

# Funds in Court in England and Wales Account 2018-19



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Presented to Parliament pursuant to Section 45(3)(1) of the Administration of Justice Act 1982

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# Contents

	Page
<b>Accountant General's Accounts</b>	
Annual Report for the Accountant General's Accounts (Part A) of his transactions under Section 38 of the Administration of Justice Act 1982 and presented under Section 45 of the same Act	2
Statement of the Accountant General's responsibilities	11
Governance Statement	12
The Certificate and Report of the Comptroller and Auditor General	18
Statement of Comprehensive Net Expenditure	21
Statement of Financial Position	22
Statement of Cash Flows	23
Notes to the Financial Statements	24
Accounts Direction	35
<b>Commissioners for the Reduction of the National Debt (CRND)</b>	
Overview	36
Accountability report	38
Statement of Secretary and Comptroller General's responsibilities	39
Governance Statement	40
Parliamentary accountability and audit report	50
The Certificate and Report of the Comptroller and Auditor General	51
Statement of Comprehensive Income	54
Statement of Financial Position	55
Cash Flow Statement	56
Statement of Changes in Client Funds	57
Notes to the Accounts	58
Accounts Direction	61
<b>Ministry of Justice Equity Index Tracker Fund</b>	
Foreword	62
Investment Manager's Report	66
Governance Statement	70
Respective responsibilities of the Lord Chancellor, Accountant General and Investment Manager	72
The Certificate and Report of the Comptroller and Auditor General	74
Portfolio Statement	77
Statement of Total Return	78
Statement of Change in Net Assets attributable to Unitholders	78
Balance Sheet	79
Notes to the Financial Statements	80
Distribution Tables	89
Fund Information	90
Accounts Direction	92
General Information	94

# Annual Report for the Accountant General's Accounts (Part A) of the transactions under Section 38 of the Administration of Justice Act 1982 and presented under Section 45 of the same Act

## Accountant General's Accounts in Respect of Funds in Court

The Accountant General's Accounts cover the year ended 28 February 2019. They have been prepared in accordance with the direction given by HM Treasury in pursuance of Section 45(2) of the Administration of Justice Act 1982 (the Act). The Accounts record dealings in cash, securities and physical effects held in the civil courts of England and Wales. Deposits under the various enactments referred to in Section 40 of the Act are not segregated in the Accounts. The Accounts Direction can be found on page 35.

Money and securities are paid into court under the provisions of a wide variety of legislation and circumstances. Such funds fall into three main categories:

- Damages awarded to children as a result of civil legal action in a county court in England or Wales or the High Court of Justice. These assets are held on their behalf until the child reaches majority (18 years of age);
- Assets belonging to people who lack the capacity to manage their own financial affairs where the Court of Protection (CoP) has appointed someone else to manage their affairs; and
- Cases where money is held in court pending settlement of civil court action, or on behalf of dissenting shareholders, widows and other clients whose funds are held under a variety of different statutes.

There are three parts to the accounts:

- Part A covers cash and securities paid in court;
- Part B covers the activity of the Commissioners for the Reduction of the National Debt (CRND) to invest those funds and is prepared by the UK Debt Management Office; and
- Part C presents the full accounts of all monies invested in the Lord Chancellor's Common Investment Fund (CIF) which is managed by Legal & General (L&G) on behalf of the Lord Chancellor. The CIF is an Equity Index Tracker Fund and holds funds for the Accountant General as well as other parties. Part C is prepared by Legal & General.

The Part A Accounts consolidate the relevant elements of Part B and Part C to provide a full understanding of the relationship between them.

## The Accountant General

As the Accountant General I am the designated Accounting Officer for "Funds in Court". This means I am responsible for the safeguarding and investment of client funds paid into court. This includes, but is not limited to, ensuring:

- Funds ordered into court are correctly accounted for and protected once received;
- Funds receive the correct amount of interest or any equivalent earnings from dividends; and
- Funds are paid out of court to the client at the correct time and they receive the correct amount due.

Inherent in this responsibility is the requirement to ensure there is a robust governance and control framework in place so that the above requirements are met; that the fund balances and control framework are audited externally each year by the Comptroller and Auditor General; and I implement promptly any recommendations that arise from such audit.

As the Accounting Officer for Funds in Court, I delegate the day to day discharge of my responsibilities to the Deputy Accountant General. At the date of signing the Deputy Accountant General is John Little who has been in this role since September 2016. He in turn is supported by the Office of the Accountant General (OAG).

I am also Chief Financial Officer for the Ministry of Justice (MoJ) and OAG sits within my business group. These two roles do not, in my judgement, themselves create any conflict of interest because one is overseeing MoJ Voted Funds and the other third party client funds. The only potential area of overlap is where the OAG's in-year financial position results in a deficit. I have to decide as Chief Financial Officer to cover any such deficit from Voted funds. The decision under the legislation must be independently verified and agreed by HM Treasury. More widely, to provide assurance that any conflict, or perception of conflict is avoided, I will discuss with the MoJ Accounting Officer (Richard Heaton) as required.

# Performance Report

## Strategic Report

My primary objective is to ensure client funds are safeguarded, administered correctly and protected from fraud or loss.

