



Criminal Justice (Scotland) Act 1987

1987 CHAPTER 41

PART I

CONFISCATION OF PROCEEDS OF DRUG TRAFFICKING ETC.

Administrators

13 Administrators

- (1) On the application of the Lord Advocate the Court of Session may as regards realisable property—
 - (a) affected by a restraint order, appoint a person to manage, or otherwise deal with, the property; or
 - (b) where a confiscation order has been made, appoint a person (or empower an appointee under paragraph (a) above) to realise the property,
in accordance with the Court's directions and may (whether on making the appointment or from time to time) require any person having possession of the property to give possession of it to the appointee (any such appointee being in this Act referred to as an "administrator").
- (2) A requirement under subsection (1) above—
 - (a) subject to paragraph (b) below, may relate to the property generally or to particular such property and may be subject to such exceptions and conditions as may be specified by the Court;
 - (b) shall relate to property mentioned in paragraph (b) of section 5(1) of this Act only if expressly stated so to do and then only in so far as the person in whom such property is vested is named in the requirement as being subject to it.
- (3) On a requirement being imposed under subsection (1) above—
 - (a) the clerk of court shall forthwith so notify—
 - (i) the person in respect of whom the restraint order, or as the case may be the confiscation order, has been made; and
 - (ii) any other person named in the requirement as being subject to it; and

Status: This is the original version (as it was originally enacted).

- (b) any dealing of or with such person in relation to the property shall be of no effect in a question with the administrator unless whoever dealt with the person had, at the time when the dealing occurred, no knowledge of the appointment.
- (4) The Court of Session, at the instance of any person having an interest, may at any time—
 - (a) vary or withdraw a requirement imposed under subsection (1) above; or
 - (b) without prejudice to section 16 of this Act or to the powers and duties of an administrator pending a decision under this paragraph, on cause shown, remove the administrator from office.
- (5) On the death or resignation of the administrator, or on his removal from office under subsection (4)(b) above or section 17 of this Act, the Court of Session shall appoint a new administrator. Such of the property (if any) as was, by virtue of section 14(3) of this Act, vested in the administrator who has died, resigned or been removed shall forthwith vest in the new administrator; and any requirement imposed under subsection (1) above shall, on the person subject to the requirement being notified in writing of the appointment by the appointee, apply in relation to the appointee instead of in relation to his predecessor.
- (6) The administration of property by an administrator shall be deemed continuous notwithstanding any temporary vacancy in that office.
- (7) Any appointment under this section shall be on such conditions as to caution as the accountant of court may think fit to impose; but the premium of any bond of caution or other security thereby required of the administrator shall be treated as part of his outlays in his actings as such.
- (8) Without prejudice to section 17 of this Act, section 6 of the Judicial Factors (Scotland) Act 1889 (supervision of judicial factors) shall not apply in relation to an appointment under this section.