



Sanctions and Anti-Money Laundering Act 2018

2018 CHAPTER 13

PART 3

GENERAL

Supplementary

52 Crown application

- (1) Regulations under section 1 or 49 may make provision binding the Crown.
- (2) The regulations may not provide for the Crown to be criminally liable.
- (3) Nothing in this Act affects Her Majesty in Her private capacity (within the meaning of the Crown Proceedings Act 1947).

53 Saving for prerogative powers

- (1) Nothing in this Act affects any power to exclude a person from the United Kingdom by virtue of the prerogative of the Crown.
- (2) Nothing in this Act affects any power exercisable in relation to ships by virtue of the prerogative of the Crown.

54 Regulations: general

- (1) Regulations under this Act may—
 - (a) make different provision for different purposes;
 - (b) confer functions on a prescribed person;
 - (c) confer jurisdiction on any court or tribunal.

Status: This is the original version (as it was originally enacted).

- (2) Regulations under this Act may make supplemental, incidental, consequential, transitional or saving provision, including—
- (a) in the case of regulations under section 1 or 49, provision amending, repealing or revoking enactments (whenever passed or made), and
 - (b) in the case of regulations under section 1 which repeal or revoke an enactment, provision for persons designated by or under that enactment to be treated as persons designated under the regulations.
- (3) Regulations under section 1 may amend the definition of “terrorist financing” in section 49(3) so as to remove any reference to a provision of regulations that is revoked by regulations under section 1.
- (4) Regulations under section 1 may amend the definition of “terrorist financing” in section 49(3) so as to add a reference to a provision of regulations under section 1 that contains an offence, but only if—
- (a) each purpose of the regulations containing the offence, as stated under section 1(3), is compliance with a UN obligation or other international obligation, or
 - (b) paragraph (a) does not apply but the report under section 2 in respect of the regulations containing the offence indicates that, in the opinion of the appropriate Minister making those regulations, the carrying out of a purpose stated in those regulations under section 1(3) would further the prevention of terrorism in the United Kingdom or elsewhere.
- (5) Any power under this Act to make regulations is exercisable by statutory instrument.
- (6) In this section “enactment” includes—
- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act,
 - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament,
 - (c) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales,
 - (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation, and
 - (e) any retained direct EU legislation.
- (7) In subsection (2)(b) the reference to persons “designated” by or under a repealed or revoked enactment includes, where the enactment is retained direct EU legislation, persons listed in or under that enactment.
- (8) This section does not apply to regulations under—
- (a) section 56 (regulations under section 1: transitory provision), or
 - (b) section 64 (commencement).

55 Parliamentary procedure for regulations

- (1) Subsection (3) applies to a statutory instrument which—
- (a) contains non-UN regulations under section 1 (see subsection (7)),
 - (b) does not contain any UN regulations under that section, and
 - (c) is not a statutory instrument mentioned in subsection (5)(a) to (d).

- (2) Subsection (3) also applies to a statutory instrument which contains only regulations under section 49 which make new provision about high-risk countries (see subsection (9)).
- (3) A statutory instrument to which this subsection applies—
- must be laid before Parliament after being made, and
 - if not approved by a resolution of each House of Parliament before the end of 28 days beginning with the day on which it is made, ceases to have effect at the end of that period (but without that affecting anything done under the regulations or the power to make new regulations).
- (4) In calculating a period of 28 days for the purposes of subsection (3), no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.
- (5) A statutory instrument containing (whether alone or with other provision)—
- regulations under section 1 that repeal, revoke or amend any provision of primary legislation,
 - regulations under section 47,
 - regulations under section 48, or
 - regulations under section 49,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- This subsection does not apply to a statutory instrument to which subsection (3) applies by virtue of subsection (2).
- (6) A statutory instrument containing regulations under this Act which is not—
- a statutory instrument to which subsection (3) applies,
 - a statutory instrument mentioned in subsection (5)(a) to (d),
 - a statutory instrument containing only regulations under section 56, or
 - a statutory instrument containing only regulations under section 64,
- is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In subsection (1) “UN regulations” means regulations under section 1 that—
- are regulations the stated purpose of which, or one of the stated purposes of which, is compliance with a UN obligation, or
 - amend regulations under section 1 the stated purpose of which, or one of the stated purposes of which, is compliance with a UN obligation,
- and “non-UN regulations” means any regulations under section 1 which are not UN regulations.
- (8) For the purposes of subsection (7), a purpose is a “stated purpose” of regulations under section 1 if it is stated under section 1(3) in the regulations.
- (9) For the purposes of subsection (2), regulations under section 49 “make new provision about high-risk countries” if they add or remove an entry in a list of countries in relation to which enhanced customer due diligence measures are required to be taken by virtue of—
- the Money Laundering Regulations 2017 (S.I. 2017/692), or
 - regulations under section 49.

