

Sanctions and Anti-Money Laundering Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS NORTHOVER
BARONESS SHEEHAN

Page 2, line 7, leave out paragraph (d)

LORD COLLINS OF Highbury
LORD LENNIE

Page 2, line 8, at end insert –

- “() promote the resolution of armed conflicts or the protection of civilians in conflict zones,
- () promote compliance with international humanitarian and human rights law,
- () contribute to multilateral efforts to prevent the spread and use of weapons and materials of mass destruction, or
- () promote respect for human rights, democracy, the rule of law and good governance.”

Page 2, line 8, at end insert –

- “() further the prevention of serious organised crime and trafficking, in the United Kingdom or elsewhere.”

Page 2, line 13, at end insert--

- “() Regulations under this section must be accompanied by the publication of a written memorandum by the appropriate Minister, and such a memorandum must set out –
 - (a) how the relevant sanctions are consistent with the overall foreign policy objectives of the UK government, including any specific regional objectives where appropriate,
 - (b) clear objectives for the relevant sanctions, including well-defined and realistic demands against which compliance can be judged,

Clause 1 - continued

- (c) a coherent overarching diplomatic strategy for achieving the relevant objectives, including steps to actively and systematically communicate with targeted countries or persons on the specific concerns underpinning the sanctions against them,
- (d) a clear exit strategy, including specific and measurable changes in the behaviour of any target or targets to be required as a precondition of any future suspension or lifting of the relevant sanctions, and
- (e) specific steps to be taken by Ministers to promote co-operation with, and where possible the adoption of, any autonomous UK sanctions by other countries.”

Page 2, line 13, at end insert –

- “() Regulations under this section must be accompanied by the publication of a humanitarian impact assessment, and such an assessment must be conducted –
 - (a) according to the methodology set out in Chapter 5 of the UN Inter-Agency Standing Committee’s Sanctions Assessment Handbook: Assessing the Humanitarian Implications of Sanctions, published in 2004,
 - (b) in advance of the relevant sanctions regulations being made,
 - (c) again within six months of the date on which the relevant sanctions regulations come into force, and
 - (d) at any time thereafter when the relevant sanctions regulations are subject to any substantial revisions or alterations.”

Clause 5

BARONESS NORTHOVER
BARONESS SHEEHAN

Page 4, line 43, at end insert “unless they are a person, or are doing so to provide legitimate travel to a person, recognised as a refugee under the UN Convention relating to the Status of Refugees”

Page 5, line 31, leave out sub-paragraph (ii)

Page 5, line 35, at end insert –

“unless an aircraft is providing legitimate travel to a person recognised as a refugee under the UN Convention Relating to the Status of Refugees”

Clause 6

BARONESS NORTHOVER
BARONESS SHEEHAN

Page 6, line 38, at end insert –

“unless the ship belongs to a person, or the ship provides legitimate travel to a person, recognised as a refugee under the UN Convention Relating to the Status of Refugees”

Page 6, line 46, leave out sub-paragraph (ii)

Clause 8

BARONESS NORTHOVER
BARONESS SHEEHAN

The above-named Lords give notice of their intention to oppose the Question that Clause 8 stand part of the Bill.

Clause 9

LORD COLLINS OF HIGHBURY
LORD LENNIE

Page 9, line 36, leave out “may” and insert “must”

Page 9, leave out lines 42 and 43 and insert –

- “() Notification under subsection (3) means that a person designated under regulations must be informed of their designation, once the relevant regulations have been made, and such notification must include –
- (a) the fullest possible account consistent with the purpose of the regulations of the reasons for the designation of the relevant person or persons, and
 - (b) the requisite steps such persons are expected to take in order to address the concerns which led to their designation.”

Clause 10

LORD COLLINS OF HIGHBURY
LORD LENNIE

Page 10, line 11, at end insert “and subject to subsection (2A)”

Page 10, line 11, at end insert –

- “(2A) The decision to designate that person must be proportionate in all the circumstances, determined according to whether –
- (a) the purpose of the designation is sufficiently important to justify the prohibition or requirements placed on that person,
 - (b) the prohibition or requirements are rationally connected to the purpose of the designation, and

Clause 10 - continued

- (c) a less intrusive measure could not be used without unacceptably compromising the achievement of that purpose.”

