

We've pulled together the most common questions our customers ask. We hope you find this useful but if you can't find the answer you need, please contact us via email on [enquiries@courtfunds.gsi.gov.uk](mailto:enquiries@courtfunds.gsi.gov.uk).

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## General

### 1. I have moved address. How do I notify you of an address change?

You need to write to us or send an email including your old and new address, the name of the account holder and the account number. Please note that you cannot change your address over the telephone.

### 2. Why can't my money be paid straight into my account by BACS?

Most payments are now made by BACS. If you are a deputy and have registered your bank account details with us using a Form A we will usually make payment by BACS.

Where a court order is required for us to make the payment, you should provide the court with a copy of your bank statement. The court should then send it to us with the direction to pay.

If we do not receive a copy of your bank statement we will usually send a cheque directly to your bank or building society. You should check with your bank for clearing times.

### 3. How do I request a statement?

We issue statements in April and October each year. If you require a statement at any other time you need to write to us or send an email including your name, address and the account number. Please note that you cannot request a statement over the telephone.

### 4. Do you pay tax?

Income tax is payable where a person's gross income exceeds their annual personal allowance. It makes no difference whether that person is a child or an unemployed adult. Interest on the special account is paid gross, with no tax deducted, which means that if the interest received in any one income tax year exceeds the client's personal allowance, income tax will be due and a tax return will need to be completed.

### 5. Do I pay tax on dividends?

Where money is invested in securities, any dividends will be paid with a 10% tax credit. In most cases this means that there will be no further tax payable. However, if the client's income is particularly high they may have to pay a higher rate of tax and additional tax may be payable on any dividends (or interest) received.

If security holdings are sold, either while the fund is in court or when it is closed, the client may be liable for capital gains tax if the gain exceeds the annual capital gains allowance. To find out more about personal tax allowances you should contact your local HM Revenue and Customs office for more information.

### 6. Do you pay interest on my money?

Yes, interest is added to accounts every six months - in May and November on special accounts and in March and September on basic accounts.

### 7. What is the difference between a special and basic account?

The special account is mainly restricted to those clients who are legally unable to manage their own financial affairs because of their age or because they lack the capacity to do so. In practice these are mainly children who have been awarded damages awards or Court of Protection clients whose affairs are

under the control of the court.

The basic account is used for funds held on deposit during civil litigation or under a variety of statutory legislation.

Since 1 July 2009 CFO's interest rates have been:

- Basic account rate 0.3%
- Special account rate 0.5%

#### **8. What is the EITF?**

The Equity Index Tracker Fund (EITF) is a simple and cost-effective means of investing in the stock market over the medium to long term. The fund invests directly in Legal & General unit trusts which track each of the world's major markets with 70% held in the UK and 30% held overseas.

#### **9. I have changed my name do I need to tell you?**

You need to send us a Form 301 confirming the change together with evidence of the change, for example, a certified copy of a change of name deed or other relevant document such as an adoption order or marriage certificate. Alternatively, you can ask the court to notify us.

#### **10. I am a solicitor and I have been asked to complete a F200, what do I do?**

You should check with the court that has asked you to do this as this form is normally completed by them and in any event requires their authentication. A copy of the Form 200 can be downloaded from our website: [http://www.courtfunds.gov.uk/forms/forms\\_cfo.htm](http://www.courtfunds.gov.uk/forms/forms_cfo.htm)

#### **11. How do I know the value of the securities which I have on my account?**

In some cases the court will direct that a proportion of an award should be invested in the Equity Index Tracker Fund (EITF). The number of units you hold will be shown on the back of your account statement. You can find out the price of each unit at:

<http://funds.ft.com/funds/MinistryofJustice/MinistryofJusticeCommonInvestmentFds/FUCAP>

Unit and share prices are quoted in pence, so if the EITF price is 981p that means each unit is worth £9.81. To calculate the value of a holding you need to multiply the number of units held against the price e.g. 250 units x £9.81 = £2,452.50.

#### **12. I am a deputy and I need an amendment to an existing order or a new order. How do I go about this?**

You need to contact the Court of Protection who will be able to provide you with information about the type application you need to make.

