
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 433

The Licensing of Relevant Permanent Sites (Scotland) Regulations 2016

Appointment of an interim manager

9.—(1) An order appointing an interim manager under section 32Y of the Act must confer on the interim manager such powers as the sheriff considers necessary for the management of the site.

(2) Any such order may in particular confer on the interim manager the power to do any of the following—

- (a) take possession of the site (and raise legal proceedings for that purpose);
- (b) carry on the licence holder's business in so far as relating to the management of the site;
- (c) carry out works, or do anything else, in connection with the management of the site;
- (d) execute documents;
- (e) make any arrangement or compromise;
- (f) appoint and dismiss agents and staff;
- (g) appoint a solicitor, accountant or other professional to assist the interim manager;
- (h) make and receive payments;
- (i) take out insurance;
- (j) raise or defend legal proceedings;
- (k) refer a dispute to arbitration;
- (l) do anything incidental to the exercise of the above powers.

(3) Any such order may be granted subject to such conditions as the sheriff thinks fit and in particular may make provision regarding—

- (a) the period of the appointment;
- (b) the termination of the appointment; or
- (c) both.

(4) The sheriff may only make such an order where the sheriff is satisfied that the proposed interim manager has the relevant skills and experience to manage the site.

(5) An interim manager acts as the licence holder's agent and is accordingly not personally liable in relation to an agreement entered into as interim manager.

(6) Anyone dealing with an interim manager in good faith and for value need not inquire whether the interim manager is acting within the powers conferred by virtue of this section.

(7) The sheriff must determine the amount of the interim manager's remuneration or the method of calculation of such remuneration.

(8) The remuneration of an interim manager shall be payable out of the income from the site in respect of which the interim manager is appointed.

Status: This is the original version (as it was originally made).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

(9) The sheriff may, on the application of the local authority who applied for the order, vary or discharge that order.