

2018 No. 1269

EXITING THE EUROPEAN UNION
SANCTIONS

The Sanctions Review Procedure (EU Exit) Regulations 2018

<i>Made</i> - - - -	<i>27th November 2018</i>
<i>Laid before Parliament</i>	<i>30th November 2018</i>
<i>Coming into force</i> - -	<i>7th January 2019</i>

The Secretary of State, in exercise of the powers conferred by sections 33 and 54(2) of the Sanctions and Anti-Money Laundering Act 2018(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Sanctions Review Procedure (EU Exit) Regulations 2018 and come into force on 7th January 2019.

Interpretation

2. In these Regulations—

“address”—

- (a) in relation to an individual, means the address where that individual usually resides;
- (b) in relation to a company incorporated in the United Kingdom, means the address of the registered office that a company is required to have under section 86 of the Companies Act 2006(b);
- (c) in relation to any other company, means the address of its principal place of business in its country of incorporation or, if applicable, its registered office;
- (d) in relation to an unincorporated body, organisation, association, or combination of persons, means the address of their main place of business or activity;

“Minister” means the appropriate Minister dealing with a request under any of the sections mentioned in regulation 3(c);

“requester” means the person who makes a request under any of the sections mentioned in regulation 3;

(a) 2018 c. 13. Section 33 provides that Regulations may be made by an “appropriate Minister” which is defined in section 1(9) as the Secretary of State or the Treasury.

(b) 2006 c 46.

(c) Sections 22 and 26 of the Act provide that the appropriate Minister is the Minister who made the designation or specification that is the subject of the request. Sections 25 and 29 provide that the appropriate Minister is the Secretary of State.

a reference without more to a numbered section is a reference to the section of the Sanctions and Anti-Money Laundering Act 2018 bearing that number.

Requests to which these Regulations apply

3. These Regulations apply to a request under any of the following sections—

- (a) section 23 (right to request variation or revocation of designation);
- (b) section 25 (right of UN-named person to request review);
- (c) section 27 (right to request revocation of specification of ship);
- (d) section 29 (UN-designated ship: right to request review).

Content of request

4.—(1) A request must be made in writing in English.

(2) A request must include the requester's—

- (a) name;
- (b) address;
- (c) correspondence address, if different; and
- (d) proof of identity, if the requester is an individual.

(3) Where a person is acting on behalf of the requester, that person must provide confirmation of authority to act on behalf of the requester.

(4) A request must specify whether it is for—

- (a) a variation under section 23;
- (b) revocation under section 23;
- (c) review under section 25;
- (d) revocation under section 27;
- (e) review under section 29.

(5) A request must explain—

- (a) where the request is for a variation under section 23, why the designation should be varied and what variation is requested;
- (b) where the request is for revocation under section 23, why the designation should be revoked;
- (c) where the request is for review under section 25, why the requester's name should be removed from the relevant UN list;
- (d) where the request is for revocation under section 27, how the requester is affected by the ship specification and why the specification should be revoked;
- (e) where the request is for review under section 29, how the requester is affected by the designation and why the designation should cease.

(6) A request must include relevant evidence of the explanation provided under paragraph (5), where such evidence is available to the requester.

(7) Where a request includes any evidence which is not in English, the request must include a translation of that evidence into English, and the translation must—

- (a) include a signed declaration by the translator that the translation is an accurate translation of the evidence;
- (b) include the date of the translation and the full name and contact details of the translator.

(8) Where the request is a further request under any of the sections mentioned in regulation 3, the further request must explain what the significant matter giving rise to the further request is, and why it is significant.

Submission of request

5.—(1) A request must be made electronically to sanctions.reassessment@fco.gov.uk.

(2) But where it is not reasonably practicable for the requester to make a request electronically, a request may be submitted in hard copy to Sanctions Unit, Foreign and Commonwealth Office, King Charles Street, London SW1A 2AH.

Further information

6.—(1) The Minister may ask the requester for further information about the request.

(2) The requester must provide any such further information, where such information is available to the requester, as soon as reasonably practicable.

Decision on request

7. The Minister must make the decision on the request as soon as reasonably practicable after receiving the information needed for making the decision.

Notification of decision

8.—(1) The Minister must inform the requester in writing of the decision on the request and the reasons for it, as soon as reasonably practicable after the decision is made.

(2) Where the decision is in relation to a request under section 27 (right to request revocation of specification of ship) or section 29 (UN-designated ship: right to request review), the Minister may also inform any person affected by the ship specification or designation of the decision and the reasons for it.

(3) Matters may be excluded from the reasons given where the Minister considers that they should be excluded—

- (a) in the interests of national security or international relations;
- (b) for reasons connected with the prevention or detection of serious crime in the United Kingdom or elsewhere; or
- (c) in the interests of justice.

Publicity

9.—(1) The Minister may take steps to publicise the decision on a request, and the reasons for it.

(2) Matters may be excluded from the published reasons where the Minister considers that they should be excluded—

- (a) in the interests of national security or international relations;
- (b) for reasons connected with the prevention or detection of serious crime in the United Kingdom or elsewhere; or
- (c) in the interests of justice.

Signed by the authority of the Secretary of State

27th November 2018

Alan Duncan
Minister of State
Foreign and Commonwealth Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

Chapter 2 of Part 1 of the Sanctions and Anti-Money Laundering Act 2018 (c.13) (“the Act”) enables certain persons to request a review, variation or revocation of a designation or ship specification that has been made under the Act. The request is to be dealt with by the appropriate Minister, i.e. the Minister who made the decision or, in the case of UN listings, the Secretary of State. These Regulations make provision for the procedure applicable to such requests.

Regulations 4 and 5 make provision about the information that must be contained in a request and the manner in which requests must be made and.

Regulation 6 enables the Minister to seek further information in relation to the request.

Regulation 7 makes provision about decisions on a request, in particular that a decision must be made as soon as reasonably practicable after the appropriate Minister has received the information necessary to make a decision.

Regulations 8 and 9 make provision about notification and publication of decisions and reasons. They allow matters to be excluded from the reasons given for a decision on specified grounds, namely in the interests of national security or international relations, for the prevention or detection of serious crime, or in the interests of justice.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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£4.90

UK201811301016 12/2018 19585

<http://www.legislation.gov.uk/id/uksi/2018/1269>

ISBN 978-0-11-117585-9



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