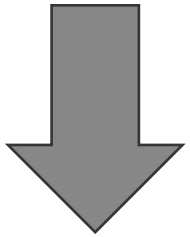
Quillon®

# Sanctions: Getting it right and getting it wrong

October 2026

# THE STATUTORY FRAMEWORK

**Sanctions and Anti-Money Laundering Act 2018 ("SAMLA")**



**Various Regulations under SAMLA, including The Russia (Sanctions) (EU Exit) Regulations 2019 and The Global Anti-Corruption Sanctions Regulations 2021**


© Quillon Law 2021

Quillon®

# WHAT DOES BEING "DESIGNATED" MEAN?

1. Added to the UK's Sanctions Lists: https://www.gov.uk/government/publications/the-uk-sanctions-list

2. Measures include:

    a. Asset freeze;

    b. Travel ban;

    c. Trust services sanctions;

    d. Director disqualification.


© Quillon Law 2021

Quillon®

# WHAT IS THE LEGAL BASIS FOR DESIGNATION?

1. Being an “involved person” within the meaning of the applicable Regulations:

**Designation criteria: meaning of “involved person” under The Global Anti-Corruption Sanctions Regulations 2021**

**6.**—F2(1) . . . . . .

(2) **[**F3For the purposes of regulation 5A (conditions for the designation of persons by name)**]** an “involved person” means a person who—

(a) is or has been involved in serious corruption,

(b) is owned or controlled directly or indirectly (within the meaning of regulation 7) by a person who is or has been so involved,

(c) is acting on behalf of or at the direction of a person who is or has been so involved, or

(d) is a member of, or associated with, a person who is or has been so involved.

(3) For the purposes of this regulation a person is involved in serious corruption if—

(a) the person is responsible for or engages in serious corruption;

(b) the person facilitates or provides support for serious corruption;

(c) the person profits financially or obtains any other benefit from serious corruption;

(d) the person conceals or disguises, or facilitates the concealment or disguise of—

(i) serious corruption, or

(ii) any profit or proceeds from serious corruption;

(e) the person transfers or converts, or facilitates the transfer or conversion of, any profit or proceeds from serious corruption;

(f) the person is responsible for the investigation or prosecution of serious corruption and intentionally or recklessly fails to fulfil that responsibility, or

(g) the person uses threats, intimidation or physical force to interfere in, or otherwise interferes in, any law enforcement or judicial process in connection with serious corruption;

(h) the person contravenes, or assists with the contravention of, any provision of Part 3 of these Regulations.


© Quillon Law 2021

# WHAT IS THE LEGAL BASIS FOR DESIGNATION?

**Designation criteria: meaning of "involved person" under The Russia (Sanctions) (EU Exit) Regulations 2019**

(2) **[**F4For the purposes of regulations 5A and 6A (conditions for the designation of persons)**]**, an "involved person" means a person who—

(a) is or has been involved in—

(i) destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine, or

(ii) obtaining a benefit from or supporting the Government of Russia,

(b) is owned or controlled directly or indirectly (within the meaning of regulation 7) by a person who is or has been so involved,

(c) is acting on behalf of or at the direction of a person who is or has been so involved, or

(d) is a member of, or associated with, a person who is or has been so involved.

(3) For the purposes of this regulation, a person is "involved in destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine" if—

(a) the person is responsible for, engages in, provides support for, or promotes any policy or action which destabilises Ukraine or undermines or threatens the territorial integrity, sovereignty or independence of Ukraine;

(b) the person provides financial services, or makes available funds, economic resources, goods or technology, that could contribute to destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine;

(c) the person provides financial services, or makes available funds, economic resources, goods or technology, to—

(i) a person who is responsible for a policy or action which falls within sub-paragraph (a), or

(ii) a person who provides financial services, or makes available funds, economic resources, goods or technology, as mentioned in sub-paragraph (b);

(d) the person obstructs the work of international organisations in Ukraine;

(e) the person conducts business with a separatist group in the Donbas region;

(f) the person is a relevant person trading or operating in **[**F5non-government controlled Ukrainian territory**]**;

(g) the person assists the contravention or circumvention of a relevant provision;

(h)the person owns or controls directly or indirectly (within the meaning of regulation 7), or is working as a director (whether executive or non-executive), trustee, or other manager or equivalent of, a person, other than an individual, which falls within sub-paragraphs (a) to (g);

