



Economic Crime (Transparency and Enforcement) Act 2022

2022 CHAPTER 10

PART 3

SANCTIONS

CHAPTER 2

IMPOSITION OF SANCTIONS ETC

Designation

58 Urgent designation of persons by name

(1) Section 11 of the 2018 Act (designation of a person by name under a designation power) is amended in accordance with subsections (2) to (6).

(2) After subsection (1) insert—

“(1A) The regulations must contain provision for the Minister to be able to choose whether to designate a person under—

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

(3) For subsection (2) substitute—

“(2) The regulations must provide that under the standard procedure the Minister is prohibited from designating a person by name except where condition A is met.

(2A) Condition A is that the Minister has reasonable grounds to suspect that that person is an involved person (see subsection (3)).

Changes to legislation: There are currently no known outstanding effects for the Economic Crime (Transparency and Enforcement) Act 2022, Section 58. (See end of Document for details)

- (2B) The regulations must provide that under the urgent procedure—
- (a) the Minister may designate a person by name where condition A is not met, but conditions B and C are met, and
 - (b) the designation ceases to have effect at the end of the period of 56 days beginning with the day following the designation unless, within that period, the Minister certifies that—
 - (i) condition A is met, or
 - (ii) conditions B and C continue to be met.
- (2C) The regulations must provide that, under the urgent procedure, in a case where the Minister makes a certification under subsection (2B)(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 (2B)(b), unless within that period the Minister certifies that condition A is met.
- (2D) Condition B is that relevant provision (whenever made) applies to, or in relation to, the person 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.
- (2E) Condition C is that the Minister considers that it is in the public interest to make designations under the urgent procedure.
- (2F) For the purposes of condition B, 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.”
- (4) In subsection (7), after “by name” insert “under the standard procedure”.
- (5) After subsection (7) insert—
- “(7A) The regulations must, in relation to any case where the Minister designates a person by name under the urgent procedure, require the information given under the provision made under section 10(3) to include a statement—
- (a) that the designation is made under the urgent procedure,
 - (b) identifying the relevant provision by reference to which the Minister considers that condition B is met in relation to the person, and
 - (c) setting out why the Minister considers that condition C is met.
- (7B) The regulations must also provide that, in relation to any case where the Minister designates a person by name under the urgent procedure, the Minister must, after the end of the period mentioned in subsection (2B)(b), or if the Minister has made a certification under subsection (2B)(b)(ii) the period mentioned in subsection (2C), but otherwise without delay—

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- (a) in a case where the designation ceases to have effect, take such steps as are reasonably practicable to inform the person that the designation has ceased to have effect, or
 - (b) in any other case, take such steps as are reasonably practicable to give the designated person a statement of reasons.”
- (6) In subsection (8)—
- (a) for “subsection (7)” substitute “subsections (7) and (7A)”;
 - (b) for “which have led the Minister to make the designation” substitute “—
 - (a) in the case of a designation under the standard procedure, which have led the Minister to make the designation, and
 - (b) in the case of a designation under the urgent procedure, as a result of which the designation does not cease to have effect at the end of the period mentioned in subsection (2B)(b) or (2C) (as the case may be).”
- (7) In section 22 of the 2018 Act (power to vary or revoke designation made under regulations), in subsection (4), in paragraph (a)—
- (a) for “11(2)” substitute “11”;
 - (b) omit the words in brackets.

Commencement Information

II S. 58 in force at Royal Assent, see [s. 69\(3\)](#)

Changes to legislation:

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