Email: [courtofprotectionenquiries@hmcourts-service.gsi.gov.uk](mailto:courtofprotectionenquiries@hmcourts-service.gsi.gov.uk)

Phone: 0300 456 4600

#### **13. What is the difference between the Court Funds Office, the Office of the Public Guardian and the Court of Protection? Aren't you all in one office?**

These are all separate offices. The Court Funds Office provides banking and administration service for clients with funds held in court throughout England and Wales, including the Court of Protection. It accounts for monies paid into and out of court and acts as custodian for any investments made with that money. The Court of Protection is part of Her Majesty's Court Service and deals with applications relating

to people who lack capacity, such as appointing a deputy. The Office of the Public Guardian helps and supports deputies and attorneys in carrying out their duties. All three offices are part of the Ministry of Justice.

**14. When I write to you how long will it take you to respond?**

We aim to respond to correspondence received through the post or via email within 5 working days.

**15. Why did the court say that you would pay me within 5 days and it's taken longer?**

We aim to make payments within 5 working days of receipt of a properly completed payment direction. You should check with the court how long it will take them to send the payment direction to us as there may have been a delay between the date the court made the payment direction and the date it was sent to our office.

**16. I sent you a cheque and don't have a receipt yet?**

We aim to send receipts within 5 working days of receipt of the payment. Receipts are sent to the address provided on the lodgment form or, if your payment was accompanied by a solicitor's letter, to your solicitors. If you have not received a receipt you should contact us and we will be able to confirm whether the payment has been received.

**17. What should I do with the tax vouchers you send me?**

We send you green tax vouchers with your statement of account each May which you should use to calculate the income tax for the account holder. To find out more about personal income tax allowances you should contact your local HM Revenue and Customs office for more information.

**18. I've been told by the court to make payment within 24 hours – what do I do?**

Payments into court are normally made using a Form 100 together with a sealed copy of the order and a cheque made payable to the "Accountant General of the Senior Courts". For further information please see: [http://www.courtfunds.gov.uk/cfo/payments\\_in\\_how.htm](http://www.courtfunds.gov.uk/cfo/payments_in_how.htm)

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## **Children's accounts**

**19. How do I make a payment into court?**

Payments into court are normally made using a Form 100 together with a sealed copy of the order and a cheque made payable to the "Accountant General of the Senior Courts". For further information please see: [http://www.courtfunds.gov.uk/cfo/payments\\_in\\_how.htm](http://www.courtfunds.gov.uk/cfo/payments_in_how.htm)

Please ensure that it is clear on your Form 100 that the payment is for the benefit of a child.

**20. How do I get an interim payment?**

You need to apply to the court that made the original order for an interim payment. There is likely to be a fee for this. Contact details (including telephone numbers) for specific courts are available from HMCS: <http://www.hmcourts-service.gov.uk/HMCSCourtFinder>

If your application for an interim payment is successful the court will send us a Form 200 directing us to make the payment. We aim to process payments within 5 working days of receipt of the Form 200. If you wish to receive the payment by BACS you should provide the court with a copy of your bank statement. The court should then send it to us with the direction to pay.

If we do not receive a copy of your bank statement we will usually send a cheque directly to your bank or building society. You should check with your bank for clearing times.

**21. Why did you put my child's money into EITF?**

The way that funds are invested for a child will depend on the direction of the court. In some cases the court will direct that a proportion of an award should be invested for capital growth, which means investment in the Equity Index Tracker Fund (EITF). The EITF is a simple and cost-effective means of investing in the stock market over the medium to long term. The fund invests directly in Legal & General unit trusts which track each of the world's major markets with 70% held in the UK and 30% held overseas. Any remaining money will be held in a special account.

If you want to change the investment arrangements you need to apply to the court that made the original order. There is likely to be a fee for this. Contact details (including telephone numbers) for specific courts are available from HMCS: <http://www.hmcourts-service.gov.uk/HMCSCourtFinder>

**22. My child has turned 18. How do we get the money out of court?**

When your child's award was made, the court would have informed us whether your child needs to return to court to ask for the money to be paid to them or whether they may apply directly to us.

