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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 581**

The Criminal Justice (International Co  
operation) Act 1990 (Enforcement of Overseas  
Forfeiture Orders) (Scotland) Order 2005

PART 3

EXTERNAL FORFEITURE ORDERS

**Powers of enforcement administrators in respect of external forfeiture orders for the recovery of specified property**

**19.**—(1) If the court appoints an administrator under article 18, it may act under this article on the application of the Lord Advocate.

(2) The court may confer on the administrator the following powers in relation to the specified property—

- (a) power to take possession of the property;
- (b) power to manage or otherwise deal with the property;
- (c) power to realise the property in such manner as the court may specify.

(3) The court may order any person who has possession of the specified property to give possession of it to the administrator.

(4) The clerk of court must notify the offender and any person subject to an order under paragraph (3) of the making of that order.

(5) Any dealing of the offender or any such person in relation to which the order applies is of no effect in a question with the administrator unless the person had no knowledge of the administrator's appointment.

(6) The court—

- (a) may order a person holding an interest in the specified property to make to the administrator such payment as the court specifies in respect of a beneficial interest held by the offender or the recipient of a tainted gift;
- (b) may (on the payment being made) by order transfer, grant or extinguish any interest in the property.

(7) The court must not—

- (a) confer the power mentioned in paragraph (2)(b) or (c) in respect of the property; or
- (b) exercise the power conferred on it by paragraph (6) in respect of property,

unless it gives persons holding interests in the property a reasonable opportunity to make representations about it.

(8) The court may order that a power conferred by an order under this article is subject to such conditions and exceptions as it specifies.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (9) Managing or otherwise dealing with property includes—
- (a) selling the property or any part of it or interest in it;
  - (b) carrying on or arranging for another person to carry on any trade or business the assets of which are or are part of the property;
  - (c) incurring capital expenditure in respect of the property.