Whilst I am satisfied the current business model is meeting this objective I am keen to improve the service provided to clients and to ensure that it remains fit for purpose in the dynamic environment of financial services. I asked the Deputy Accountant General to carry out a Strategic Review of the Court Funds Office. The aim of the review is to present options to achieve the following:

- Modernise the Court Funds Office to improve the client service;
- To reduce the costs of the Court Funds Office; and
- Improve the rate of return for clients particularly those covered in the Special Accounts, these being children and Court of Protection persons who do not have legal capacity to make their own financial decisions.

In terms of the third objective to improve the rate of return for clients I sought to implement a new Multi Asset Product to allow more clients access to a growth product by lowering the financial and time thresholds. HM Treasury concurrence was required to make the necessary changes to secondary legislation before implementation could proceed. HM Treasury were not able to give concurrence to the proposal due to technical reasons relating to the relationship with the Public Sector National Debt. At the reporting date I have gone back to HM Treasury to consider alternative options that may allow the implementation of the product to proceed.

In terms of the wider modernisation strategy progress on defining how the client service will evolve is underway with the outsourced provider. There are a number of options around the technology and the current business model which will deliver improvements to the client service and provide a better experience for all the clients. At the reporting date improvements to the back office model have been implemented and further developments are in progress which will be delivered during the next accounting year in 2019-20. I am seeking as we move towards the contract break point in 2020-21 to see improvements in both the operational client service and cost efficiencies.

## Financial Results

### Court Funds Investment Account

The Statement of Financial Position shows that total client funds held have increased by £130m (5%). Basic Accounts have increased by £124m (17%) the majority of which was a single case deposited during the year. Special Accounts have increased by £18m (2%), Unclaimed Balances have increased by £12m (4%), Other Suitors Deposited in the Senior Courts have increased by £16m (13%). Clients' Monies Held as Foreign Exchange have decreased by £39m (14%). Aside from Basic Accounts fund levels have remained steady year on year and have been in line with fund forecasts.

The Statement of Comprehensive Net Expenditure reports a surplus of £0.511m. This is a notional surplus and relates to a timing difference between accounting for interest received, a cash figure, and interest receivable, an accruals figure. This accounting treatment is applied because the enabling legislation (the Administration of Justice Act 1982) mandates it is presented in this way.

The key financial result is the balance between interest earned and interest paid which for this reporting year was £6.411m. This is net of £1.9m which was surrendered to the Consolidated Fund as the enabling legislation stipulates that any such surplus must be treated as a hereditary surplus. This surplus was due to two large value cases which had been forecast to settle (£600m or 25% of funds invested) being deferred to court actions which are not controlled by the Court Funds Office. A constant review is kept on fund levels using all information available in the public domain.



Foreign exchange gains of £9.392m were due to a moderate strengthening of the US dollar against the pound but the exchange rate variations are much more stable than in 2017-18. All gains and losses are notional until foreign exchange is paid into or out of court and the client bears the risk if realised.

For the first time since 2009 sufficient surplus interest was earned on the margin between interest earned and paid on client funds to cover the costs of the Court Funds Office. The surplus interest after deducting the £1.9m surrendered to the Consolidated Fund was £6.4m which covered total operating costs of £5.9m leaving a notional surplus of £0.5m. This removed the requirement for a subsidy from the parent department the Ministry of Justice. In terms of 2019/20 it is uncertain this will be the position as the surplus is largely generated by two large Basic Account cases that should be paid out next year. This position will be monitored constantly to ensure the balance between paying the clients the highest affordable rate whilst continuing to make the client service sustainable and self-funding.

### **Lord Chancellor's Common Investment Fund (Equity Index Tracker Fund)**

The Fund currently invests in three sectors: the FTSE All-Share Index UK, FTSE World (excluding UK) and FTSE All-World Emerging Markets. From 1 March 2018 to 28 February 2019 the Fund's composite benchmark was:

- FTSE All-Share Index 55%
- FTSE World (excluding UK) Index 35%
- FTSE All-World Emerging Markets Index 10%

The fund performed well in light of current economic conditions and compared to similar investment products available across the market. The Net Asset Value (NAV) per unit reduced from a year opening position of 1,681.06p to a year closing value of 1,645.71p, a decrease of 35.35p (2.1%). The volume of units held decreased from the opening position of 5,061,969 to a closing position of 4,703,250, a decrease of 358,719 (7%). Taking into account both factors the total NAV of the fund fell by £7,945,166 (9%).

The fund is managed by Legal and General who produce annual accounts for the Lord Chancellor providing detailed information on the fund – Funds in Court: Part C. The Part C accounts can be referred to for further analysis and explanation of the fund and its performance over the reporting year.

### **Administrative Expenses – OAG**

Administrative expenses cover the costs of running the CFO operational service to clients and OAG corporate functions such as commercial and contract management of outsourced suppliers, financial and fund management, legal and policy. Gross costs in 2018-19 were lower than 2017-18, reducing from £6.0m to £5.8m, a reduction of £0.2m or 4%. This was through delivery of efficiencies in staff costs, general running costs and the annual indexation of the main supplier contract with National Savings and Investments.

In broad terms around 90% of OAG's administrative expenses cover the costs of the CFO client service outsourced to National Savings & Investments (NS&I). There are further direct operational running costs managed by OAG which support delivery of the client service. The Memorandum of Understanding (MoU) between the Accountant General and NS&I was renegotiated in 2014-15 to deliver efficiency savings to the next negotiation point in 2024.

## Operational Performance

The CFO Service is managed by OAG through a Memorandum of Understanding (MoU) with NS&I. The MoU defines the terms of how the service is delivered and is measured by Performance Indicators (PIs). If a PI is breached, there is a defined penalty mechanism which is deducted from the following month's charge.

The table of PI results for 2018-19 is shown below and is the average annual performance achieved for each indicator. Of the fifteen indicators, ten were either met or exceeded giving an overall accumulated average performance for the year of 99.19%. There were five indicators that were not met and the contract breach penalties were applied as per the MoU.

PI	Process	Average Annual Performance – %	Target – %	Met/NotMet/Exceeded
1	Cheque Deposits	100.00	97.00	Exceeded
2	Transferred Funds	100.00	100.00	Met
3	Deposits	98.63	97.00	Exceeded
4	Form 212 Investment	96.53	100.00	Not Met
5	EITF Investment	99.62	100.00	Not Met
6	Form 212 Non Securities	99.40	97.00	Not Met
7	Dividends	99.31	100.00	Met
8	Transfers	99.36	100.00	Not Met
9	Non EITF Sale & Purchase	100.00	100.00	Met
10	EITF Sale	99.28	100.00	Not Met
11	Payments	97.15	97.00	Exceeded
12	General Correspondence	98.80	97.00	Exceeded
13	Majority Statements	100.00	100.00	Met
14	Review of Child Accounts	100.00	100.00	Met
15	Telephone Helpline	99.79	90.00	Exceeded

## Investment Policy

### Liquidity

Under the provisions of the Administration of Justice Act 1982, liquid funds paid into court are transferred to the Commissioners for the Reduction of the National Debt (CRND). The funds and associated liquidity risk are managed by UK Debt Management Office (DMO) on behalf of CRND.

Liquid funds transferred to the CRND are placed in the Court Funds Investment Account (CFIA) and invested by the DMO in short term deposits. Such deposits are generally of fixed term and short duration, typically up to seven days. The DMO pays interest on funds in the CFIA at a rate equivalent to the Bank of England base rate.

The objectives of this strategy are:

- Clients are protected against capital loss and will receive their capital amount as a minimum repayment;
- Maximum liquidity is maintained and clients can be paid on demand or when due under the terms of the court order; and
- The client receives a return on the funds held in court which reflects the above two conditions.

Funds are transferred to and from the CRND on a daily basis as required by business need.

Under the provisions of the Administration of Justice Act 1982, if in any year the interest and dividends earned on the funds held in the CFIA exceed the sum payable to clients and that required to meet the operational costs of the service, the Commissioners' costs in respect of the CFIA, and any depreciation, the surplus must be surrendered to the Consolidated Fund. The Act also provides where there is a shortfall in interest and dividends, the Consolidated Fund will provide the funds required. In 2018-19, a surplus of £1.9m was generated which was surrendered to the Consolidated Fund.

### Interest Rates

The interest rate earned on client funds invested in the CFIA is set at the Bank of England Base Rate. The rate applicable during the year was:

- 1 March 2018 to 1 August 2018 – 0.50%
- 2 August 2018 to 28 February 2019 – 0.75%

The interest rate payable on client funds is set by the Lord Chancellor with the concurrence of HM Treasury. The specific interest rate paid to clients depends on how they are categorised:

Special Accounts – 0.5% interest was paid on:

- Damages awarded to children as a result of civil legal action in a county court in England or Wales or the High Court of Justice;
- Assets belonging to people who lack the capacity to manage their own financial affairs, mainly where the Court of Protection (CoP) has appointed someone else to manage their affairs; and
- Widows and other beneficiaries where sums were invested prior to March 1983.

Basic Accounts – 0.1% interest was paid on:

- Cases where money is held in court pending settlement of civil court action, or on behalf of other clients whose funds are held under a variety of different statutes.

Other Cash Accounts – 0.0%

- Monies paid into court on behalf of dissenting shareholders and monies received from county courts as unclaimed are held as cash, as are some child funds where religious observance does not allow for the accrual of interest.

Unclaimed Balances – 0.0%

- The Court Funds Rules 2011 set out the criteria for identifying funds deemed to be unclaimed. The Rules provide that such funds may be transferred to the Unclaimed Balances Account. This includes funds paid into court under certain statutes where the funds are unclaimed at the point of receipt. Funds within the account do not accrue interest but it is credited if an authority to release the funds is received, at which point simple interest at the current basic rate for the period the fund has been unclaimed will be applied.

During the year there was one interest rate decision. On 2 August 2018 when the BoE Base Rate rose to 0.75% the Lord Chancellor and Accountant General decided that the rate payable to Special and Basic Accounts should remain unchanged to avoid requiring a further subsidy from the Ministry of Justice.

### **Growth**

Clients may be eligible for their funds to be invested in the Lord Chancellor's Common Investment Fund (CIF), which is in the form of an Equity Index Tracker Fund (EITF) managed by Legal & General on behalf of the Lord Chancellor (Part C to the Accounts). Access to the EITF is governed by the Court Funds Rules 2011 and is only available to Special Account holders with cash of £10,000 or more in court and where the funds are expected to be held in court for five years or more. It is important to note, as with any investment in securities, investment in the CIF carries with it the risk of capital loss dependent on market movement. This risk is borne by the clients and not the Accountant General or the Consolidated Fund.

The EITF provides clients with long term growth and income through dividends in a low risk investment environment.

### **Securities**

Certain clients may hold in court portfolios of securities e.g. stocks, shares and unit trusts. These are Court of Protection clients where the securities were paid into court prior to changes in the Court Funds Rules 2011. OAG acts solely as a custodian for these securities including the administrative functions of carrying out any instructions to buy, sell or transfer such securities or to deposit dividends received. OAG does not provide any investment advice to clients. Clients may have their own private brokers to provide investment advice but OAG has no relationship with such brokers other than in its custodianship role.

### **Foreign Currency**

Foreign currency deposits are held at the request of the client and at the discretion of the court. These deposits are invested in short term accounts with the Royal Bank of Scotland and the client earns the full interest paid on the funds and bears the risk associated with exchange rate movement. The client is also responsible for any fees and charges for foreign currency accounts. OAG acts solely as custodian for these accounts and carries out any administrative functions whilst the funds are held in court.

### **Other Key Events**

There were no key events during the year.

# Accountability Report

## Director's Report

The Office of the Accountant General (OAG) is a business unit of the MoJ and sits within the Chief Financial Officer's Group (CFOG). OAG is not a formal Arm's Length Body so does not have a board of directors or its own corporate functions, audit committee or remuneration committee. These services are delivered by the MoJ. All OAG staff are permanent employees of the MoJ and are employed on standard Civil Service terms and conditions including pension arrangements.

OAG does not have any Non-Executive Directors (NEDs) but as Accountant General I am a member of the Lord Chancellor's Strategic Investment Board (SIB) which has two advisors to provide independent advice and technical expertise on investment matters.

OAG's responsibilities and duties cover all aspects of my obligations under the Administration of Justice Act 1982 and other related legislation. OAG's objectives are defined in its annual Business Plan which I approve and covers:

- Financial control and management of funds, including responsibility for overseeing the movement of funds to and from the Commissioners for the Reduction of the National Debt (CRND);
- Policy and related legislative matters, including investment policy;
- Service delivery and contract management, including responsibility for ensuring the correct administration of client accounts by the outsourced provider, along with service and contract management of their performance;
- Corporate governance and risk; and
- Communications with internal and external stakeholders.

Appointment to the OAG is through MoJ policies and procedures for recruitment.

For clarity, the following definitions apply in this statement:

- The Court Funds Office: The client facing service for those with funds in court; and
- The Court Funds Office Service: Those elements of the overall client facing service (back office operations and help desk).

The CFO Service to clients is outsourced to National Savings & Investments (NS&I) who carry out all the administrative and help desk functions relating to clients. The definition of the service requirements for clients, including Performance Indicators (PIs) and the underlying control framework are defined in the Memorandum of Understanding (MoU) and supporting schedules.

The governance framework of OAG is described in the governance statement.

## Parliamentary Accountability and Audit Report

### Regularity of expenditure

All investments, income and expenditure relating to Funds in Court were applied to the purposes intended by Parliament.

The above statement has been audited.

### Fees and charges

There were no fees or charges relating to Funds in Court.

The above statement has been audited.

## Audit of Accounts

Under Section 45 (3) of the Act, the Comptroller and Auditor General is responsible for examining the Accountant General's Accounts and laying before Parliament a copy of the Accounts together with his certificate and report.

So far as I am aware, there is no relevant audit information of which OAG's external auditors are unaware and I have taken all steps that ought to be taken to make myself aware of any relevant audit information and to establish that OAG's external auditors are aware of that information.

The notional audit fee for the Funds in Court Part A financial statements for the year ended 28 February 2019 was £62,000. (2017-18 fee was £60,000). The audit fees are accounted for in the MoJ accounts. There have been no fees paid to the auditors in respect of non-audit work.

# Statement of the Accountant General's Responsibilities

## Management and Investment of Funds in Court

As set out in Section 38 of the Administration of Justice Act 1982 (the Act), the Accountant General of the Senior Courts is responsible for the management and investment of Funds in Court.

## Statement of Accounts

Under Section 45 (1) of the Act, the Accountant General is required to prepare a statement of Accounts for each financial year in the form and on the basis as directed by HM Treasury. These Accounts are prepared so as to give a true and fair view of the state of affairs as at 28 February 2019 and of the income and expenditure and cash flows for the year.

## Appointment of the Accountant General

The Secretary of State and Lord Chancellor has, under Section 97(2) of the Senior Courts Act 1981, as amended by the Public Trustee and Administration of Funds Act 1986, appointed Mike Driver as Accountant General of the Senior Courts on 1 October 2016. The Permanent Secretary of the Ministry of Justice has also appointed the Accountant General as the Accounting Officer for Funds in Court. The latter's relevant responsibilities as Accounting Officer, including responsibilities for the propriety and regularity of the funds for which he is answerable and for the keeping of proper records, are set out in the Accounting Officer's Memorandum issued by the Treasury and published in *Managing Public Money*.

The Accounting Officer is required to confirm that the Annual Report and Accounts as a whole is fair, balanced and understandable and that he takes personal responsibility for the Annual Report and Accounts and the judgements required for determining that it is fair, balanced and understandable.

# Governance Statement

## Introduction

I am the Accountant General of the Senior Courts and the Accounting Officer for the Funds in Court. I was appointed to both posts on 1 October 2016. As Accountant General, I am responsible for monies, securities and other assets held under the control of the civil courts of England and Wales, including the Court of Protection (CoP), and for the discharge of the statutory responsibilities of the Accountant General of the Senior Courts as set out in the Administration of Justice Act 1982.

For clarity, the following definitions apply in this statement:

- The Office of Accountant General (OAG): The Ministry of Justice (MoJ) is the body responsible for supporting me as Accountant General in discharging my statutory duties. It ensures the overall client facing function operates correctly and manages delivery of those elements provided by National Savings & Investments (NS&I). It also has responsibility for strategic, financial, legal, policy and communications matters relating to the Court Funds Office;
- The Court Funds Office: The client facing service that those with funds in court receive. It is the public brand for the arrangements with NS&I; and
- The Court Funds Office Service: Those elements of the overall client facing service (back office operations and help desk) provided by NS&I.

I understand my responsibilities as Accounting Officer as set out in *Managing Public Money*, including the need to ensure that:

- Operational internal controls are effective;
- Financial systems and procedures promote the efficient and economic conduct of business and safeguard financial propriety and regularity;
- Financial considerations are fully accounted for in policy decisions; and
- Risk is considered in relation to assessing value for money.

I understand and comply with the requirements of “*Corporate Governance in Central Government Departments: Code of Good Practice 2011*” to the extent they apply to these accounts. This Governance Statement explains how, as Accountant General, I meet those requirements.

There were no Ministerial directions given to me as the Accountant General in the year ending 28 February 2019.

## Governance Framework

### Office of the Accountant General

I delegate responsibility for the day-to-day discharge of my responsibilities to the Deputy Accountant General. He is supported in this role by the Office of the Accountant General (OAG).

OAG operates within the core boundary of the MoJ as part of the Chief Financial Officer’s Group (CFOG). OAG is subject to all MoJ policies, procedures and governance framework. In formal governance terms this means OAG reports to and is reviewed by MoJ corporate functions. OAG does not have its own independent audit and risk committee but is subject to review by the MoJ Audit and Risk Committee.

OAG has a complement of ten staff. All OAG employees, including the Deputy Accountant General, are permanent civil servants on standard MoJ terms and conditions including salary and pension arrangements. For this reason, OAG does not have a remuneration committee. All OAG employees are bound by the Civil Service Code to act at all times with honesty and integrity. There have been no departures from the code.



OAG's responsibilities and duties are wide ranging and cover all aspects of my obligations under the Administration of Justice Act 1982 and other related secondary legislation. Its objectives are defined in its annual Business Plan which I approve. To ensure effective delivery of its objectives, the OAG is structured into three teams:

- Financial Control and Management Team, responsible for overseeing the control of funds, financial reporting and financial governance;
- Policy Team, responsible for policy and related legislative matters; and
- Service Delivery and Contract Management Team, responsible for ensuring the correct administration of client accounts by the outsource provider along with service and contract management of their performance.

I hold monthly meetings with the Deputy Accountant General to discuss performance against the objectives in the Business Plan.

### **Management Team Effectiveness**

All OAG staff members are subject to MoJ's performance management framework. Each member has individual objectives aligned to the annual Business Plan. Individual performance is managed through the line management chain to the Head of OAG, who is also the Deputy Accountant General. Monthly meetings between me, or my designated nominee, and the Deputy Accountant General include a review of team performance and delivery against objectives

Posts within the OAG are filled in accordance with the MoJ recruitment policy, which is competency based and on open and fair competition. Advertisements include a job description and person specification setting out the required competencies and skills. Applications and interviews are conducted against the competencies required for the post.

There were no performance or conduct concerns relating to OAG staff identified during the year.

I am satisfied with the performance of the OAG over the year and the support it has provided to me in meeting my obligations as Accountant General.

### **Governance**

OAG has a governance framework which operates to provide me with assurance on the efficient and effective delivery of its objectives.

The OAG Management Team meets each month to review performance against the Business Plan and the standing agenda covers all areas of responsibility. The meetings are chaired by the Deputy Accountant General and are attended by all permanent employees of OAG. Where appropriate, others may be invited to attend meetings to observe or advise but are not part of the decision making process. Management Team members are provided with an information pack that includes reports on performance against PIs provided by NS&I, together with reports on other matters such as change requests, policy, legislation and finance.

All OAG decisions and actions are minuted and I am made aware of them to the extent and as required by the Deputy Accountant General. Copies of minutes together with any associated papers are retained by OAG and are available for inspection by internal and external audit. At the reporting date, OAG was content with the accuracy and completeness of its internal Management Information (MI) and the external PI and financial information provided by NS&I.

The Deputy Accountant General is supported by the Risk Review Group, responsible for assessing and monitoring potential risks to the OAG meeting the Business Plan objectives. The group reports to the monthly OAG Management Team Meeting for formal sign off.

### **Lord Chancellor's Common Investment Fund**

The Lord Chancellor's Strategic Investment Board is responsible for provision of advice and governance on the investment of funds including:

- Advice on investment strategy, performance benchmarks and related investment matters including guidelines for external managers;
- Advice on the appointment of external managers to invest the client monies coming within the care of the Ministry of Justice; and
- Oversight of the Fund's performance against established industry benchmarks, providing robust challenge, advice and direction to the external managers as appropriate.

The Board comprises two non-executive investment advisors and representatives from each of the investing bodies. The Lord Chancellor is regularly informed of the Board's activity and provides direction as required.

I attend the Strategic Investment Board on behalf of Court Funds Office clients.

### **CFO Service**

The client operational service is outsourced to NS&I who carry out all the back office and help desk functions relating to clients. The definition of the service requirements for clients, including PIs and the underlying control framework, are defined in the MoU between the Accountant General and NS&I.

Day-to-day oversight of the CFO Service is carried out by the Head of Service Delivery and Contract Management. NS&I reports formally to OAG on the CFO Service through the Operational Delivery Group (ODG). The ODG is chaired by NS&I and is attended by OAG. Its function is to receive reports on the CFO Service delivery, ensuring operational objectives are achieved, risks, issues and major incidents are managed and change requests progressed. It provides OAG with a regular opportunity to investigate and challenge any failures of service quality, including PI breaches or delays in change requests. The ODG meets monthly and all decisions and actions are minuted. The output from the ODG is reported to the OAG Management Team meeting each month.

The Deputy Accountant General and the NS&I Director for Business to Business (B2B) attend the ODG on a quarterly basis to receive reports on performance and provide any strategic direction required by the Group.

NS&I has its own internal assurance team and control framework covering the CFO Service. To ensure that the control framework is operating correctly an annual ISAE3402 Type II review is carried out each year. The ISAE3402 report provides assurance the control framework operates as designed, the controls are effective and achieve the control objectives. This report is subject to external audit by a contractor selected by NS&I. NS&I will formally report the outcomes for OAG review, who will discuss and challenge as appropriate.

### **Internal Audit**

The MoJ Internal audit function, part of the Government Internal Audit Agency, acts on behalf of MoJ and reviews any area of OAG's activities they deem necessary. The schedule of work is discussed and agreed between OAG and IAAD at the beginning of each financial year. This allows both parties to plan for the work but does not constrain IAAD from carrying out further work should the need arise.

IAAD does not normally include the outsourced operations of NS&I in its annual plan. However, under the terms of the MoU with NS&I, IAAD have right of access if either OAG or MoJ decide this is necessary to ensure the statutory duties of the Accountant General have been or are being correctly discharged.

IAAD has no authority to audit Legal & General in respect of the Common Investment Fund.

There was one internal audit report during the reporting year. The scope of the report was a review of the governance and assurance arrangements between OAG and the outsourced provider. The report identified no fundamental issues but made four recommendations (three moderate and one low priority) on how to strengthen governance of the outsourced provider which have been accepted by OAG and will be taken forward over the next financial year.

## Risk Management

OAG manages risks against its Business Plan objectives through the Risk Review Group and the monthly Management Team meetings. The Risk Review Group meets at the beginning of each year to assess the nature and scale of the risks associated with the objectives in the Business Plan, to identify effective controls are in place and decide what further actions are necessary to mitigate the risks.

The Risk Review Group meets monthly to review the Risk Register and Issues Log, and provides an updated report to OAG's monthly management meeting.

High level risks are closely monitored and action is taken against all risks with a view to reducing the risk as per the risk appetite. The nature of some risks means they cannot be avoided, prevented or resolved, and must be managed by OAG.

The wider key risks are explained in the following paragraphs.

### Liquidity Risk

Under the provisions of the Administration of Justice Act 1982, funds paid into court must be transferred to the CRND. Liquidity risk is managed by DMO by placing cash in the Court Funds Investment Account (CFIA) which DMO invests in short term deposits. Such deposits are either fixed term but of short duration, typically up to seven days, or instant access deposits with funds available on demand. This creates a return on investments equal to the Bank of England base rate and ensures sufficient cash is always available to fund payments requested by clients.

### Investment Risk

Funds in court are guaranteed to the extent the Administration of Justice Act 1982 provides that any shortfall in funds payable to clients will be met from the Consolidated Fund. The process adopted by DMO for managing the liquidity risk means the return to clients of the cash held in court is likely to be limited to a rate at or near the Bank of England base rate but with no risk of capital loss. It is not the function of the Court Funds Office to grow the value of funds held in court.

The Court Funds Rules 2011 provide that in certain cases, subject to minimum thresholds on time and value of investment, funds can be transferred to the CIF. The CIF is a tracker fund managed by Legal & General that offers clients a balance of risk and reward by spreading funds across three different underlying investment funds: (UK, International, and Emerging Markets). Investment in the CIF in part transfers risk to the client in that:

- Any loss in value suffered by the CIF is carried by the client and cannot be claimed back from CFIA, but,
- In the majority of cases, only a proportion of a client's fund would be invested in the CIF, the remainder being held in the CFIA.

This approach provides some clients with an opportunity to achieve capital growth but at their own risk, whilst assisting them in managing the risk.

### Operational Risk

OAG manages its operational risk primarily by outsourcing the administration of client funds to NS&I. NS&I is obliged to provide the CFO Service in accordance with the terms of the MoU which details how the service to clients will be delivered, including Performance Indicators (PIs). Where NS&I fail to meet the PI targets, financial penalties are applied and if a client suffers financial loss through an error by NS&I liability for the financial impact sits with them.

To provide assurance on the control framework NS&I carry out an ISAE3402 Type II audit which seeks to check that the control framework is clearly defined and is operating effectively.

The ISAE3402 report covers twenty four control objectives, all of which with the exception of one passed independent audit review. As one control objective did not pass audit review this means the report is qualified. The control objective in question did not pass audit review because for the period sampled the auditors could not obtain evidence the correct management action on sanctions checking had been carried out at the correct time.

### **Management Risk (OAG)**

OAG is a small organisation of ten people and the primary risk relates to capability either from staff absence or departures. The absence rate was in line with the MoJ average for 2018-19 and all four senior posts remained filled throughout the reporting period. The Deputy Accountant manages the succession and cover strategy for the three branches to manage the overall delivery of objectives.

### **Foreign Exchange Risk**

Where client funds are paid into court in a currency other than sterling, the Accountant General acts solely as custodian and is responsible for the appropriate administrative functions to support any client transactions. Such functions are covered under operational risk. Any foreign exchange risk associated with holding funds in a foreign currency is borne by the client both gain and loss. Therefore, OAG bears no foreign exchange risk.

### **Market Risk (Securities)**

Where clients have securities paid into court, the Accountant General acts as custodian and is responsible for the appropriate administrative functions to support any subsequent transactions. Where clients have funds invested in the EITF they bear the risk of any movements in the unit market value. Administrative functions are covered under operational risk. Any market risk associated with the holding of securities is borne by the client. Therefore, the Accountant General bears no market risk relating to securities.

### **Control Incidents**

There was one control incident that occurred during 2018-19:

A legacy case from 2009 came to light where a client stated that funds had been paid into court but there was no record of deposit. OAG investigated this and discovered that although there was no absolute evidence that the client funds had been paid into court there was sufficient proof the client should be reimbursed from the general fund. The total of the claim was £25,000. Further investigations into legacy cases to see if there were any similar cases that could be identified and none were identified from this work.

There was one control incident that occurred during 2017-18:

OAG identified there were issues with sanctions checking and screening and in that year identified the issues and ensured that all transactions had been checked and were compliant. This left a residual action to understand how the issue had arisen and it was established the outsourced provider had not followed the Court Funds Business Rules in entirety. This has now been corrected and the procedures now follow the rules as agreed between OAG and the outsourced provider. This incident is now closed.

## Administrative Obligations

### ■ Information Assurance

Information Assurance, particularly relating to the clients, is a critical activity to me as Accountant General and as part of MoJ. OAG follows MoJ policy on information assurance to ensure that I am compliant with the rules as they apply to public sector bodies. There is an OAG Information Asset Owner who follows the process for reporting and escalating to the Senior Information Risk Owner who will keep me advised of any issues as appropriate.

The requirements of the General Data Protection Regulations (GDPR) came into force on 25 May 2018. The Court Funds Office forms now have a link to the relevant privacy notice to inform clients of their rights under the legislation which is the critical area of compliance. There were other supporting tasks to ensure full compliance which have been completed during the reporting year.

### ■ Health & Safety (H&S)

There is a system in place to manage H&S risks, control weaknesses and comply with the MoJ Corporate Health and Safety Policy (Statement of Intent). This system also supports any local policies and arrangements as appropriate.

## Overall Assessment of Governance Framework

Although the ISAE3402 report described on page 15 was qualified having reviewed the overall governance framework covering Funds in Court I am satisfied that the governance framework as described in this statement is correct and that there are the necessary systems and processes in place which enable me to maintain an effective system of internal control throughout OAG that supports the achievement of policies, aims and objectives, whilst safeguarding the funds and assets for which I am personally accountable.

Any control issues identified during the year will be addressed and resolved during 2018-19 including a post accounts review to deliver lessons learned and to identify recommendations to tighten controls as necessary.

