

*These notes refer to the Terrorist Asset-Freezing etc. Act 2010
(c.38) which received Royal Assent on 16 December 2010*

TERRORIST ASSET-FREEZING ETC. ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 1 – Terrorist Asset-Freezing

Chapter 4 – Supplementary Provisions

Miscellaneous

Section 44 – Crown application

94. *Section 44* provides that the Crown is bound by the provisions of Part 1 of the Act (subsection (1)) but will not be held criminally liable if it contravenes any such provision (subsection (2)). A person may, if it appears to the court that he or she has an interest, apply to the court to declare unlawful any act or omission of the Crown that constitutes a contravention of a provision of Part 1 of the Act (subsection (3)). *Subsection (4)* ensures that nothing in section 44 affects Her Majesty in her private capacity (*subsection (5)* defines “her private capacity” by reference to section 38(3) of the Crown Proceedings Act 1947).