

# Sanctions and Anti-Money Laundering Bill [HL]

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*The amendments have been marshalled in accordance with the Instruction of 15th November 2017, as follows –*

Clauses 1 to 4	Clauses 42 to 47
Schedule 1	Schedule 3
Clauses 5 to 41	Clauses 48 to 53
Schedule 2	Title.

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Clause 1**

LORD JUDGE  
LORD PANNICK  
LORD MCNALLY

**1** Page 1, line 8, leave out “appropriate” and insert “necessary”

BARONESS NORTHOVER  
BARONESS SHEEHAN

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

**3** Page 2, line 8, at end insert –

“( ) further the prevention of acts contravening the international law of armed conflict,  
( ) further the prevention of acts breaching human rights, and  
( ) further the prevention of internal repression in any country.”

**4** Page 2, line 8, at end insert –

“( ) prevent the violation of sanctions regulations made under this Act.”

**Clause 1 - continued**

LORD COLLINS OF Highbury  
LORD LENNIE

- 5 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.”
- 6 Page 2, line 8, at end insert –
- “( ) further the prevention of serious organised crime and trafficking, in the United Kingdom or elsewhere.”
- 7 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,
    - (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.”
- 8 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,

**Clause 1 - continued**

- (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.”

BARONESS NORTHOVER  
BARONESS SHEEHAN

9 Page 2, line 24, at end insert –

“(4A) Before making regulations under this section, the appropriate Minister must carry out an impact assessment in consultation with the relevant stakeholders.

(4B) The impact assessment under subsection (4A) must be laid before Parliament.”

**Clause 2**

LORD JUDGE  
LORD PANNICK  
LORD MCNALLY

10 Page 3, line 11, leave out sub-paragraphs (ii) and (iii)

11 Page 3, line 17, leave out sub-paragraphs (ii) and (iii)

12 Page 3, line 23, leave out sub-paragraphs (ii) and (iii)

13 Page 3, line 28, leave out sub-paragraphs (ii) and (iii)

14 Page 3, line 37, leave out sub-paragraphs (ii) and (iii)

BARONESS NORTHOVER  
BARONESS SHEEHAN

15 Page 3, line 39, at end insert –

“( ) striking off from the register of companies a designated person, or a person (other than an individual) owned or controlled by a designated person;

( ) closing down a designated person, or a person (other than an individual) owned or controlled by a designated person.”

LORD JUDGE  
LORD PANNICK  
LORD MCNALLY

16 Page 3, line 46, leave out paragraphs (b) and (c)

17 Page 4, line 18, leave out paragraph (c)

**Clause 5**

BARONESS NORTHOVER  
BARONESS SHEEHAN

- 18 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”
- 19 Page 5, line 31, leave out sub-paragraph (ii)
- 20 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

- 21 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”
- 22 Page 6, line 46, leave out sub-paragraph (ii)

**Clause 7**

LORD JUDGE  
LORD PANNICK  
LORD MCNALLY

- 23 Page 8, line 45, leave out “appropriate” and insert “necessary”

**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 JUDGE  
LORD PANNICK  
LORD MCNALLY

- 24 Page 9, line 32, leave out paragraph (b)
- LORD COLLINS OF HIGHBURY  
LORD LENNIE
- 25 Page 9, line 36, leave out “may” and insert “must”

**Clause 9 - continued**

26 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 JUDGE

LORD PANNICK

LORD MCNALLY

LORD COLLINS OF HIGHBURY

27 Page 10, line 10, after “appropriate” insert “and proportionate”

LORD COLLINS OF HIGHBURY

LORD LENNIE

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

29 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

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

BARONESS NORTHOVER

BARONESS SHEEHAN

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

LORD COLLINS OF HIGHBURY

LORD LENNIE

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

32 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).

**Clause 10 - continued**

- ( ) Such notification must state, to the fullest possible extent consistent with the purpose of the regulations, what specified activity or activities the person is designated as being or having been involved in.”

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

34 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 11**

LORD COLLINS OF HIGHBURY  
LORD LENNIE

35★ Page 11, line 3, at end insert “and subject to subsection (2A)”

36★ Page 11, line 3, at end insert –

- “(2A) The decision to designate must be proportionate in all the circumstances, determined according to whether –
- (a) the purpose of the designation is sufficiently important to justify the prohibitions or requirements placed on persons of a specified description,
  - (b) the prohibitions or requirements are rationally connected to the purpose of the designation, and
  - (c) a less intrusive measure could not be used without unacceptably compromising the achievement of that purpose.”

LORD JUDGE  
LORD PANNICK  
BARONESS NORTHOVER

*The above-named Lords give notice of their intention to oppose the Question that Clause 11 stand part of the Bill.*

**Clause 12**

BARONESS NORTHOVER  
BARONESS SHEEHAN

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

**Clause 13**

BARONESS NORTHOVER  
BARONESS SHEEHAN

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

**Clause 14**

BARONESS NORTHOVER  
BARONESS SHEEHAN

39★ Page 12, line 26, at end insert –

“( ) provide for the procedure to be followed for an application for an exception or licence.”

LORD COLLINS OF HIGHBURY  
LORD LENNIE

40 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 licences for humanitarian purposes.”

41 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).”

BARONESS NORTHOVER  
BARONESS SHEEHAN  
THE EARL OF DUNDEE

42 Page 13, line 15, at end insert –

“( ) humanitarian, development, reconstruction and peace-building agencies engaging with sanctioned individuals and entities in order to safely and effectively carry out their activities.”