BARONESS NORTHOVER
BARONESS SHEEHAN

Page 10, line 19, leave out paragraph (d)

LORD COLLINS OF HIGHBURY
LORD LENNIE

Page 10, line 24, leave out “may” and insert “must”

Page 10, line 26, at end insert –

- “() The regulations must make provision for the notification of persons designated as “an involved person” under subsection (3)(a).
- () Such notification must state, to the fullest possible extent consistent with the purpose of the regulations, what prohibited activity or activities the person is designated as being or having been involved in.”

Page 10, line 27, leave out “may” and insert “must”

Page 10, line 31, at end insert –

- “() The regulations must make provision for the notification of persons designated under subsection (3)(b) to (d), and such notifications must state, to the fullest possible extent consistent with the purpose of the regulations –
- (a) which person or persons the designation has been made in connection with, and
- (b) the nature of the connection identified for the purposes of the designation.”

Clause 12

BARONESS NORTHOVER
BARONESS SHEEHAN

Page 11, line 19, leave out subsection (3)

Clause 13

BARONESS NORTHOVER
BARONESS SHEEHAN

Page 11, line 38, leave out subsection (3)

Clause 14

LORD COLLINS OF HIGHBURY
LORD LENNIE

Page 12, line 43, at end insert –

“() Regulations must include provision for the establishment of a fast-track process for dealing with requests for exceptions and licenses for humanitarian purposes.”

Page 12, line 43, at end insert –

“() The Secretary of State must, within the period of six months of the date on which this Act comes into force, undertake a consultation on measures to establish an overarching framework for exceptions and licences to be granted for the purposes of subsections (2) and (3).”

Clause 15

BARONESS NORTHOVER
BARONESS SHEEHAN

Page 13, line 28, leave out paragraphs (d) and (e)

LORD COLLINS OF HIGHBURY
LORD LENNIE

Page 13, line 36, at end insert –

“() Regulations under section 1 may not authorise the disclosure of information or the production of documents which are subject to legal professional privilege or in Scotland the obligation of confidentiality.”

BARONESS NORTHOVER
BARONESS SHEEHAN

Page 13, line 43, leave out paragraph (b)

Clause 16

BARONESS NORTHOVER
BARONESS SHEEHAN
LORD COLLINS OF HIGHBURY

Page 14, line 12, leave out subsections (3) and (4)

LORD COLLINS OF HIGHBURY
LORD LENNIE

Page 14, line 13, leave out paragraph (a)

LORD COLLINS OF HIGHBURY
LORD LENNIE
BARONESS NORTHOVER
BARONESS SHEEHAN

Page 14, line 38, leave out subsection (7)

Clause 16 - continued

LORD COLLINS OF HIGHBURY
LORD LENNIE

Page 15, line 3, at end insert –

“() An appropriate Minister must publish guidance from the Crown Prosecution Service on when it is in the public interest for a breach of a sanctions regulation to be prosecuted.”

Clause 17

LORD COLLINS OF HIGHBURY
LORD LENNIE

Page 15, line 20, leave out subsection (4) and insert –

“(4) For the purposes of subsection (2)(b), a body incorporated or constituted under the law of any part of the United Kingdom includes a body incorporated or constituted under the law of the following –

- (a) any of the Channel Islands;
- (b) the Isle of Man;
- (c) any of the British overseas territories.”

Clause 19

LORD COLLINS OF HIGHBURY
LORD LENNIE

Page 16, line 14, at end insert –

“() Subsection (2) does not apply to designated persons who have not been notified of the reasons for their designation.”

Page 16, line 16, leave out from first “to” to end of line 17 and insert “decline the request to vary or revoke the designation, in which case the Minister must inform the designated person, in writing, of the reasons for declining their request.”

Clause 20

LORD COLLINS OF HIGHBURY
LORD LENNIE

Page 17, line 1, leave out “3 years” and insert “1 year”

Clause 26

LORD COLLINS OF HIGHBURY
LORD LENNIE

Page 19, line 10, at end insert –

“() No later than six months from the date of completion of a review under subsection (1), the appropriate Minister must lay the findings of the review before each House of Parliament.”

