



Terrorist Asset-Freezing etc. Act 2010

2010 CHAPTER 38

PART 1

TERRORIST ASSET-FREEZING

CHAPTER 4

SUPPLEMENTARY PROVISIONS

Miscellaneous

43 Service of notices

- (1) This section applies in relation to any notice to be given to a person by the Treasury under this Part.
- (2) Any such notice may be given—
 - (a) by posting it to the person's last known address, or
 - (b) where the person is a body corporate, partnership or unincorporated body other than a partnership, by posting it to the registered or principal office of the body or partnership concerned.
- (3) Where the Treasury do not have an address for the person, they must make arrangements for the notice to be given to the person at the first available opportunity.

44 Crown application

- (1) This Part binds the Crown.
- (2) No contravention by the Crown of a provision of this Part makes the Crown criminally liable.

Status: This is the original version (as it was originally enacted).

- (3) The High Court or, in Scotland, the Court of Session may, on the application of a person appearing to the court to have an interest, declare unlawful any act or omission of the Crown that constitutes a contravention of a provision of this Part.
- (4) Nothing in this section affects Her Majesty in her private capacity.
- (5) Subsection (4) is to be read as if section 38(3) of the Crown Proceedings Act 1947 (meaning of Her Majesty in her private capacity) were contained in this Part.

45 Consequential amendments, repeals and revocations

- (1) Part 1 of Schedule 1 (which contains amendments consequential on this Part) has effect.
- (2) Part 1 of Schedule 2 (which contains repeals and revocations consequential on this Part) has effect.

46 Transitional provisions and savings

- (1) The Terrorist Asset-Freezing (Temporary Provisions) Act 2010 ceases to have effect on the coming into force of this Part.
- (2) The repeal by this Part of the Act of 2010 does not affect the continued validity, lawfulness or effectualness of anything that—
 - (a) was done or omitted by a person other than the Treasury in the period beginning with 4 February 2010 and ending with the coming into force of the Act of 2010, and
 - (b) was valid, lawful or effectual by virtue of section 2 of that Act (protection of things done or omitted in interim period).
- (3) Subsection (2) is without prejudice to the operation of section 16 of the Interpretation Act 1978 (general savings) in relation to the repeal by this Part of the Act of 2010.
- (4) In its application to the repeal by this Part of section 1 of the Act of 2010 (temporary validity of certain Orders in Council), section 16(1) of the Act of 1978 has effect as if—
 - (a) references to anything done, suffered, acquired, accrued or incurred under section 1 of the Act of 2010 included references to anything done, suffered, acquired, accrued or incurred under any Order deemed by that section to have been validly made,
 - (b) the reference to any offence committed against that enactment were a reference to any offence committed against any such Order, and
 - (c) at the end there were inserted “and as if the enactment had not been due to cease to have effect on 31 December 2010”.
- (5) Anything done or omitted to be done by the Treasury under the Terrorism (United Nations Measures) Order 2009 ([S.I. 2009/1747](#)) is, if in force or effective immediately before the coming into force of this Part, to have effect as if done or omitted by the Treasury under any corresponding provision of this Part so far as that is required for continuing its effect on and after the coming into force of this Part.
- (6) In particular—
 - (a) any direction made, licence granted, or request for information or documents, by the Treasury under the Order of 2009 that is in force immediately before

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- the coming into force of this Part has effect, on or after the coming into force of this Part, as a final designation, a licence or (as the case may be) a request under any corresponding provision of this Part so far as that is required for continuing its effect on and after the coming into force of this Part, and
- (b) any information obtained by the Treasury under that Order (including any document so obtained and any copy or extract made of any document so obtained) is to be treated for the purposes of section 23 (general power to disclose information) as obtained by the Treasury under this Part.
- (7) Subsections (5) and (6) have effect despite the fact that (following the repeal of the Act of 2010) the Order concerned is not validly made under, or that any provision of it is not within the power conferred by, section 1 of the United Nations Act 1946.
- (8) Any final designation that has effect by virtue of subsections (5) and (6) ceases to have effect at the end of the period of three months after this Part comes into force unless renewed (or revoked) by the Treasury under this Part.
- (9) The references to offences under this Part in the new sub-paragraphs inserted by way of substitution by Part 1 of Schedule 1 are to be read as including references to any offences under—
- (a) article 7, 8 or 10 of the Terrorism (United Nations Measures) Order 2006 ([S.I. 2006/2657](#)), or
- (b) article 10, 11, 12, 13, 14 or 16 of the Order of 2009,
- that were committed while the Act of 2010 was in force.
- (10) Without prejudice to the operation of section 16 of the Interpretation Act 1978, the repeal by this Part of section 64(1)(e) of the Counter-Terrorism Act 2008 (meaning of UN terrorism orders) does not affect—
- (a) any financial restrictions proceedings on an application made under section 63 of the Act of 2008 before the coming into force of this Part, or
- (b) any proceedings arising out of those proceedings.

47 Power to repeal Part

- (1) This section applies if the Security Council of the United Nations takes any decision that has the effect of terminating (permanently and without replacement) the operation of the relevant Security Council resolutions (in whole or in part).
- (2) The Treasury must lay before Parliament a draft order repealing this Part (in whole or in part) in accordance with the decision.
- (3) Any such order—
- (a) may contain such incidental, consequential, supplementary, transitional, transitory or saving provision as the Treasury consider appropriate (including provision amending or repealing any enactment, whether in this Part or elsewhere),
- (b) must be made by statutory instrument, and
- (c) is not to be made unless the draft is approved by a resolution of each House of Parliament.