



# Economic Crime (Transparency and Enforcement) Act 2022

## 2022 CHAPTER 10

### PART 3

#### SANCTIONS

### CHAPTER 2

#### IMPOSITION OF SANCTIONS ETC

##### *Designation*

#### **59 Urgent designation of persons by description**

(1) Section 12 of the 2018 Act (designation by persons by description under a designation power) is amended in accordance with subsections (2) to (9).

(2) After subsection (1) insert—

“(1A) The regulations must contain provision for the Minister to be able to choose whether to provide that persons of a specified description are designated persons under either—

- (a) the standard procedure, or
- (b) the urgent procedure.”

(3) For subsection (2) substitute—

“(2) The regulations must contain provision which prohibits the exercise of that power under the standard procedure except where conditions A and C are met.”

(4) Omit subsection (4).

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*Status: Point in time view as at 04/03/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Economic Crime (Transparency and Enforcement) Act 2022, Section 59. (See end of Document for details)*

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- (5) In subsection (5) omit paragraph (b) (and the “and” before it).
- (6) After subsection (5) insert—
- “(5A) The regulations must provide that under the urgent procedure—
- (a) the Minister may provide that persons of a specified description are designated persons where condition C is not met, but conditions A, D and E are met, and
  - (b) the persons cease to be designated persons at the end of the period of 56 days beginning with the day following the day on which the persons became designated persons unless, within that period, the Minister certifies that—
    - (i) conditions A and C are met, or
    - (ii) conditions A, D and E continue to be met.
- (5B) The regulations must also provide that, under the urgent procedure, in a case where the Minister makes a certification under subsection (5A)(b)(ii), the designation ceases to have effect at the end of the period of 56 days beginning with the day immediately following the period mentioned in subsection (5A)(b), unless within that period the Minister certifies that conditions A and C are met.
- (5C) Condition D is that the description of persons specified is of persons (or some persons) to which, or in relation to which, relevant provision (whenever made) applies under the law of—
- (a) the United States of America;
  - (b) the European Union;
  - (c) Australia;
  - (d) Canada;
  - (e) any other country specified for the purposes of this paragraph in regulations made by an appropriate Minister.
- (5D) Condition E is that the Minister considers that it is in the public interest to provide that persons of a specified description are designated persons under the urgent procedure.
- (5E) For the purposes of condition D, relevant provision is provision that the Minister considers—
- (a) corresponds, or is similar, to the type of sanction or sanctions in the regulations under section 1, or
  - (b) is made for purposes corresponding, or similar, to any purpose of any type of sanction or sanctions in the regulations under section 1.”
- (7) In subsection (7), after “designated persons” insert “under the standard procedure”.
- (8) After subsection (7) insert—
- “(7A) The regulations must, in relation to any case where the Minister provides that persons of a specified description are designated persons under the urgent procedure, require the information given under the provision made under section 10(3) to include a statement—
- (a) that the provision is made under the urgent procedure,

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- (b) identifying the relevant provision by reference to which the Minister considers that condition D is met in relation to persons of the specified description, and
  - (c) setting out why the Minister considers that condition E is met.
- (7B) The regulations must provide that, in relation to any case where the Minister provides that persons of a specified description are designated persons under the urgent procedure, the Minister must, after the end of the period mentioned in subsection (5A)(b), or if the Minister has made a certification under subsection (5A)(b)(ii) the period mentioned in subsection (5B), but otherwise without delay—
  - (a) in a case where the persons cease to be designated persons, take such steps as are reasonably practicable to inform the persons that they have ceased to be designated persons, or
  - (b) in any other case, take such steps as are reasonably practicable to give each designated person a statement of reasons.”
- (9) In subsection (8)—
  - (a) for “subsection (7)” substitute “subsections (7) and (7A)”;
  - (b) for the words from “which have led” to the end substitute “—
    - (a) in the case of a designation under the standard procedure, which have led the Minister to make the provision designating persons of that description, and
    - (b) in the case of a designation under the urgent procedure, as a result of which the persons do not cease to be designated persons at the end of the period mentioned in subsection (5A)(b) or (5B) (as the case may be).”
- (10) In section 22 of the 2018 Act (power to vary or revoke designation made under regulations), in subsection (4), in paragraph (b)—
  - (a) for “12(2)” substitute “12”;
  - (b) omit the words in brackets.

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#### **Commencement Information**

**II** S. 59 in force at Royal Assent, see [s. 69\(3\)](#)

**Status:**

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**Changes to legislation:**

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