
STATUTORY INSTRUMENTS

1999 No. 929

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999

CHAPTER 3

RULES ON APPLICATIONS UNDER SPECIFIC STATUTES

PART IX

PROCEEDS OF CRIME (SCOTLAND) ACT 1995

State of funds and scheme of division

3.9.14.—(1) The administrator shall—

- (a) where there are funds available for division, prepare a state of funds after application of sums in accordance with paragraph 4(2) of Schedule 1 to the Act, and a scheme of division amongst those who held property which has been realised under the Act and lodge them and all relevant documents with the Accountant of Court; or
- (b) where there are no funds available for division, prepare a state of funds only and lodge it with the Accountant of Court, and give to the Accountant of Court such explanations as he shall require.

(2) The Accountant of Court shall—

- (a) make a written report on the state of funds and any scheme of division including such observations as he considers appropriate for consideration by the sheriff; and
- (b) return the state of funds and any scheme of division to the administrator with his report.

(3) The administrator shall, on receiving the report of the Accountant of Court—

- (a) lodge in process the report, the state of funds and any scheme of division;
- (b) intimate a copy of it to the prosecutor; and
- (c) intimate to each person who held property which has been realised under the Act a notice stating—
 - (i) that the state of funds and scheme of division or the state of funds only, as the case may be, and the report of the Accountant of Court, have been lodged in process; and
 - (ii) the amount for which that person has been ranked, and whether he is to be paid in full, or by a dividend, and the amount of it, or that no funds are available for payment.