



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 21 February 2018

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 3 to 12 and NC3 to NC4

PUBLIC BILL COMMITTEE

SANCTIONS AND ANTI-MONEY LAUNDERING BILL **[LORDS]**

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order to be proposed by Sir Alan Duncan.

Sir Alan Duncan

To move, that the Bill be considered in the following order: Clauses 1 to 5; Schedule 1; Clauses 6 to 43; Schedule 2; Clauses 44 to 50; Schedule 3; Clauses 51 to 56; new Clauses; new Schedules; remaining proceedings on the Bill.

Sir Alan Duncan

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Sanctions and Anti-Money Laundering Bill [Lords], continued

Helen Goodman
Anneliese Dodds

1

- ☆ Clause 1, page 2, line 16, at end insert “or
(i) further accountability for, or act or as a deterrent to, the commission of a gross human rights abuse or violation.”

Member’s explanatory statement

This amendment would enable sanctions regulations to be made for the purpose of preventing, or in response to, a gross human rights abuse or violation.

Helen Goodman
Anneliese Dodds

2

- ☆ Clause 1, page 2, line 37, at end insert—
- “(6A) In this section, conduct constitutes “the commission of a gross human rights abuse or violation” if each of the following three conditions is met.
- (6B) The first condition is that—
- (a) the conduct constitutes the torture of a person or a group of people who have sought—
- (i) to expose illegal activity carried out by a public official or a person acting in an official capacity, or
- (ii) to obtain, exercise, defend or promote human rights and fundamental freedoms, or
- (b) the conduct otherwise involves the cruel, inhuman or degrading treatment or punishment of such a person or a group of people.
- (6C) The second condition is that the conduct is carried out in consequence of that person having sought to do anything falling within subsection (6B) (a) (i) or (ii).
- (6D) The third condition is that the conduct is carried out—
- (a) by a public official, or a person acting in an official capacity, in the performance or purported performance of his or her official duties, or
- (b) by a person not falling within paragraph (a) at the instigation or with the consent or acquiescence—
- (i) of a public official, or
- (ii) of a person acting in an official capacity, who in instigating the conduct, or in consenting to or acquiescing in it, is acting in the performance or purported performance of his or her official duties.
- (6E) Conduct that involves the intentional infliction of severe pain or suffering on another person or a group of people is conduct that constitutes torture for the purposes of subsection (6B) (a).
- (6F) Conduct is connected with the commission of a gross human rights abuse or violation if it is conduct by a person that involves—
- (a) acting as an agent for another in connection with activities relating to conduct constituting the commission of a gross human rights abuse or violation,
- (b) directing, or sponsoring, such activities,
- (c) profiting from such activities, or
- (d) materially assisting such activities.
- (6G) The cases in which a person materially assists activities for the purposes of subsection (6F) (d) include those where the person—
- (a) provides goods or services in support of the carrying out of the activities, or

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- (b) otherwise provides any financial or technological support in connection with their carrying out.”

Member’s explanatory statement

This amendment, which is consequential on Amendment 1, would define what constitutes the commission of a gross human rights abuse or violation. This would include the torture of a person who has sought to expose the illegal activity of a public official, or the torture of a person who had sought to defend human rights or fundamental freedoms, by a public official or a person acting in an official capacity.

Sir Alan Duncan

3

- ★ Clause 1, page 3, line 2, leave out “(d)” and insert “(h)”

Member’s explanatory statement

This amendment expands the reference in Clause 1 to subsection (2) so that it covers paragraphs (e) to (h) of that subsection (as well as paragraphs (a) to (d)).

Sir Alan Duncan

4

- ★ Clause 17, page 16, line 12, at end insert—

“() Regulations—

- (a) may create criminal offences for the purposes of the enforcement of prohibitions or requirements mentioned in subsection (2)(a) or (b) or for the purposes of preventing such prohibitions or requirements from being circumvented, and
 - (b) may include provision dealing with matters relating to any offences created for such purposes by regulations (including provision that creates defences).
- () Regulations may not provide for an offence under regulations to be punishable with imprisonment for a period exceeding—
- (a) in the case of conviction on indictment, 10 years;
 - (b) in the case of summary conviction—
 - (i) in relation to England and Wales, 12 months or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months;
 - (ii) in relation to Scotland, 12 months;
 - (iii) in relation to Northern Ireland, 6 months.”

Member’s explanatory statement

This amendment enables sanctions imposed by regulations under Clause 1 to be enforced by criminal proceedings, and limits the terms of imprisonment that such regulations can allow to be imposed for breach of sanctions.

Sir Alan Duncan

5

- ★ Clause 27, page 21, line 5, leave out “(d)” and insert “(h)”

Member’s explanatory statement

The provision amended here concerns a Minister’s review of regulations made under Clause 1

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which state a purpose within Clause 1(2). The amendment expands the reference to Clause 1(2) so that it covers paragraphs (e) to (h) of Clause 1(2) (as well as paragraphs (a) to (d)).