**Clause 15**

BARONESS NORTHOVER  
BARONESS SHEEHAN

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

**Clause 15 - continued**

LORD COLLINS OF HIGHBURY  
LORD LENNIE  
BARONESS NORTHOVER  
BARONESS SHEEHAN

44 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

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

**Clause 16**

BARONESS NORTHOVER  
BARONESS SHEEHAN

46★ Page 14, line 11, at end insert –

“( ) for the Secretary of State, on the basis of relevant information, to wind up companies associated with designated persons if it is expedient and in the public interest to do so;  
( ) for the Secretary of State to make a disqualification order under section 8 of the Company Directors Disqualification Act 1986 against a designated person who is or has been a director or shadow director of a company or an overseas company, if it is expedient and in the public interest to do so.”

BARONESS NORTHOVER  
BARONESS SHEEHAN  
LORD COLLINS OF HIGHBURY

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

LORD COLLINS OF HIGHBURY  
LORD LENNIE

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

LORD COLLINS OF HIGHBURY  
LORD LENNIE  
BARONESS NORTHOVER  
BARONESS SHEEHAN

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



**Clause 16 - continued**

BARONESS NORTHOVER  
BARONESS SHEEHAN

50 Page 15, line 3, at end insert –

“( ) The appropriate Minister must, in consultation with the Crown Prosecution Service, publish guidance for non-governmental organisations, banks and businesses about the prosecution of breaches of the sanctions regulations by such bodies.”

LORD COLLINS OF HIGHBURY  
LORD LENNIE

51 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.”

LORD JUDGE  
LORD PANNICK  
BARONESS BOWLES OF BERKHAMSTED

*The above-named Lords give notice of their intention to oppose the Question that Clause 16 stand part of the Bill.*

**Clause 17**

LORD COLLINS OF HIGHBURY  
LORD LENNIE

52 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

53 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.”

LORD JUDGE  
LORD PANNICK  
LORD COLLINS OF HIGHBURY

54 Page 16, line 15, after “decide” insert “as soon as reasonably practicable”

**Clause 19 - continued**

LORD COLLINS OF HIGHBURY  
LORD LENNIE

- 55 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 JUDGE  
LORD PANNICK  
LORD COLLINS OF HIGHBURY

- 56 Page 16, line 43, leave out “3 years” and insert “1 year”

LORD COLLINS OF HIGHBURY  
LORD LENNIE

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

**Clause 26**

LORD COLLINS OF HIGHBURY  
LORD LENNIE

- 58 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 Parliament.”

**After Clause 26**

LORD COLLINS OF HIGHBURY  
LORD LENNIE

- 59 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;

**After Clause 26 - continued**

- (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

60 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 30**

BARONESS NORTHOVER  
BARONESS SHEEHAN

61★ Page 21, line 21, at end insert “, and must give reasons for the decision to the person who made the request”

**Clause 32**

LORD JUDGE  
LORD PANNICK  
LORD MCNALLY

62 Page 23, line 16, at end insert –

- “( ) For the avoidance of doubt, in relation to a decision under subsection (1)(c) above, the court has power to set aside the designation if satisfied that it is in breach of the principles applicable on an application for judicial review.”

**Clause 35**

LORD COLLINS OF HIGHBURY  
LORD LENNIE

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

**Clause 35 - continued**

64 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

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

66 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.”

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

68 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 39**

LORD JUDGE

LORD PANNICK

BARONESS NORTHOVER

LORD COLLINS OF HIGHBURY

*The above-named Lords give notice of their intention to oppose the Question that Clause 39 stand part of the Bill.*

**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.*

**After Clause 41**

LORD FAULKES

69★ Insert the following new 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.”

**Schedule 2**

LORD JUDGE  
LORD PANNICK  
LORD DAVIDSON OF GLEN CLOVA

70 Page 47, line 14, leave out paragraph 15

71 Page 47, line 23, leave out paragraph 18

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 44**

LORD JUDGE  
LORD PANNICK  
BARONESS NORTHOVER  
LORD COLLINS OF HIGHBURY

72 Page 29, line 29, leave out subsection (2)

**Clause 45**

LORD COLLINS OF HIGHBURY  
LORD LENNIE

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

**Clause 45 - continued**

74 Page 30, line 36, at end insert –  
“(za) non-UN regulations under section 1 (see subsection (7)),”

75 Page 30, line 38, at end insert –  
“( ) regulations under section 35,  
( ) regulations under section 38,”

BARONESS NORTHOVER  
BARONESS SHEEHAN

76★ Page 30, line 45, at end insert –  
“( ) 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 or the Northern Ireland Assembly.”

**Clause 47**

BARONESS KRAMER  
BARONESS BOWLES OF BERKHAMSTED

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

**Schedule 3**

BARONESS NORTHOVER  
BARONESS SHEEHAN

78★ Page 49, line 22, at end insert –  
“*Insolvency Act 1986 (c. 45)*  
In section 124A, after paragraph (1)(d) insert –  
“(e) any information notified to the Secretary of State pursuant to regulations made under section 1 of the Sanctions and Anti-Money Laundering Act 2017.””

**Clause 50**

BARONESS NORTHOVER  
BARONESS SHEEHAN

79★ Page 34, line 29, at end insert –  
““company” means means a company registered under the Companies Act 2006 in the United Kingdom or a company that may be wound up under Part 5 of the Insolvency Act 1986 (unregistered companies);”

**Clause 50** - *continued*

**80★** Page 34, line 38, at end insert—  
““overseas company” means a company incorporated or formed outside  
the United Kingdom;”

LORD JUDGE  
LORD PANNICK

**81** Page 35, line 15, leave out subsection (4)

# Sanctions and Anti-Money Laundering Bill [HL]

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LIST OF AMENDMENTS  
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*17 November 2017*

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