After Clause 26

LORD COLLINS OF Highbury
LORD LENNIE

Insert the following new Clause –

“Publication of an annual report

- (1) The Secretary of State must, no later than 12 months from the date on which this Act comes into force, publish and lay before Parliament a report on the implementation and enforcement of the provisions under this Act, and such a report must include –
 - (a) a consolidated list of all sanctions regulations in place at the time of publication;
 - (b) detailed descriptions of measures taken to ensure that all sanctions regulations adhere to the purposes set out in section 1;
 - (c) detailed descriptions of steps taken to enforce any prohibitions and requirements under this Act in the United Kingdom, Crown Dependencies and British Overseas Territories;
 - (d) detailed descriptions of steps taken to promote the adoption of sanctions on a multilateral basis;
 - (e) detailed explanations of the outcome of any reviews carried out by an appropriate Minister under subsections (1) and (2) of section 26; and
 - (f) details of the content of any further measures which the Secretary of State plans to make by virtue of regulations under this Act.
- (2) Subsequent to the publication of the first report under subsection (1), the Secretary of State must publish and lay before Parliament a report in accordance with the criteria set out in subsection (1)(a) to (f) on an annual basis thereafter.”

Clause 27

LORD JUDGE
LORD PANNICK

Page 19, line 15, at end insert –

- “(2) The appropriate Minister must by regulations make provision in respect of all such requests and reviews to ensure that the designated person is told, as soon as reasonably practicable after designation, why he has been so designated and the evidence on which such designation is based.
- (3) The appropriate Minister may exclude from disclosure under subsection (2) any information which, in his opinion, would be damaging to national security if so disclosed, save that the Minister must, in any event, disclose to the designated person the gist of the case against him.”

Clause 35

LORD COLLINS OF Highbury
LORD LENNIE

Page 26, line 16, at end insert “but any such period may not exceed 12 months”

Clause 35 - continued

Page 26, line 16, at end insert –

- “() Regulations under this section may be renewed after a period of 12 months, but the relevant requirements of regulations under section 1 may not be suspended for a period in excess of three years except by regulations to which section 45(5) applies.”

Clause 38

LORD COLLINS OF HIGHBURY

LORD LENNIE

Page 26, line 36, leave out paragraph (a)

Page 27, line 4, at end insert –

- “() Regulations under section 1, which are made by virtue of this section for the purposes of revoking or substantially reducing the effects of sanctions regulations, must be accompanied by the publication of a written memorandum by the appropriate Minister, and such a memorandum must set out –
- (a) how the decision to amend or revoke the regulations in question is consistent with the overall foreign policy objectives of the UK government, including any specific regional objectives where appropriate;
 - (b) the extent to which each initial objective of the regulations in question has been met, including any specific demands or expectations of any change in the behaviour of the target or targets of the sanctions; and
 - (c) specific provisions for the reinstatement of the initial regulations, in the event that the conditions justifying their revocation or amendment no longer apply.”

Page 27, line 5, leave out subsection (3)

Page 27, line 10, at end insert –

- “() Regulations under section 1 may only be revoked by further regulations to which section 45(5) applies.”

Clause 41

BARONESS KRAMER

BARONESS BOWLES OF BERKHAMSTED

The above-named Lords give notice of their intention to oppose the Question that Clause 41 stand part of the Bill.

Schedule 2

BARONESS KRAMER
BARONESS BOWLES OF BERKHAMSTED

The above-named Lords give notice of their intention to oppose the Question that Schedule 2 be the Second Schedule to the Bill.

Clause 45

LORD COLLINS OF HIGHBURY
LORD LENNIE

Page 30, line 21, leave out paragraph (a)

Page 30, line 36, at end insert –

“(za) non-UN regulations under section 1 (see subsection (6)),”

Page 30, line 38, at end insert –

“() regulations under section 35,
() regulations under section 38,”

Clause 47

BARONESS KRAMER
BARONESS BOWLES OF BERKHAMSTED

Page 32, line 13, leave out subsections (1) to (3)

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16 November 2017