Sir Alan Duncan

6

- ★ Clause 39, page 30, line 24, leave out “(d)” and insert “(h)”

Member’s explanatory statement

The provision amended here is a condition which applies to the power to amend regulations made under Clause 1 which state a purpose within Clause 1(2). The amendment expands the reference to Clause 1(2) so that it covers paragraphs (e) to (h) of Clause 1(2) (as well as paragraphs (a) to (d)).

Sir Alan Duncan

7

- ★ Clause 43, page 33, line 13, leave out subsection (2)

Member’s explanatory statement

This amendment removes the provision that prevents contraventions of regulations under Clause 43 (money laundering and terrorist financing etc) from being enforceable by criminal proceedings.

Sir Alan Duncan

10

- ★ Schedule 2, page 53, line 32, leave out paragraph 15 and insert—
“15 Make provision—

- (a) creating criminal offences for the purposes of the enforcement of requirements imposed by or under regulations under section 43, and
- (b) dealing with matters relating to any offences created for such purposes by regulations under section 43,

but see paragraphs 18 and 19.”

Member’s explanatory statement

This amendment, read with Amendment 12, makes clear that any offences included in regulations under Clause 43 must be for the purposes of enforcing requirements imposed by or under regulations under Clause 43 or (while they remain in force) the Money Laundering Regulations 2017.

Sir Alan Duncan

11

- ★ Schedule 2, page 54, line 11, at end insert—

“20A(1) In this paragraph “relevant regulations” means regulations under section 43 which create any offence for the purposes of the enforcement of any requirements imposed by or under regulations under section 43.

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- (2) The appropriate Minister making any relevant regulations (“the Minister”) must at the required time lay before Parliament a report which—
- (a) specifies the offences created by the regulations, indicating the requirements to which those offences relate,
 - (b) states that the Minister considers that there are good reasons for those requirements to be enforceable by criminal proceedings and explains why the Minister is of that opinion, and
 - (c) in the case of any of those offences which are punishable with imprisonment—
 - (i) states the maximum terms of imprisonment that apply to those offences,
 - (ii) states that the Minister considers that there are good reasons for those maximum terms, and
 - (iii) explains why the Minister is of that opinion.
- (3) Sub-paragraph (4) applies where an offence created by the regulations relates to particular requirements and the Minister considers that a good reason—
- (a) for those requirements to be enforceable by criminal proceedings, or
 - (b) for a particular maximum term of imprisonment to apply to that offence,
- is consistency with another enactment relating to the enforcement of similar requirements.
- (4) The report must identify that other enactment.
- (5) In sub-paragraph (3) “another enactment” means any provision of or made under an Act, other than a provision of the regulations to which the report relates.
- (6) In sub-paragraph (2) “the required time” means the same time as the draft of the statutory instrument containing the regulations is laid before Parliament.
- (7) This paragraph applies to regulations which amend other regulations under section 43 so as to create an offence as it applies to regulations which otherwise create an offence.”

Member’s explanatory statement

This amendment requires that where regulations under Clause 43 are made which include offences, a report specifying the offences and giving reasons for any terms of imprisonment that apply to them must be laid before Parliament.

Sir Alan Duncan

12

★ Schedule 2, page 54, line 39, at end insert—

- “() In paragraph 15 (offences), any reference to regulations under section 43 includes the Money Laundering Regulations 2017.
- () In paragraph 20A (report in respect of offences)—
- (a) the reference in sub-paragraph (1) to requirements imposed by or under regulations under section 43 includes requirements imposed by or under the Money Laundering Regulations 2017, and
 - (b) the reference in sub-paragraph (7) to other regulations under section 43 includes the Money Laundering Regulations 2017.”

Member’s explanatory statement

This amendment has the effect that, while the Money Laundering Regulations 2017 remain in

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force, offences may be created by regulations under Clause 43 for the purposes of enforcing requirements in the 2017 regulations.

Sir Alan Duncan

8

★ Clause 47, page 34, line 38, leave out subsection (3) and insert—

- “(3) Regulations under section 1 may amend the definition of “terrorist financing” in section 43(4) so as to remove any reference to a provision of regulations that is revoked by regulations under section 1.
- (3A) Regulations under section 1 may amend the definition of “terrorist financing” in section 43(4) 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.”

Member’s explanatory statement

This amendment provides that regulations under Clause 1 may amend the definition of “terrorist financing” in the Bill to add a reference to an offence only where the purpose of the regulations containing the offence is compliance with a UN or other international obligation or a purpose related to the prevention of terrorism.

Sir Alan Duncan

9

★ Clause 56, page 42, line 3, leave out subsection (2)

Member’s explanatory statement

This amendment removes the privilege amendment inserted by the Lords.

