

Status: Point in time view as at 01/04/1996.

Changes to legislation: There are currently no known outstanding effects for the Proceeds of Crime (Scotland) Act 1995, Cross Heading: Application of proceeds of realisation and other sums. (See end of Document for details)

SCHEDULES

SCHEDULE 1

ADMINISTRATORS

Application of proceeds of realisation and other sums

- 4 (1) This paragraph applies only to an administrator appointed to realise property where a confiscation order has been made.
- (2) Subject to sub-paragraph (3) below, sums in the hands of an administrator which are—
- (a) proceeds of a realisation of property under paragraph 1 above, and
 - (b) other property held by the person in respect of whom the confiscation order was made,
- shall first be applied in payment of any expenses to the payment of which a person is entitled under paragraph 5(2) of Schedule 2 to this Act and then shall, after such payments (if any) as the court may direct have been made out of those proceeds and sums, be applied on the person's behalf towards the satisfaction of the confiscation order.
- (3) If, after the amount payable under the confiscation order has been fully paid, any such proceeds and sums remain in the hands of the administrator, he shall distribute them—
- (a) among such of those who held property which has been realised under this Act, and
 - (b) in such proportions,
- as the court may, after giving such persons an opportunity to be heard as regards the matter, direct.
- (4) The receipt of any sum by a sheriff clerk on account of an amount payable under a confiscation order shall reduce the amount so payable, but the sheriff clerk shall apply the money—
- (a) first, in payment of any expenses to the payment of which a person is entitled under paragraph 5(2) of Schedule 2 to this Act but which were not paid to him under sub-paragraph (2) above;
 - (b) next, in payment of the administrator's remuneration and expenses;
 - (c) next, in reimbursement of any sums paid by the Lord Advocate under paragraph 8(2) below;
 - (d) next, in accordance with any direction given by the court under section 8(4) or 13(7) of this Act,
- and the balance shall be payable and recoverable (or as the case may be disposed of) under section 211(5) or (6) of the 1995 Act (destination of fines) as applied by section 14 of this Act.

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Modifications etc. (not altering text)

C1 Sch. 1 para. 4 extended (E.W.) (17.4.2001) by S.I. 2001/953, art. 3(4)(a)(i)

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