



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Tuesday 24 April 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: 10 to 19 and NC3 to NC5

CONSIDERATION OF BILL (REPORT STAGE)

SANCTIONS AND ANTI-MONEY LAUNDERING BILL [LORDS], AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Alison Thewliss

NC1

To move the following Clause—

“Scottish Limited Partnerships: partner requirement

- (1) For the purposes of preventing money laundering, where a limited partnership registered in Scotland has general partners at least one of those must be a British citizen.
- (2) Where a limited partnership registered in Scotland has limited partners at least one of those must be a British citizen.
- (3) In this section—
 - a “limited partnership registered in Scotland” means a partnership registered under the Limited Partnerships Act 1907;
 - “British citizen” has the meaning given in part 1 of the British Nationality Act 1981.

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“general partner” has the meaning given in section 4(2) of the Limited Partnership Act 1907;

“limited partner” has the meaning given in section 4(2A) of the Limited Partnership Act 1907”

Alison Thewliss

NC2

To move the following Clause—

“Companies House: due diligence and resources

- (1) For the purposes of preventing money laundering, the Companies Act 2006 is amended as follows.
- (2) In section 1061 (the registrar’s functions) after subsection (1) insert—
 - “(1A) Functions directed by the Secretary of State under subsection (1)(b) must include due diligence on a person wishing to register a company.
 - (1B) In this section “due diligence” has the same meaning as “customer due diligence measures” in regulation 3 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 692/2017).”
- (3) In section 1063 (Fees payable to the registrar), in subsection (2)(a) after “Secretary of State” insert “including the duty of due diligence under section 1061(1A).”

Member’s explanatory statement

This new clause would amend the duties of Companies House to ensure that any person wishing to register a company must be checked for due diligence by Companies House, in line with the measures included in the Money Laundering Regulations 2017. It also ensures that the Secretary of State can charge fees for due diligence checks to cover costs incurred by Companies House.

Sir Alan Duncan

NC3

★ To move the following Clause—

“Periodic reports on exercise of power to make regulations under section 1

- (1) The Secretary of State must as soon as reasonably practicable after the end of each reporting period lay before Parliament a report which—
 - (a) specifies the regulations under section 1, if any, that were made in that reporting period,
 - (b) identifies which, if any, of those regulations—
 - (i) stated a relevant human rights purpose, or
 - (ii) amended or revoked regulations stating such a purpose,
 - (c) specifies any recommendations which in that reporting period were made by a Parliamentary Committee in connection with a relevant independent review, and

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- (d) includes a copy of any response to those recommendations which was made by the government to that Committee in that reporting period.
- (2) Nothing in subsection (1)(d) requires a report under this section to contain anything the disclosure of which may, in the opinion of the Secretary of State, damage national security or international relations.
- (3) For the purposes of this section the following are reporting periods—
 - (a) the period of 12 months beginning with the day on which this Act is passed (“the first reporting period”), and
 - (b) each period of 12 months that ends with an anniversary of the date when the first reporting period ends.
- (4) For the purposes of this section—
 - (a) regulations “state” a purpose if the purpose is stated under section 1(3) in the regulations;
 - (b) a purpose is a “relevant human rights purpose” if, in the opinion of the Secretary of State, carrying out that purpose would provide accountability for or be a deterrent to gross violations of human rights.
- (5) In this section—
 - “the government” means the government of the United Kingdom;
 - “gross violation of human rights” has the meaning given by section 1(6A);
 - a “Parliamentary Committee” means a committee of the House of Commons or a committee of the House of Lords or a joint committee of both Houses;
 - a “relevant independent review”, in relation to a Parliamentary Committee, means a consideration by that Committee of whether the power to make regulations under section 1 should be exercised in connection with a gross violation of human rights.”

Member’s explanatory statement

This new clause requires periodic reports to be made about the use of the power to make sanctions regulations. A report must identify regulations relating to gross human rights violations. It must also specify any recommendations made by a Parliamentary Committee for use of that power in relation to such violations, and include the government’s response.