Sir Alan Duncan

NC3

★ To move the following Clause—

“Report in respect of offences in regulations

- (1) In this section “relevant regulations” means regulations under section 1 which create any offence for the purposes of—
 - (a) the enforcement of any prohibitions or requirements imposed by or under regulations under section 1, or
 - (b) preventing any such prohibitions or requirements from being circumvented.

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- (2) The appropriate Minister making any relevant regulations (“the Minister”) must at the required time lay before Parliament a report which—
- (a) specifies the offences created by the regulations, indicating the prohibitions or requirements to which those offences relate,
 - (b) states that the Minister considers that there are good reasons for those prohibitions or requirements to be enforceable by criminal proceedings and explains why the Minister is of that opinion, and
 - (c) in the case of any of those offences which are punishable with imprisonment—
 - (i) states the maximum terms of imprisonment that apply to those offences,
 - (ii) states that the Minister considers that there are good reasons for those maximum terms, and
 - (iii) explains why the Minister is of that opinion.
- (3) Subsection (4) applies where an offence created by the regulations relates to a particular prohibition or requirement and the Minister considers that a good reason—
- (a) for that prohibition or requirement to be enforceable by criminal proceedings, or
 - (b) for a particular maximum term of imprisonment to apply to that offence, is consistency with another enactment relating to the enforcement of a similar prohibition or requirement.
- (4) The report must identify that other enactment.
- (5) In subsection (3) “another enactment” means any provision of or made under an Act, other than a provision of the regulations to which the report relates.
- (6) In subsection (2) “the required time” means—
- (a) in the case of regulations contained in a statutory instrument which is laid before Parliament after being made, the same time as the instrument is laid before Parliament;
 - (b) in the case of regulations contained in a statutory instrument a draft of which is laid before Parliament, the same time as the draft is laid.
- (7) This section applies to regulations which amend other regulations under section 1 so as to create an offence as it applies to regulations which otherwise create an offence.”

Member’s explanatory statement

This new clause requires that where regulations under Clause 1 are made which include offences, a report specifying the offences and giving reasons for any terms of imprisonment that apply to them must be laid before Parliament.

Sir Alan Duncan

NC4

- ★ To move the following Clause—

“Duties to lay certain reports before Parliament: further provision

- (1) In this section “a reporting provision” means section 2(4), (*Reporting requirement where offences created*)(2) or 40(2) or paragraph 20A(2) of Schedule 2 (duties to lay before Parliament certain reports relating to regulations).

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- (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.”

Member’s explanatory statement

This new clause enables certain reports relating to regulations to be combined in one document, requires a written statement to be made by the Minister if certain reporting requirements are not complied with, and clarifies how those requirements apply.

Helen Goodman
Anneliese Dodds

NC1

☆ To move the following Clause—

“Public registers of beneficial ownership of companies in the British overseas territories

- (1) For the purpose of preventing money laundering, the Secretary of State must provide all reasonable assistance to the governments of—
 - (a) Anguilla;
 - (b) Bermuda;
 - (c) the British Virgin Islands;
 - (d) the Cayman Islands;
 - (e) Montserrat; and
 - (f) the Turks and Caicos Islands,
 to enable each of those governments to establish a publicly accessible register of the beneficial ownership of companies registered in that government’s jurisdiction.
- (2) No later than 1 January 2019 the Secretary of State must prepare an Order in Council in respect of any British overseas territories listed in subsection (1) that have not by that date introduced a publicly accessible register of the beneficial ownership of companies within their jurisdiction, requiring them to adopt such a register by 1 January 2020.
- (3) In this section a “publicly accessible register of beneficial ownership of companies” means a register which, in the opinion of the Secretary of State, provides information broadly equivalent to that available in accordance with the

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provisions of Part 21A of the Companies Act 2006 (information about people with significant control).”

Member’s explanatory statement

This new clause would require the Secretary of State to take steps to ensure the governments of specified British overseas territories introduce public registers of beneficial ownership of companies.

Helen Goodman
Anneliese Dodds

NC2

☆ To move the following Clause—

“Public register of beneficial ownership of UK property by companies and other legal entities registered outside the UK

- (1) In addition to the provisions made under paragraph 6 of Schedule 2, for the purpose of preventing money laundering in the UK property market and public procurement, the Secretary of State must create a public register of beneficial ownership information for companies and other legal entities registered outside of the UK that own or buy UK property, or bid for UK government contracts.
- (2) The register must be implemented within 12 months of the day on which this Act is passed.”

Member’s explanatory statement

This new clause would require the Secretary of State to create a public register of beneficial ownership information for companies and other legal entities registered outside of the UK that own or buy UK property, or bid for UK government contracts, within 12 months.

ORDER OF THE HOUSE [20 FEBRUARY 2018]

That the following provisions shall apply to the Sanctions and Anti-Money Laundering Bill [Lords]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 6 March.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Sanctions and Anti-Money Laundering Bill [Lords], *continued*

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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