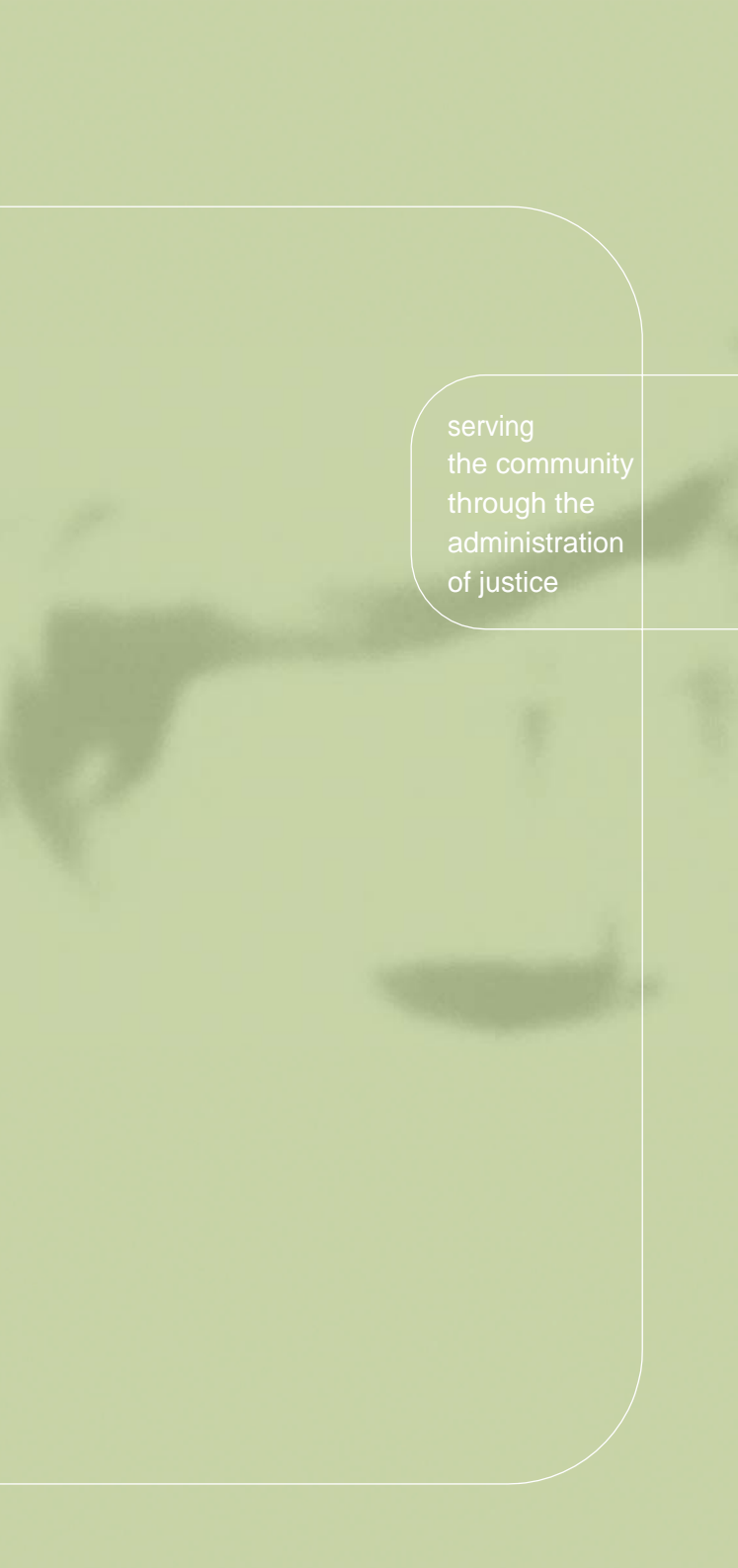




Applying for payments from a minor's fund held by the High Court

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Introduction

A child under the age of 18 is known as a minor. If the High Court awards compensation to a minor, it is not paid directly to him or her. The money is held instead by the Court Funds Office (a department in the court) until the minor is 18. In certain circumstances the court will pay out some of the compensation for the benefit of the minor before he or she reaches 18. This leaflet explains when and how an application for such a payment may be made.

The Court

Compensation may be awarded to a minor by the High Court where a judge approves settlement of a claim, or makes an award after finding in the minor's favour in a contested case. At that stage the judge will instruct the Court Funds Office to manage the award, and will generally hear an application for an immediate payment out of a small part of the compensation for the benefit of the minor. All later applications for payments out are made to a Master.

