

## SCHEDULE 1

### ADMINISTRATORS: FURTHER PROVISION

#### *Functions*

- 3.—**(1) An administrator—
- (a) may, if appointed under article 10; and
  - (b) must, if appointed under article 18(2), as soon as practicable take possession of the property, as the case may be, and of the documents mentioned in sub paragraph (2).
- (2) Those documents are any documents which—
- (a) is in the possession or control of the person (“A”) in whom the property is vested (or would be vested but for an order made under paragraph 5(4)); and
  - (b) relates to the property or to A’s assets, business or financial affairs.
- (3) An administrator is entitled to have access to, and to copy, any document relating to the property or to A’s assets, business or financial affairs and not falling within sub paragraph (2)(a).
- (4) An administrator may bring, defend or continue any legal proceedings relating to the property.
- (5) An administrator may borrow money so far as it is necessary to do so to safeguard the property and may for the purposes of such borrowing create a security over any part of the property.
- (6) An administrator may, if of the view that it would be beneficial for the management or realisation of the property—
- (a) carry on any business of A;
  - (b) exercise any right of A as holder of securities in a company;
  - (c) grant a lease of the property to take on lease any other property;
  - (d) enter into any contract, or execute any deed, as regards the property or as regards A’s business.
- (7) An administrator may, where any right, option or other power forms part of A’s estate, make payments or incur liabilities with a view to—
- (a) obtaining property which is the subject of; or
  - (b) maintaining,
- the right, option or power.
- (8) An administrator may effect or maintain insurance policies as regards the property on A’s business.
- (9) An administrator may, if appointed under article 18(2), complete any uncompleted title which A has to any heritable estate; but completion of title in A’s name does not validate by accretion any unperfected right in favour of any person other than the administrator.
- (10) An administrator may sell, purchase or exchange property or discharge any security for an obligation due to A; but it is incompetent for the administrator or an associate of the administrator (within the meaning of section 74 of the Bankruptcy (Scotland) Act 1985(1)) to purchase any of A’s property in pursuance of this sub paragraph.
- (11) An administrator may claim, vote and draw dividends in the sequestration of the estate (for bankruptcy or liquidation) of a debtor of A and may accede to a voluntary trust deed for creditors of such a debtor.

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(1) 1985 c. 66.

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

(12) An administrator may discharge any functions through agents or employees, but is personally liable to meet the fees and expenses of any such agent or employee out of which remuneration as is payable to the administrator on a determination by the account of court.

(13) An administrator may take such professional advice as that administrator considers necessary in connection with the exercise of that administrator's functions.

(14) An administrator may at any time apply to the court for directions as regards the exercise of that administrator's functions.

(15) An administrator may exercise any power specifically conferred on that administrator by the court, whether conferred on appointment or subsequently.

(16) An administrator may—

- (a) enter any premises;
- (b) search for or inspect anything authorised by the court;
- (c) make or obtain a copy, photograph or other record of anything so authorised;
- (d) remove anything which the administrator is required or administered to take possession of in pursuance of an order of the court.

(17) An administrator may do anything incidental to the powers and duties listed in the previous provisions of this paragraph.