If your child may apply directly to us for payment we will write to them 4-6 weeks prior to their 18th birthday asking them to complete a Form 203. Please ensure that the form is completed in accordance with the guidance notes provided. We will be unable to process the form if it is not completed correctly.

If your child needs to apply to the court to ask for the money we will write to them to confirm this and tell them how to make the application. Once this has been done the court will direct us to make payment.

**23. My child has turned 18 and they have not heard from you?**

We usually write to children 4-6 weeks before their birthday using the address details provided to us by the court. If you have not heard from us it may be that the details we have are incorrect and you should contact us to confirm your address and your child's date of birth.

**24. Can you make third party payments from a child's account?**

If your child wants to pay their money to another person they need to apply to the court to direct us to pay the money to the other person. The child cannot request this on their Form 203 as we can only make this type of payment once we have received directions from the court.

**25. I was told by the court that you would make my payment with five days but it has taken longer. Why is this?**

We aim to make payments within 5 working days of receipt of a properly completed payment direction. You should check with the court how long it will take them to send the payment direction to us as there may have been a delay between the date the court made the payment direction and the date it was sent to our office.

**26. You have received the payment request, but there is still a delay with accessing my money?**

We aim to make payments within 5 working days of receipt of a properly completed payment direction. How quickly you receive your payment will depend on the method of payment used.

If the court has provided us with a copy of your bank statement we will usually make the payment by BACS. If we did not receive a copy of your bank statement we will usually send a cheque directly to your bank or building society.

You should check with your bank for clearing times.

**27. The payment did not clear into my bank account and the cheque has been returned to you. Why is that?**

Some accounts are set up as trust accounts or for the receipt of benefits only. We may not be able to make payments to these type of accounts. You should check with the bank to see whether your account can accept payments from third parties.

Some building societies will also require us to make payment using a specific sort code and account type. You may wish to check their requirements with them before providing account details to the County Court or to us.

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## **Court of Protection accounts**

**28. What forms do I need as a deputy?**

You can find general information about your role and responsibilities as a deputy, including how to open an account and request payments, via the following link: <http://www.courtfunds.gov.uk/cfo/380.htm>

Alternatively, please call us on 0845 223 8500 and we can send you an information pack.

**29. How do I make a payment into court?**

Payments are normally made using a Form L together with a sealed copy of your deputyship order and a cheque made payable to the "Accountant General of the Senior Courts". For further information please see: [http://www.courtfunds.gov.uk/cfo/cop\\_lodging.htm](http://www.courtfunds.gov.uk/cfo/cop_lodging.htm)

**30. What do I do if I change my bank account details?**

You need to send us a Form A together with a copy of your new bank account statement and a sealed copy of your deputyship order. The bank statement must not be more than 3 months old.

**31. I have a Court of Protection order appointing me as a deputy. How do I get a payment out of the Court Funds Office to pay for care home fees?**

For a one off payment you need to send us a Form P together with:

- a sealed copy of your deputyship order (if you have not already provided this to us); and
- a Form A and a copy of a bank account statement confirming your bank details (if you have not already provided this to us).

For regular payments you need to send us a Form R. For further information about regular payments please see: [http://www.courtfunds.gov.uk/cfo/cop\\_regular.htm](http://www.courtfunds.gov.uk/cfo/cop_regular.htm)

**32. I am a deputy and I sent in a payment request which was returned stating that the order does not allow me**

access to the sum I requested.

It may be that your order has expired, you have reached your annual limit on the amount of funds you are allowed to withdraw each year or the order does not allow you to withdraw money for the reason you have specified. You should carefully check the terms of your order to ensure that the reason for the payment is permitted within the terms of the order. If you have any further questions you should contact us and we will be able to confirm why the payment was not made.

**33. I have a Court of Protection order appointing me as a deputy and I need to pay a third party. How do I do this?**

We cannot pay money to a third party unless there is a specific direction in your deputyship order, or a separate order from the Court of Protection, directing payment to a third party. Where there is such a direction you need to send us a Form 205 together with a sealed copy of the order.

If the payment is to be made direct to the recipient's bank account (unless payment is to a solicitor) a copy of a bank account statement confirming their bank details is required in order to make payment by BACS. If this is not supplied, payment will be made by cheque.

