



Sanctions and Anti-Money Laundering Act 2018

2018 CHAPTER 13

PART 1

SANCTIONS REGULATIONS

CHAPTER 1

POWER TO MAKE SANCTIONS REGULATIONS

Designation of persons

11 Designation of a person by name under a designation power

- (1) This section applies to regulations under section 1 which authorise an appropriate Minister (“the Minister”) to designate persons by name.
- (2) The regulations must contain provision which prohibits the Minister from designating a person by name except where the Minister—
 - (a) has reasonable grounds to suspect that that person is an involved person (see subsection (3)), and
 - (b) considers that the designation of that person is appropriate, having regard to—
 - (i) the purpose of the regulations as stated under section 1(3), and
 - (ii) the likely significant effects of the designation on that person (as they appear to the Minister to be on the basis of the information that the Minister has).
- (3) The regulations must provide that “an involved person” means a person who—
 - (a) is or has been involved in an activity specified in the regulations,
 - (b) is owned or controlled directly or indirectly by a person who is or has been so involved,

Status: This is the original version (as it was originally enacted).

- (c) is acting on behalf of or at the direction of a person who is or has been so involved, or
 - (d) is a member of, or associated with, a person who is or has been so involved.
- (4) An activity may not be specified in the regulations by virtue of subsection (3) unless the Minister considers that specifying the activity is appropriate having regard to the purpose of the regulations as stated under section 1(3).
- (5) The regulations may, in the case of any activity specified in the regulations, make provision as to the meaning for the purposes of the regulations of a person's being involved in that activity.
- (6) The regulations may make provision, for the purposes of the regulations, as to the meaning of a person's—
 - (a) being “owned or controlled directly or indirectly by” another person, and
 - (b) being “associated with” another person.
- (7) The regulations must, in relation to any case where the Minister designates a person by name, require the information given under the provision made under section 10(3) to include a statement of reasons.
- (8) In subsection (7) a “statement of reasons” means a brief statement of the matters that the Minister knows, or has reasonable grounds to suspect, in relation to that person which have led the Minister to make the designation.
- (9) The regulations may authorise matters to be excluded from that statement 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,(but the regulations may not authorise the Minister to provide no statement of reasons).