What the Court Funds Office does with compensation

When compensation is lodged with the Court Funds Office, following the instructions of the court and after taking appropriate expert advice where necessary, the Court Funds Office usually deals with the compensation in one of three ways:

- **Deposit account**

Smaller funds may be held entirely on deposit in an interest bearing savings account. The Court Funds Office will usually keep a part of every fund on deposit account, into which will be lodged any interest or dividends which may be earned.

- **Government stocks**

Larger funds may be invested in "Government Stocks," also known as gilts. These earn dividend payments twice a year, with the stock being repaid in cash at the end of a set time (which usually coincides with the minor becoming 18). A bonus is also paid if the investment is allowed to run for its full term.

- **Company shares**

Large funds may also be invested in company shares. These can have the potential to produce higher returns than government stock but carry greater risk as share prices can fall as well as rise.

How can we keep track of a fund?

At any time, the minor's guardian (the person legally responsible for them, usually a parent) can write to the Court Funds Office to ask for a statement of the fund. The statement will show the current value of the fund and how it is invested.

How much can be paid out of a minor's fund?

Where possible, payments out should not be greater than the amount of the fund which is held on deposit. If the sum requested to be paid out is greater than the amount held on deposit the Court Funds Office will need to sell some of the government stocks or company shares. This will mean that as well as the amount requested, charges will need to be paid from the fund. Also, as the value of shares and gilts continuously change, it may lead to them being sold when their price is low. For this reason, if, at the time the compensation is awarded, you think you will need to apply for a large payment out, you should tell the judge before the compensation is passed to the Court Funds Office and invested.

What can payments be made for?

The court decides whether or not to allow a payment from a fund for the benefit of a minor. Applications for payments out to help with the minor's education and development, such as

the cost of school trips, buying a computer or paying for driving lessons, are generally considered favourably. In exceptional circumstances, the court may also consider applications for other costs for things such as holidays, presents on special occasions or clothing.

Any payments out will be made for the benefit of the minor only. When deciding whether or not to make a payment, the court will consider the financial circumstances of the minor's family and the ability of the minor's guardian to pay for the item in question.

In certain limited circumstances the court may make a payment for a minor and an accompanying adult to go on holiday for therapeutic purposes. This will usually only be allowed if the child has suffered extremely serious injuries and a very large amount of money is being held by the Court Funds Office. The court will carefully examine such applications and these will usually be confined to the child's parents. The application must set out details of the purpose and cost of the holiday, where it is and how long it is, and the name and address of the person accompanying the minor.

How to apply for a payment

Applications are made by the minor's guardian, usually a parent. The first step is to contact:

The Master's Office

Room 1.3

Queen's Bench Division

Royal Courts of Justice

Chichester Street

Belfast

BT1 3JF.

You may call into the office or phone them on 028 9072 4699 or 028 9072 4700. A hearing will then be arranged. This will normally be at least seven days ahead so the Master's Office can get a statement of the minor's fund and a history of any previous applications from the Court Funds Office.

Application Form

You will need to fill out a short form called Applications for Payment Out of Funds in Court, give the name of the case, the amount requested and the purpose for which it is intended (Application forms can be obtained from the Masters Office, contact details above). If you give your bank/building society account number and sort code details, then the payment will be made directly into that account via BACS, otherwise payment will be made by cheque, payable to the applicant.

If the form is not being filled out until the day of hearing of the application you should attend early to allow time to complete the form.

Supporting documents

On the day of the hearing you should bring:

- a list of the items or services you are buying;
- a written estimate of the cost;
- if the application is supported by a school, a letter from the school recommending the items or services; and
- if the application relates to a holiday, a copy of the invoice from the travel agent or, if the invoice is not available, the details set out on page 7.

Hearings

Hearings are held at 11am on Mondays and Wednesdays and normally take about five minutes. They are normally heard at the Royal Courts of Justice by a Master. When you arrive you should report to the Master's secretary at room 1.3.

If you live outside Greater Belfast, or have a valid reason which prevents you from coming to a hearing, you can send any supporting documents, along with your application form or a letter setting out your case, to:

The Master's Secretary
Room 1.3
Royal Courts of Justice
Chichester Street
Belfast
BT1 3JF.

You should say in the letter the name of the case, how much is needed and what it is for. You should also send with the letter any of the supporting documents listed above which you need.

You should enclose a cheque or postal order (not cash) to cover the application fee.

How will payments be made?

If you gave your bank account details in your application form or letter to the court, the payment will be paid straight into your account. Otherwise, you will receive a cheque.



This Leaflet can be made available in a wide range of alternative formats. Requests for Alternative formats should be made to the Information Centre.

Northern Ireland Court Service

Information Centre

Windsor House

9-15 Bedford Street

Belfast BT2 7LT

Phone 028 9032 8594

Fax 028 9041 2390

Textphone 028 9041 2920

Email informationcentre@courtsni.gov.uk

www.courtsni.gov.uk