



Foreign &  
Commonwealth  
Office

King Charles Street  
London SW1A 2AH

**Minister of State for  
Europe and the Americas**

30 November 2018

Tom Tugendhat MP  
House of Commons  
London  
SW1A 0AA

Dear Tom,

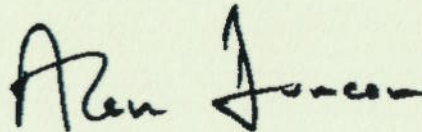
As you will know, the Sanctions and Anti-Money Laundering Act (2018) received Royal Assent on 23 May 2018. Across Whitehall, departments are working on both deal and no deal planning until the final outcome of negotiations is clear. As part of our preparations for the possibility of no Brexit deal, the FCO is shortly due to begin laying statutory instruments that establish procedures to enable sanctions regimes to be implemented under the Sanctions Act, and that transfer existing EU and UN sanctions regimes into UK law.

Sanctions are an important foreign policy and national security tool for the UK. At present, the UK implements sanctions regimes through EU regulations and associated UK domestic legislation. Leaving the EU will bring changes to how the UK imposes and implements sanctions, with the Sanctions Act providing the UK with the legal framework to run its sanctions policy autonomously.

The Government's notice on *sanctions policy if there is no Brexit deal* (published on 12 October) confirmed that we are looking to carry over existing EU sanctions into UK law at the time of our departure. Our plan is to lay one statutory instrument per sanctions regime, with each one setting out the relevant provisions for that regime. To enable us to meet 'no deal' planning requirements, we have prioritised for laying ahead of exit day the statutory instruments for those regimes that we consider to be the most complex, high profile and changeable. We have also de-prioritised a small number of regimes where we can rely on retained EU law until new regulations are made and the retained law is revoked. To allow for the continued implementation of these regimes immediately after exit day, we plan to lay at least one statutory instrument under the EU Withdrawal Act to address deficiencies in the retained law, for example by amending references to Member State and Union with a reference to the United Kingdom.

To keep numbers manageable, we hope to be able to lay the statutory instruments in groups, with the first procedural regulation and the EU Withdrawal Act regulation to be laid this month. Approximately half of the substantive sanctions regulations will be subject to the negative procedure and half the made-affirmative procedure. To help manage parliamentary time ahead of EU exit, we intend to use a provision in the Sanctions Act that allows us to defer the timing of each statutory instrument coming into force until exit day, followed by, in the case of the made-affirmative instruments, a 60 day time period for both Houses to approve the instrument.

We are keen that this process happens as smoothly as possible, and recognise the key role of colleagues across Parliament, particularly those who have taken an active interest in the Sanctions Act. I am therefore keen that you are kept informed about the development of sanctions secondary legislation. Should you have any questions as we lay the statutory instruments, or if you would like to discuss further, please do contact me. I would also be happy for you to circulate this letter to interested colleagues.

A handwritten signature in black ink that reads "Alan Duncan". The signature is written in a cursive, slightly slanted style.

**RT HON SIR ALAN DUNCAN MP**