(i) the person holds the right, directly or indirectly, to nominate at least one director (whether executive or non-executive), trustee or equivalent of a person, other than an individual, which falls within sub-paragraphs (a) to (g).**]**

(4) For the purposes of this regulation, being "involved in obtaining a benefit from or supporting the Government of Russia" means—

(a) carrying on business as a Government of Russia-affiliated entity;

(b) carrying on business of economic significance to the Government of Russia;

(c) carrying on business in a sector of strategic significance to the Government of Russia;

(d) owning or controlling directly or indirectly (within the meaning of regulation 7), or working as a director (whether executive or non-executive), trustee, **[**F7or other manager**]** or equivalent, of—

(i) a Government of Russia-affiliated entity;

(ii) a person, other than an individual, which falls within sub-paragraph (b) or (c) **[**F8;**]**

(e)holding the right, directly or indirectly, to nominate at least one director (whether executive or non-executive), trustee or equivalent of—

(i) a Government of Russia-affiliated entity, or

(ii )a person, other than an individual, which falls within sub-paragraph (b) or (c);**]**

f)providing financial services, or making available funds, economic resources, goods or technology, to a person who falls within sub-paragraphs (a) to (e).**]**


© Quillon Law 2021

Quillon®

## REASONS FOR DESIGNATION

1. Statement of Reasons, e.g. https://search-uk-sanctions-list.service.gov.uk/?searchValue=SHVIDLER

2. The FCDO has more material:

    a. Sanctions Designation Form; and

    b. Sanctions Designation Evidence Pack.


© Quillon Law 2021

## UK DELISTING / PROCESS FOR CHALLENGING DESIGNATIONS

Two stage process:

1. Ministerial review under s.23 of SAMLA; and

2. Administrative court procedure under s.38 of SAMLA.


© Quillon Law 2021

# STAGE ONE: S.23 REQUEST

1. Documents:

    a) Sanctions Review Request Form (https://www.gov.uk/government/publications/sanction-challenge-form-designated-persons); and

    b) Supporting evidence.

2. Potential outcomes

3. Deadlines


© Quillon Law 2021

# STAGE TWO: S.38 CLAIM

1. Letter before action
2. Where to issue proceedings?
3. Principles
4. Deadlines


© Quillon Law 2021

# KEY GROUNDS FOR CHALLENGING A DESIGNATION

1. The DP is not an ‘involved person’

2. Irrationality

3. Proportionality


© Quillon Law 2021

## *SHVIDLER V SECRETARY OF STATE FOR FOREIGN, COMMONWEALTH AND DEVELOPMENT AFFAIRS* [2025] UKSC 30

*"…the Foreign Secretary and the Transport Secretary should be accorded* ***a wide margin of appreciation in making their judgments*** *about whether the objectives of the measures, in terms of responding to and seeking to restrain Russia's actions in Ukraine, are sufficiently important to justify the limitation of a fundamental right; whether there is a rational connection between the measures and those objectives; whether a less intrusive measure could have been used; and whether a fair balance has been struck between the relevant Convention rights of the individuals and others."* (at [130], per Lord Sales and Lady Rose)


© Quillon Law 2021

# *SHVIDLER V SECRETARY OF STATE FOR FOREIGN, COMMONWEALTH AND DEVELOPMENT AFFAIRS* [2025] UKSC 30

*"I have identified at paras 292-297 above the devastating effect on Mr Shvidler and his family of depriving him, indefinitely, of access to his own funds and other economic resources on a worldwide basis except to such minimal extent as the government allows. Like the asset-freezing measures considered in the case of Ahmed, the restrictions imposed on Mr Shvidler strike at the very heart of his right to live his own life as he chooses. I do not consider that the reasons relied on by the government come close to justifying such a drastic curtailment of his liberty.* ***The restrictions are unjust and disproportionate to any contribution which they would rationally be expected to make to the purposes of the Regulations.*** *Although I am alone in doing so, I deprecate and would declare unlawful the removal of basic freedoms to which Mr Shvidler should be entitled as a citizen of this country. I would allow his appeal."*(at [324], per Lord Leggatt)


© Quillon Law 2021

Quillon®

# Contact us:

**James Clark:** james.clark@quillonlaw.com

**QUILLON LAW LLP**
3 New Street Square
London
EC4A 3BF

www.quillonlaw.com