

Terrorist Asset-Freezing (Temporary Provisions) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Treasury, are published separately as Bill 62 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Mr Liam Byrne has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Terrorist Asset-Freezing (Temporary Provisions) Bill are compatible with the Convention rights.

Terrorist Asset-Freezing (Temporary Provisions) Bill

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B I L L

TO

Make provision for the temporary validity of certain Orders in Council imposing financial restrictions on, and in relation to, persons suspected of involvement in terrorist activity; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Temporary validity of certain Orders in Council

- (1) The following provisions have effect for the period beginning when this Act comes into force and ending with 31 December 2010.
- (2) The following Orders —
 - (a) the Terrorism (United Nations Measures) Order 2001 (S.I. 2001/3365), 5
 - (b) the Terrorism (United Nations Measures) Order 2006 (S.I. 2006/2657),
and
 - (c) the Terrorism (United Nations Measures) Order 2009 (S.I. 2009/1747),
are deemed to have been validly made under, and every provision of those
Orders is deemed to be within the power conferred by, section 1 of the United
Nations Act 1946. 10
- (3) Accordingly, without prejudice to the generality of subsection (2) —
 - (a) the directions made by the Treasury under any of those Orders have
effect, and further directions may be made;
 - (b) the licences granted by the Treasury under any of those Orders have
effect, and further licences may be granted; 15
 - (c) the prohibitions and obligations imposed by those Orders have legal
force and criminal liability may be incurred by a person who fails to
comply.

2 Protection of things done or omitted in interim period 20

- (1) The following provisions have effect in relation to things done or omitted in the period beginning with 4 February 2010 and ending with the coming into force of this Act.

- (2) Anything done or omitted by a person other than the Treasury that would be valid, lawful or effectual if –
- (a) the Terrorism (United Nations Measures) Order 2001 (S.I. 2001/3365),
 - (b) the Terrorism (United Nations Measures) Order 2006 (S.I. 2006/2657),
and 5
 - (c) the Terrorism (United Nations Measures) Order 2009 (S.I. 2009/1747),
had been validly made under, and every provision of those Orders had been
within the power conferred by, section 1 of the United Nations Act 1946, is
deemed to be valid, lawful or effectual as if those Orders had been so made and
every provision of them had been within that power. 10
- (3) Subsection (2) applies to an act or omission notwithstanding that it is done or omitted in reliance on or in consequence of something done or omitted by the Treasury (whether during or before the period mentioned in subsection (1)).
- (4) Nothing in this section affects proceedings in respect of anything that is susceptible to legal challenge on a ground independent of the question whether any of those Orders was validly made under, or any of its provisions was within the power conferred by, section 1 of the United Nations Act 1946. 15
- (5) This section does not –
- (a) affect any liability of the Treasury in respect of an act or omission that would be unlawful if this section had not been enacted; or 20
 - (b) give rise to any criminal liability.

3 Short title, commencement and extent

- (1) This Act is the Terrorist Asset-Freezing (Temporary Provisions) Act 2010.
- (2) This Act comes into force immediately it is passed.
- (3) This Act extends to England and Wales, Scotland and Northern Ireland. 25

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To make provision for the temporary validity of certain Orders in Council imposing financial restrictions on, and in relation to, persons suspected of involvement in terrorist activity; and for connected purposes.

*Presented by Mr Chancellor of the Exchequer
supported by
The Prime Minister, Secretary David Miliband,
Secretary Jack Straw, Secretary Alan Johnson,
Secretary John Denham, Mr Liam Byrne,
Mr Stephen Timms, Ian Pearson and
Sarah McCarthy-Fry.*

*Ordered, by The House of Commons,
to be Printed, 5 February 2010.*

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LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx