

Guidance for Miscellaneous Payments out of Court

Before you make an application to the Court:

- a) You should first conduct a search on the CFO Website <https://www.gov.uk/find-court-money>. If you go to “search of unclaimed accounts” and conduct a search it will show if anything is held under the name you are searching for.
- b) If you believe that the CFO is holding funds and you wish to confirm how much money is being held, you should write to **the Court Funds Office, Sunderland SR43 3AB, Tel: 0300 0200 199** to request that Office to make a search, quoting any reference number found from your search.

If having taken those steps it appears that you do have a claim to money held in Court, you should submit an N244 Application Notice stating the grounds on which payment out is sought and evidence of any facts on which you rely (see part 10 of the Application Notice). This requirement is in accordance with the Part 37 Practice Direction (37 PD 3 of the Civil Procedure Rules).

The Application Notice can be found here:

<https://www.gov.uk/government/publications/form-n244-application-notice>.

Notes for completing the Application Notice:

Underneath “Name of Court” enter, “Chancery Division Payment out of Funds”.

Enter any reference number in the box marked “Claim no” (if you have one or leave blank), and please quote the reference number on all correspondence to the Court.

Please leave blank the box marked “Warrant no”.

In the box marked “Claimant” enter your name.

The box marked “Defendant” should be left blank. Enter the date on which you complete and sign the Application Notice.

In Part 1, enter your name or name of firm.

In Part 2, enter as applicable.

In Part 3, briefly state you intend to apply for a payment out of Court including the circumstances in which the money was paid into Court, if known.

In Part 4, no draft order is required.

In Part 5, tick the box “without a hearing” (you will be informed if the Court directs a hearing).

Parts’ 6, 7, 8, 9 and 9a leave blank.

In Part 10, tick the box that indicates the evidence you wish to rely on in support of your application. Details of the evidence needed is set out under "Evidence" below.

The Statement of Truth must be completed and signed by you or a solicitor on your behalf. Proceedings for contempt of court may be brought against you if you make or cause to be made a false statement in a document verified by a statement of truth without an honest belief in its truth.

Part 11, all appropriate details must be entered.

Evidence:

Please set out in detail in Part 10 (or your witness statement in support) your evidence demonstrating why the payment should be made to you. Please send photocopies (not originals) of documents submitted as evidence, unless you are submitting share certificates in which case the original certificate should be lodged if you have it. Please set out in detail in your evidence why the payment should be made to you exhibiting any relevant documents such as grant of probate, letters of administration, birth, marriage, death or share certificates.

Your evidence must state whether or not anyone else has any claim to the money or any part of it. You must state this whether or not you think that such a claim to the money is or may be invalid. If you do not have the current contact details for that person you must say so and give the last details that you have.

If you are entitled to part only of the money in court you must state clearly what share you are claiming and why, and to the best of your knowledge and belief the name and address of the person or persons who are entitled to the balance.

If a bankruptcy order has been made against you, whether or not it has been discharged, please give the name and address of your Trustee in Bankruptcy. You must also explain why the money in Court that you are claiming belongs to you and not to your Trustee in Bankruptcy. If you are claiming on behalf of a person who has died you must also give this information in respect of the deceased person to the best of your knowledge and belief. If you are claiming as a personal representative only and you are not a beneficiary under the deceased's will or intestacy you need only give this information in respect of the deceased person.

Where the funds represent proceeds of sale of land or property directed to be paid into Court, you must provide evidence showing that you had title to that land or property before it was sold, together with evidence to show you are the person named on the title of the property [e.g. a utility bill or similar addressed to you at that property]. You must state in your supporting statement that you are not aware of any other person or persons having an interest in that land or property or give details of any such person explaining why they do not have an interest in the money held in Court.

Where the funds represent proceeds of shares deposited into Court from unclaimed shareholdings or dividends, you must provide the relevant share certificates if they are still available. Shares that were held jointly with a shareholder who has died will normally pass to the surviving shareholder and if

you are making a claim to funds as a surviving shareholder, you will need to sign a declaration to say that you are entitled to the shares and that you know of no-one else who may be entitled to them.

If you are claiming as the personal representative of a deceased person or as a beneficiary of an estate, you must provide evidence of your right to claim. A copy of the grant of probate or letters of administration will be required.

The Evidence of Identity and Declaration document (attached to this note) should also be completed and submitted with the Application Notice. This deals with evidence of your identity, proof of your address, your declaration and the bank account to which the money can be sent if the application is approved.

Submitting the Application Form and Fees:

Please follow this link below for information on how to file documents online at the Business and Property Courts in the Rolls Building:
www.gov.uk/guidance/ce-file-system-information-and-support-advice.

Solicitors and Trust research/beneficiary tracing firms that locate and recover unclaimed assets on behalf of beneficiaries must register to use CE-file. Litigants in Persons may use CE-file but it is not compulsory.

The completed application together with all supporting evidence must be sent/filed with **The Business & Property Courts of England & Wales, HMCTS, (Chancery Division, Miscellaneous Payments Team), 7 The Rolls Building, Fetter Lane, London EC4A 1NL**, together with the Court fee of £54 per application. The fee may be paid by Postal Order/Banker's Draft/Cheque made payable to "**Her Majesty's Court and Tribunal Service**".

Please note:

(1) the fee is non-refundable and it may be that the sum you are entitled to is less than the application fee. Therefore, it is your responsibility to ensure you make the appropriate enquiries before you apply for any money out of the CFO (see 'Before you make an application' above). More details on payments out of court funds can be found in the Chancery Guide:
<https://www.gov.uk/government/publications/chancery-guide>.

(2) failure to complete the application form correctly may result in a delay in processing the application. If you have difficulty in proving your claim or completing the form you may wish to consult the Citizens Advice Bureau or a Solicitor asking for the free legal advice scheme.

If you have any queries regarding an existing claim, please contact the **Miscellaneous Payments Team on 020 7947 7929** or by email at:
Chancery.miscellaneouspayments@justice.gov.uk.

Evidence of Identity and Declaration in support of Application

Please tick what evidence of identity you are enclosing:

☐ copy of passport or

☐ copy of driving Licence

Please tick what evidence of change of name you are enclosing: copy of marriage certificate ☐ civil partnership certificate ☐ decree nisi certificate ☐

☐ other (please give detail)_____

Please tick what evidence of change of address you are enclosing:

☐ utility bill (dated within the last 3 months) or

☐ council tax bill

The following declaration must be completed:

I _____ on ____ day of _____ 20____, the date of making this application confirm that, save as set out in my application notice or witness statement in support, no one else (including any surviving shareholders) has any claim to the money or any part of it, and I know of no other pending applications.

Please note: if it is later found that the Court has been misled in anyway then proceedings for contempt of court may be brought against you and you could be liable to return the money to Court or proceedings may be brought against you by the person/s entitled to the money.

Signed by the Applicant in person or solicitor acting on their behalf:

Full Name: (BLOCK CAPITALS)

Position _____ **(if** _____ **a**
representative): _____

Signature:

_____ **Date:**

Bank Account to which payments should be made:

Bank Name:

Branch Address:

Account Holder Title/Name:

Sort Code:

Account Number:

IBAN, SWIFT/BIC Code (for International payment including Ireland &
Jersey): _____

