”, paragraph (d).

Commencement Information

I10 Sch. 3 para. 9 in force at 31.12.2020 for specified purposes by S.I. 2020/1535, reg. 3(e)

Consequential amendment

10 In Schedule 3 to the Investigatory Powers Act 2016 (exceptions to section 56), in paragraph 12, for “neither paragraph 10 nor paragraph 11 permits” substitute “paragraph 10 does not permit”.

Commencement Information

I11 Sch. 3 para. 10 in force at 31.12.2020 by S.I. 2020/1535, reg. 3(f)

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