

## CHAPTER 84

### Applications under the Terrorism Act 2000

#### Interpretation of this Chapter

**84.1.** In this Chapter -

“the Act of 2000” means the Terrorism Act 2000(a);

“Administrator” shall be construed in accordance with paragraph 16(1)(b) of Schedule 4 to the Act of 2000; and

“restraint order” means an order under paragraph 18(1) of Schedule 4 to the Act of 2000.

#### Power and duties of administrator

**84.2.**-(1) Subject to any condition or exception specified by the court, an administrator appointed under paragraph 16(1)(b) of Schedule 4 to the Act of 2000 -

- (a) may take possession of the property in respect of which he has been appointed and of any document which -
  - (i) is in the possession or control of the person in whom the property is vested; and
  - (ii) relates to the property;
- (b) may have access to, and copy, any document relating to the property and not in such possession or control as is mentioned in sub-paragraph (a);
- (c) may bring, defend or continue any legal proceedings relating to the property;
- (d) may borrow money in 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;
- (e) may, if the administrator considers that to do so would be beneficial for the management and the realisation of the property, enter into any contract, or execute any deed, with respect to the property;
- (f) may effect or maintain insurance policies with respect to the property;
- (g) may, where the person in whom the property is vested has not completed title to any of the property, complete title to it: provided that completion of title in the name of the person in whom the property is vested shall not validate by accretion any unperfected right in favour of any person other than the administrator;
- (h) may sell (but not to himself or an associate of his) the property and redeem any obligation secured on that property;
- (i) may discharge any of his functions through agents or employees: provided that the administrator shall be personally liable to meet the fees and expenses of any such agents or employees out of such remuneration as is payable to the administrator by virtue of paragraph 17(2) of Schedule 4 to the Act of 2000;
- (j) may take such professional advice as he considers necessary for the proper discharge of his functions;
- (k) may at any time apply to the court for directions with respect to the exercise of his powers and duties;
- (l) may exercise any power conferred on him by the court whether such power was conferred at the time of his appointment or on his subsequent application to the court; and
- (m) may do anything incidental to the above powers and duties.

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(a) 2000 C.11.

(2) Subject to the proviso to sub-paragraph (g) of paragraph (1) -

- (a) a person dealing with an administrator in good faith and for value shall not require to determine whether the administrator is acting within the powers mentioned in that sub-paragraph; and
- (b) the validity of any title shall not be challengeable by reason only of the administrator having acted outwith those powers.

(3) The exercise of a power mentioned in any sub-paragraphs (c) to (h) of paragraph (1) shall be in the name of the person in whom the property is vested.

**Applications for variation or recall of restraint order**

**84.3.**-(1) An application under paragraph 19(2) (recall or variation of restraint order) of Schedule 4 to the Act of 2000 shall be made by note in the process containing the interlocutor making the restraint order to which the application relates.

(2) Subject to rule 14.6(2) (application to shorten or extend the period of notice), the period of notice for lodging answers to a note under paragraph (1) of this rule by any person affected by a restraint order shall be 14 days.