- (10) In this section “primary legislation” means—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) a Measure or Act of the National Assembly for Wales, or
 - (d) Northern Ireland legislation.

56 Regulations under section 1: transitory provision

- (1) If the appropriate Minister making a statutory instrument containing (whether alone or with other provision) any regulations under section 1 considers it is appropriate to do so in consequence of, or otherwise in connection with, the withdrawal of the United Kingdom from the EU, the instrument may provide that it comes into force, or that any provision of regulations contained in the instrument comes into force, on such day as that Minister may by regulations under this section appoint.
- (2) Any power of an appropriate Minister to appoint a day under this section includes—
 - (a) a power to appoint different days for different purposes, and
 - (b) a power to appoint a time on a day if that Minister considers it appropriate to do so (including a time that has effect by reference to the coming into force of any other enactment).
- (3) Any power under this section to make regulations is exercisable by statutory instrument.
- (4) Subsection (5) applies in the case of a statutory instrument—
 - (a) which contains provision by virtue of subsection (1) of this section, and
 - (b) to which section 55(3) applies by virtue of subsection (1) of that section.
- (5) Where this subsection applies—
 - (a) the reference in section 55(3)(b) to the day on which the statutory instrument is made is to be read as a reference to the first day on which any provision of the regulations contained in the instrument comes into force for any purpose in accordance with regulations under this section, and
 - (b) any reference in section 55(3) or (4) to 28 days is to be read as a reference to 60 days.
- (6) In this section “enactment” includes an enactment mentioned in any of paragraphs (a) to (d) of section 54(6).

57 Duties to lay certain reports before Parliament: further provision

- (1) In this section “a reporting provision” means section 2(4), 18(2) or 46(2) or paragraph 21(2) of Schedule 2 (duties to lay before Parliament certain reports relating to regulations).
- (2) Where more than one reporting provision applies in relation to particular regulations under section 1, the reports to which those provisions relate may be contained in a single document.
- (3) If a reporting provision is not complied with, the appropriate Minister who should have complied with that provision must publish a written statement explaining why that Minister failed to comply with it.

- (4) Subsection (5) applies where a reporting provision applies and—
- (a) a statutory instrument containing the regulations concerned, or
 - (b) a draft of such an instrument,
- is laid before the House of Commons and House of Lords on different days.
- (5) Where this subsection applies, the reporting provision in question is to be read as requiring the laying of a copy of the report to which that provision relates—
- (a) before the House of Commons at the time the instrument or draft mentioned in subsection (4) is laid before the House of Commons, and
 - (b) before the House of Lords at the time that instrument or draft is laid before the House of Lords.

58 Retained EU rights

- (1) If and to the extent that anything in the European Union (Withdrawal) Act 2018 would, in the absence of this section, prevent any power within subsection (2) from being exercised so as to modify anything which is retained EU law by virtue of section 4 of that Act (saving for certain rights etc), it does not prevent that power from being so exercised.
- (2) The following powers fall within this subsection—
- (a) any power conferred by this Act, or by regulations under this Act, on a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975 (however that power is expressed);
 - (b) any power conferred by regulations under Schedule 2 on a supervisory authority.
- (3) In this section “modify” has the same meaning as in the European Union (Withdrawal) Act 2018.

59 Consequential amendments and repeals

- (1) Part 1 of the Terrorist Asset-Freezing etc Act 2010 is repealed, except for—
- (a) paragraphs 1 to 5 of Schedule 1 to that Act (amendments of rules of court), and
 - (b) section 45(1) of that Act so far as it introduces that Schedule.
- (2) Neither paragraphs 1 to 5 of Schedule 1 to that Act, nor the exception of those paragraphs from the repeal made by subsection (1), affects any power to amend or revoke any provision of—
- (a) the Rules of the Court of Judicature (Northern Ireland) 1980 (S.R. 1980/346), or
 - (b) the Civil Procedure Rules 1998 (S.I. 1998/3132).
- (3) Subsection (1) does not affect the power in section 54 of the Terrorist Asset-Freezing etc Act 2010 to make provision by Order in Council extending to any of the Channel Islands, the Isle of Man or any British overseas territory.
- (4) Part 1 of Schedule 3 contains amendments consequential on Parts 1 and 2 of this Act.
- (5) Part 2 of Schedule 3 contains repeals and other provision consequential on subsection (1).