Sir Alan Duncan

NC4

- ★ To move the following Clause—

“Independent review of regulations with counter-terrorism purpose

- (1) The Secretary of State must appoint a person to review the operation of such asset-freeze provisions of relevant regulations made by the Secretary of State as the Secretary of State may from time to time refer to that person.
- (2) The Treasury must appoint a person to review the operation of such asset-freeze provisions of relevant regulations made by the Treasury as the Treasury may from time to time refer to that person.
- (3) The persons appointed under subsection (1) and (2) may be the same person.
- (4) In each calendar year, by 31 January—
 - (a) the person appointed under subsection (1) must notify the Secretary of State of what (if any) reviews under that subsection that person intends to carry out in that year, and

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- (b) the person appointed under subsection (2) must notify the Treasury of what (if any) reviews under that subsection that person intends to carry out in that year.
- (5) Reviews of which notice is given under subsection (4) in a particular year—
 - (a) may not relate to any provisions that have not been referred before the giving of the notice, and
 - (b) must be completed during that year or as soon as reasonably practicable after the end of it.
- (6) The person who conducts a review under this section must as soon as reasonably practicable after completing the review send a report on its outcome to—
 - (a) the Secretary of State, if the review is under subsection (1), or
 - (b) the Treasury, if the review is under subsection (2).
- (7) On receiving a report under this section the Secretary of State or (as the case may be) the Treasury must lay a copy of it before Parliament.
- (8) The Secretary of State may pay the expenses of a person who conducts a review under subsection (1) and also such allowances as the Secretary of State may determine.
- (9) The Treasury may pay the expenses of a person who conducts a review under subsection (2) and also such allowances as the Treasury may determine.
- (10) For the purposes of this section, regulations are “relevant regulations” if—
 - (a) they are regulations under section 1, and
 - (b) they state under section 1(3) at least one purpose which—
 - (i) is not compliance with a UN obligation or other international obligation, and
 - (ii) relates to counter-terrorism.
- (11) A purpose “relates to counter-terrorism” if the report under section 2 in respect of the regulations indicated that, in the opinion of the appropriate Minister making them, the carrying out of that purpose would further the prevention of terrorism in the United Kingdom or elsewhere.
- (12) For the purposes of this section a provision of relevant regulations is an “asset-freeze provision” if and to the extent that it—
 - (a) imposes a prohibition or requirement for a purpose mentioned in section 3(1)(a), (b) or (d), or
 - (b) makes provision in connection with such a prohibition or requirement.
- (13) If a provision is referred under this section which contains a designation power, any review under this section of the operation of that provision may not include a review of any decisions to designate under that power.”

Member’s explanatory statement

This new clause requires the appointment of an independent reviewer to conduct reviews of sanctions regulations which impose asset-freezes or similar financial sanctions where the regulations are made for purposes relating to the prevention of terrorism and have been referred to the independent reviewer for review.

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

Sir Alan Duncan

NC5

★ To move the following Clause—

“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.”

Member’s explanatory statement

This new clause is consequential on government amendments to the European Union (Withdrawal) Bill, and makes clear that any restrictions in that Bill on the modification of retained EU law do not prevent powers under this Bill (for example, powers to impose an asset-freeze or immigration sanction) from being exercised in cases where their exercise will interfere with a retained right that a person would otherwise have under clause 4 of the European Union (Withdrawal) Bill.

Alison Thewliss

1

Clause 1, page 1, line 8, leave out “appropriate” and insert “necessary”

Sir Alan Duncan

10

★ Clause 1, page 2, line 11, at end insert—

- “(ea) provide accountability for or be a deterrent to gross violations of human rights, or otherwise promote—
- (i) compliance with international human rights law, or
 - (ii) respect for human rights,”

Member’s explanatory statement

This amendment makes clear that sanctions regulations can be made for the purpose of preventing, or in response to, a gross human rights abuse or violation.

Sir Alan Duncan

11

★ Clause 1, page 2, line 12, leave out “and human rights”

Member’s explanatory statement

This amendment is consequential on amendment 10.

6 Consideration of Bill (Report Stage): 24 April 2018

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

Sir Alan Duncan

12

- ★ Clause 1, page 2, line 16, leave out “human rights,”
Member’s explanatory statement
This amendment is consequential on amendment 10.

