



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 3

CONFISCATION: SCOTLAND

Administrators: general

133 Protection of administrators

- (1) If an administrator appointed under section 125 or 128(3)—
 - (a) takes action in relation to property which is not realisable property,
 - (b) would be entitled to take the action if it were realisable property, and
 - (c) believes on reasonable grounds that he is entitled to take the action,he is not liable to any person in respect of any loss or damage resulting from the action, except so far as the loss or damage is caused by his negligence.
- (2) Subsection (3) applies if an administrator incurs expenses in the exercise of his functions at a time when—
 - (a) a confiscation order has not been made, or
 - (b) a confiscation order has been made but the administrator has recovered no money.
- (3) As soon as is practicable after they have been incurred the expenses must be reimbursed by the Lord Advocate.
- (4) Subsection (5) applies if—
 - (a) an amount is due in respect of the administrator's remuneration and expenses, but
 - (b) nothing (or not enough) is available to be applied in payment of them under section 131(4).
- (5) The remuneration and expenses must be paid (or must be paid to the extent of the shortfall) by the Lord Advocate.