

Sanctions and Anti-Money Laundering Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

Clause 35

BARONESS NORTHOVER
LORD MCNALLY

The above-named Lords give notice of their intention to oppose the Question that Clause 35 stand part of the Bill.

Clause 45

LORD COLLINS OF HIGHBURY
LORD DAVIDSON OF GLEN CLOVA

Page 30, line 45, at end insert—

“() A statutory instrument containing regulations under section 41 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of each House of Parliament, in accordance with the super-affirmative procedure as set out in section (*Super-affirmative procedure for regulations under section 41*).”

After Clause 45

LORD COLLINS OF HIGHBURY
LORD DAVIDSON OF GLEN CLOVA

Insert the following new Clause—

“Super-affirmative procedure for regulations under section 41

- (1) Before a statutory instrument containing regulations under section 41 of this Act may be made, the Secretary of State must undertake a consultation with—
 - (a) relevant persons whom the Secretary of State deems appropriate;
 - (b) any persons or bodies recommended to the Secretary of State by the House of Commons Treasury Select Committee or any other relevant Parliamentary committee;
 - (c) such persons or organisations as appear to him or her to be representative of interests substantially affected by the proposals.

After Clause 45 - continued

- (2) If, after such a consultation, the Secretary of State considers it appropriate to proceed with the making of the regulations, the Secretary of State must lay before Parliament—
 - (a) a draft statutory instrument, and
 - (b) a document which explains the instrument.
- (3) The Secretary of State may not act under subsection (2) before the end of the period of twelve weeks beginning with the day on which the consultation began.
- (4) The Secretary of State may make regulations in the terms of the draft laid under subsection (2) if, after the expiry of the 40-day period, the draft instrument is approved by a resolution of each House of Parliament.
- (5) But the procedure in subsections (6) to (9) is to apply to the draft instrument instead of the procedure in subsection (4) if—
 - (a) either House of Parliament so resolves within a 30-day period, or
 - (b) a committee of either House charged with reporting on the draft instrument so recommends within a 30-day period and the House to which the recommendation is made does not by resolution reject the recommendation within that period.
- (6) The Secretary of State must have regard to—
 - (a) any representations,
 - (b) any resolution of either House of Parliament, and
 - (c) the recommendations of the relevant Parliamentary committees, and any other recommendations of a committee of either House of Parliament charged with reporting on the draft regulations,made during the 60-day period.
- (7) If, after the expiry of the 60-day period, the draft is approved by a resolution of each House of Parliament, the Secretary of State may make regulations in the terms of the draft instrument.
- (8) If, after the expiry of the 60-day period, the Secretary of State wishes to proceed but with material changes, the Secretary of State may lay before Parliament—
 - (a) a revised draft instrument, and
 - (b) a statement giving a summary of the changes proposed; and any representations made to the Secretary of State under subsection (6).
- (9) If the revised draft is approved by a resolution of each House of Parliament as under subsection (4), the Secretary of State may make regulations in the terms of the revised draft.
- (10) However, a committee of either House charged with reporting on the revised draft regulations may, at any time after the revised draft instrument is laid under subsection (8) and before it is approved by that House under subsection (4), recommend under this section that no further proceedings be taken in relation to the revised draft instrument.
- (11) For the purposes of this section, an instrument is made in the terms of a revised draft instrument if it contains material changes to its provisions.

After Clause 45 - continued

- (12) In this section, references to “30-day”, “40-day” and “60-day” periods in relation to any draft instrument are to the periods of 30, 40 and 60 days beginning with the day on which the draft instrument was laid before Parliament; in calculating those periods no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned.”

Clause 51

LORD COLLINS OF Highbury
LORD DAVIDSON OF GLEN CLOVA

Page 35, line 24, at end insert “, the Channel Islands, the Isle of Man and the British overseas territories”

Page 35, line 30, leave out from “for” to end of line 33 and insert “any regulations under any Part of this Act to extend to—”

Page 36, line 8, at end insert—

- “(8) The Secretary of State must, no later than 12 months from the date on which this Act comes into force, lay before Parliament a report on the implementation and enforcement of the relevant legislation, to the extent that it applies to sanctions and money laundering, in each Crown Dependency and British overseas territory and the scope of such a report must include—
- (a) whether the applicable legal frameworks are sufficiently robust to achieve the objectives of the relevant legislation across the United Kingdom, the Crown Dependencies and the British overseas territories,
 - (b) whether the existing enforcement mechanisms are sufficiently robust to ensure that the relevant legislation is enforced to the same standard across the United Kingdom, the Crown Dependencies and the British overseas territories, and
 - (c) whether the existing mechanisms by which the government of the United Kingdom exercises oversight of Crown Dependencies and British overseas territories are sufficient to enable continuous monitoring of the implementation and enforcement of the relevant legislation in each territory on an ongoing basis.
- (9) Following the publication of a report under subsection (8), the Secretary of State must consult on whether further legislation or enforcement powers are necessary to ensure adequate implementation and enforcement of the relevant legislation across the Crown Dependencies and British overseas territories, and such a consultation must include representatives of—
- (a) each Crown Dependency and British overseas territory,
 - (b) governments of European Union Member States and the European External Action Service,
 - (c) the Financial Action Task Force, and
 - (d) such other persons as the Secretary of State considers appropriate.

Clause 51 - *continued*

- (10) For the purposes of subsections (8) and (9), “the relevant legislation” includes, in addition to any provision of this Act—
- (a) the Customs and Excise Management Act 1979,
 - (b) the Export Control Act 2002,
 - (c) the Terrorism Act 2000,
 - (d) the Anti-Terrorism, Crime and Security Act 2001,
 - (e) the Proceeds of Crime Act 2002,
 - (f) the Terrorist Asset-Freezing etc Act 2010,
 - (g) the Policing and Crime Act 2017,
 - (h) the ISIL (Da’esh) and Al-Qaida (Asset-Freezing) Regulations 2011 (SI 2472/2011),
 - (i) the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (SI 692/2017), and
 - (j) such other legislation as the Secretary of State considers appropriate.”

Sanctions and Anti-Money Laundering Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

24 November 2017