Sir Alan Duncan

13

- ★ Clause 1, page 2, line 38, at end insert—
“(6A) In this Act any reference to a gross violation of human rights is to conduct which—
(a) constitutes, or
(b) is connected with,
the commission of a gross human rights abuse or violation; and whether conduct constitutes or is connected with the commission of such an abuse or violation is to be determined in accordance with section 241A of the Proceeds of Crime Act 2002.”
Member’s explanatory statement
This amendment establishes that “gross violation of human rights” includes the torture of a person, by a public official or a person in an official capacity, where the tortured person has sought to expose the illegal activity of a public official or to defend human rights or fundamental freedoms.

Sir Alan Duncan

14

- ★ Clause 1, page 3, line 3, after first “to” insert “(e), (ea) and (f) to”
Member’s explanatory statement
This amendment is consequential on amendment 10.
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Alison Thewliss

2

- Clause 2, page 2, line 17, at end insert—
“(i) further the prevention of organised crime, or
(j) further the prevention of human trafficking.”

Sir Alan Duncan

15

- ★ Clause 2, page 3, line 26, after “to” insert “(e), (ea) and (f) to”
Member’s explanatory statement
This amendment is consequential on amendment 10.
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Alison Thewliss

3

- Clause 22, page 20, line 12, leave out “3 years” and insert “12 months”

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Alison Thewliss

Clause 22, page 20, line 14, leave out “3 years” and insert “12 months”

4

Alison Thewliss

Clause 26, page 21, line 36, leave out “3 years” and insert “12 months”

5

Alison Thewliss

Clause 26, page 21, line 38, leave out “3 years” and insert “12 months”

6

Sir Alan Duncan

★ Clause 28, page 22, line 25, after “to” insert “(e), (ea) and (f) to”

Member’s explanatory statement

This amendment is consequential on amendment 10.

16

Alison Thewliss

Clause 38, page 31, line 12, leave out “may include guidance about—” and insert “must include, but is not limited to, guidance about—”

7

Alison Thewliss

Clause 38, page 31, line 15, at end insert—

“(3) The appropriate Minister must review the guidance issued under this section and lay a report before Parliament every 12 months.”

8

Sir Alan Duncan

★ Clause 40, page 31, line 39, after “to” insert “(e), (ea) and (f) to”

Member’s explanatory statement

This amendment is consequential on amendment 10.

17

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

Alison Thewliss

9

Clause 49, page 37, line 27, at end insert—

“(5A) A statutory instrument containing regulations under section 1 that repeals, revokes or amends—

- (a) an Act of the Scottish Parliament,
- (b) a Measure or Act of the National Assembly for Wales, or
- (c) Northern Ireland legislation,

must receive the consent of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly, respectively.”

Member’s explanatory statement

This amendment would require the UK Government to obtain the consent of the devolved administrations before repealing, revoking or amending devolved legislation using a statutory instrument containing regulations under section 1.

Sir Alan Duncan

18

★ Clause 57, page 43, line 31, at end insert—

“() section (*Periodic reports on exercise of power to make regulations under section 1*);”

Member’s explanatory statement

*This amendment has the effect that the commencement date of clause (*Periodic reports on exercise of power to make regulations under section 1*) is the day on which the Act is passed.*

Sir Alan Duncan

19

★ Schedule 2, page 57, line 29, leave out paragraphs (a) and (b) and insert—

“(a) subject to any modifications the appropriate Minister making those regulations considers appropriate, make provision corresponding or similar to any provision of retained money laundering Regulations as those Regulations have effect immediately after being saved by section 2 or 3 of the European Union (Withdrawal) Act 2018;

(b) amend or revoke any retained money laundering Regulations.

(1A) In sub-paragraph (1) “retained money laundering Regulations” means—

(a) the Money Laundering Regulations 2017;

(b) Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds;

(c) any provision made under Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing by virtue of Article 290 or 291(2) of the Treaty on the Functioning of the European Union.”

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

Member's explanatory statement

This amendment enables money-laundering regulations under the Bill to make provision corresponding to, or amend or revoke, specified retained direct EU legislation relating to money laundering. It is consequential on government amendments to the European Union (Withdrawal) Bill which might otherwise prevent the regulations from modifying that retained legislation.

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.

Other proceedings

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