



# Sanctions and Anti-Money Laundering Act 2018

## 2018 CHAPTER 13

### PART 1

#### SANCTIONS REGULATIONS

### CHAPTER 4

#### COURT REVIEWS

#### **39 Court reviews: further provision**

- (1) Subsection (2) applies to the court in any of the following proceedings—
- (a) any proceedings on an application under section 38 in respect of a decision mentioned in section 38(1)(a), (b) or (c) (“a relevant application”);
  - (b) any proceedings on a claim arising from any matter to which a relevant application relates;
  - (c) if—
    - (i) a designation made under a designation power contained in regulations under section 1 is revoked without an application under section 38 being made,
    - (ii) a ship specification (within the meaning of section 38) is revoked without such an application being made, or
    - (iii) a corrective direction is given under section 34(3)(b) without such an application being made,any proceedings on a relevant claim.
- (2) If the court would, in the absence of this subsection, have power to award damages, the court may not award damages unless—

---

*Status: Point in time view as at 31/12/2020. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Sanctions and Anti-Money Laundering Act 2018, Section 39. (See end of Document for details)*

---

- (a) the reason (or one of the reasons) that the court would have that power is that it is satisfied that the tort of negligence was committed, or, in Scotland, that there has been negligence, or
  - (b) the court is satisfied that the decision concerned was made in bad faith.
- (3) In subsection (1)(c)—
- a “corrective direction” means a direction given in respect of a person and a list following the giving of a direction under section 34(3)(a) in respect of that person and list;
  - a “relevant claim” means a claim made by (as the case may be)—
    - (a) a person designated by the designation,
    - (b) a person affected by the ship specification, or
    - (c) the person in respect of whom the direction under section 34(3)(a) was given,
 which arises from any matter relating to the designation, ship specification or direction.
- (4) In subsection (2) “the decision concerned” means—
- (a) in relation to proceedings within subsection (1)(a) or (b) where the relevant application was in respect of a decision mentioned in section 38(1)(a), the decision in respect of which the relevant application was made or the designation to which that decision related;
  - (b) in relation to any other proceedings within subsection (1)(a) or (b), the decision in respect of which the relevant application was made;
  - (c) in relation to proceedings within subsection (1)(c), the designation or ship specification or the decision to give the direction under section 34(3)(a).
- (5) A decision mentioned in sub-paragraph (i), (ii) or (iii) of section 38(1)(d) may not be questioned by way of proceedings for judicial review (and nor may a decision to which section 38 applies).

---

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

- C1** S. 39 extended (British overseas territories) (with modifications) (31.12.2020 immediately after both S.I. 2020/950 and S.I. 2020/1289 have come into force) by [The Counter-Terrorism \(Sanctions\) \(Overseas Territories\) Order 2020 \(S.I. 2020/1564\)](#), arts. 1(1), 4(a), Sch. 1, **Sch. 3**; S.I. 2020/1514, regs. 17, 21
- 

**Commencement Information**

- I1** S. 39 in force at 22.11.2018 by [S.I. 2018/1213](#), **reg. 2(b)**

**Status:**

Point in time view as at 31/12/2020. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Sanctions and Anti-Money Laundering Act 2018, Section 39.