If you do not have a specific order or direction to make a third party payment, the payment can only be made to you as deputy on a Form P or, for regular payments, a Form R. You will then need to arrange payment from your deputyship account to the third party.

**34. I have a Court of Protection order. How do I set up regular payments?**

For regular payments you need to send us a Form R. For further information about regular payments please see: [http://www.courtfunds.gov.uk/cfo/cop\\_regular.htm](http://www.courtfunds.gov.uk/cfo/cop_regular.htm)

**35. Why have you stopped my regular payments?**

It may be that your order has expired, there are insufficient funds in your account to make the payment or you have reached your annual limit on the amount of funds you are allowed to withdraw each year.

Regular payments can be made for a maximum of 2 years. At the end of the 2 year period, and provided the deputyship order allows, we will automatically renew the payments, in the same terms, for a further 2 years unless you tell us otherwise. We will write to you beforehand to inform you of this so that you can consider whether you wish to make any changes.

**36. My Court of Protection order is expiring. What do I do now?**

You need to contact the Court of Protection who will be able to provide you with information about how to make an application for a new order.

Email: [courtprotectionenquiries@hmcourts-service.gsi.gov.uk](mailto:courtprotectionenquiries@hmcourts-service.gsi.gov.uk)

Phone: 0300 456 4600

**37. I represent a Court of Protection client who has died. What do I do?**

You should inform the Court Funds Office, the Court of Protection and the Office of the Public Guardian all at the same time by sending us a certified copy of the death certificate. If you are dealing with the administration of the estate we will send you a Bereavement Pack which contains information about how to close the CFO account. If you are not dealing with the administration, but know who is, please provide their details so that we can contact them.

**38. Can you pay funeral expenses directly to the funeral provider?**

If there are sufficient funds in the account we are able to pay for reasonable funeral expenses. You need to send us a Form FE1 together with a certified copy of the death certificate (if you have not already provided this to us) and the funeral provider's invoice. The payment will be made directly to the funeral provider. We are unable to reimburse any money you might have paid in advance.

**39. My client has died but has not left a will?**

You should notify us of their death and provide us with details of the next of kin, if known. If you do not know whether there are any next of kin entitled to deal with the administration of the estate, or if you are already aware that this is the case, please let us know. We will then contact the Treasury Solicitor, the Solicitor for the Duchy of Lancaster, or the Solicitor for the Duchy of Cornwall as they hold responsibility for the administration of such estates on behalf of the Crown. This is to ensure that the account is dealt with appropriately and that the funds are managed correctly.

**40. I need to pay fees owed to the solicitors and the nursing home. How can I pay these?**

Any requests for payments to cover outstanding nursing home fees or solicitor's costs should be directed to the executor or person dealing with the estate as these payments cannot be made from the account of a deceased client.

**41. How do I pay inheritance tax?**

Once you notify us of a death we will provide you with a certificate of the fund at the date of death. HM Revenue and Customs will provide you with Form IHT423 which you need to complete and return to them. They will then determine the amount of inheritance tax due and return the Form IHT423 to you.

You need to send us the Form IHT423 together with a Form IHT1 and a certified copy of the death certificate (if you have not already provided this to us). We will arrange for the payment to be made directly to HM Revenue and Customs.

Further information about inheritance tax can be found at: <http://www.hmrc.gov.uk/index.htm>

**42. The order appointing me as a deputy has expired. Why didn't you inform me that it was going to expire?**

The Court Funds Office is not responsible for reminding you about expiration of your order. We provided leaflets with account statements sent out in October 2009 and May 2010 reminding deputies to check their orders in case they were due to expire. We also write to deputies where a regular payment cannot be renewed because the order is due to expire. However, as a deputy it is your responsibility to study the contents of your order carefully.

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## **Unclaimed balances**

**43. My money has gone to unclaimed balances/I think I have money lodged in court. How do I get it out?**

You will need to apply to the court that originally dealt with the case to prove that you are the person entitled to the money held in court. There is likely to be a fee for this. The court may ask you to provide documentary evidence to support your claim for entitlement. If the court is satisfied that you have proved your entitlement it will direct us to pay the money to you.