*Mike Driver*  
Accountant General of the Senior Courts

25 June 2019

# The Certificate and Report of the Comptroller and Auditor General to the Houses of Parliament

## Opinion on financial statements

I certify that I have audited the financial statements of Funds in Court in England and Wales (Part A) for the year ended 28 February 2019 under the Administration of Justice Act 1982. The financial statements comprise: the Statements of Comprehensive Net Expenditure, Financial Position, Cash Flows and the related notes, including the significant accounting policies. These financial statements have been prepared under the accounting policies set out within them.

I have also audited the information in the Accountability Report that is described in that report as having been audited.

### In my opinion

- The financial statements give a true and fair view of the state of funds in court in England and Wales (Part A)'s affairs as at 28 February 2019 and comprehensive net expenditure for the year ended; and
- the financial statements have been properly prepared in accordance with the Administration of Justice Act 1982 and HM Treasury directions issued thereunder.

### Opinion on regularity

In my opinion, in all material respects the income and expenditure recorded in the financial statements have been applied to the purposes intended by Parliament and the financial transactions recorded in the financial statements conform to the authorities which govern them.

### Basis of opinions

I conducted my audit in accordance with International Standards on Auditing (ISAs) (UK) and Practice Note 10 'Audit of Financial Statements of Public Sector Entities in the United Kingdom'. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of my certificate. Those standards require me and my staff to comply with the Financial Reporting Council's Revised Ethical Standard 2016. I am independent of the Funds in Court in England and Wales (Part A) in accordance with the ethical requirements that are relevant to my audit and the financial statements in the UK. My staff and I have fulfilled our other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### Conclusions relating to going concern

I am required to conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Funds in Court in England and Wales (Part A)'s ability to continue as a going concern for a period of at least twelve months from the date of approval of the financial statements. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern. I have nothing to report in these respects.

### Responsibilities of the Accountant General for the financial statements

As explained more fully in the Statement of Accountant General's Responsibilities, the Accountant General, as Accounting Officer are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view.

### **Auditor's responsibilities for the audit of the financial statements**

My responsibility is to audit, certify and report on the financial statements in accordance with the Administration of Justice Act 1982.

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs (UK), I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Funds in Court in England and Wales (Part A)'s internal control.
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the consolidated financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the income and expenditure reported in the financial statements have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

### **Other Information**

The Accountant General, as Accounting Officer is responsible for the other information. The other information comprises information included in the annual report, other than the parts of the Accountability Report described in that report as having been audited, the financial statements and my auditor's report thereon. My opinion on the financial statements does not cover the other information and I do not express any form of assurance conclusion thereon. In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

### **Opinion on other matters**

In my opinion:

- the parts of the Accountability Report to be audited have been properly prepared in accordance with HM Treasury directions made under the Administration of Justice Act 1982;
- in the light of the knowledge and understanding of the Funds in Court in England and Wales (Part A) and its environment obtained in the course of the audit, I have not identified any material misstatements in the Performance Report or the Accountability Report; and
- the information given in the Annual Report for the financial year for which the financial statements are prepared is consistent with the financial statements.

### **Matters on which I report by exception**

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- adequate accounting records have not been kept or returns adequate for my audit have not been received from branches not visited by my staff; or
- the financial statements and parts of the Accountability Report to be audited are not in agreement with the accounting records and returns; or
- I have not received all of the information and explanations I require for my audit; or
- the Governance Statement does not reflect compliance with HM Treasury's guidance.

### **Report**

I have no observations to make on these financial statements.

*Gareth Davies*  
Comptroller and Auditor General

10 July 2019

National Audit Office  
157–197 Buckingham Palace Road  
Victoria  
London SW1W 9SP



## Statement of Comprehensive Net Expenditure for the year ended 28 February 2019

	Notes	28 February 2019 £000	28 February 2018 £000
<b>Income</b>			
Interest Income	2	15,530	8,964
Interest Due to Clients' Accounts	3	(9,119)	(7,627)
<b>Net Interest Income</b>		<b>6,411</b>	<b>1,337</b>
Dividend Income	4	2,655	2,772
(Losses) / Gains Arising from Securities	5	(1,764)	4,902
Gains / (Losses) on Foreign Exchange	6	9,392	(26,331)
Charges / (Income) Due to Clients' Holdings	7	(10,283)	18,657
<b>Net investment income</b>		<b>6,411</b>	<b>1,337</b>
Contribution from Ministry of Justice	8	–	5,206
<b>Net income</b>		<b>6,411</b>	<b>6,543</b>
<b>Expenses</b>			
Administrative Expenses – OAG	8	(5,806)	(6,033)
Management Charges from CRND		(94)	(94)
<b>Total Expenses</b>		<b>(5,900)</b>	<b>(6,127)</b>
<b>Total Comprehensive Net Expenditure Transferred to Reserves and Hereditary Revenues</b>		<b>511</b>	<b>416</b>

The notes on pages 24 to 34 form part of these Accounts.

## Statement of Financial Position as at 28 February 2019

	Notes	<b>28 February 2019 £000</b>	28 February 2018 £000
<b>Assets</b>			
<b>Current Assets</b>			
Cash and Cash Equivalents	9	<b>245,430</b>	287,163
Deposits and Advances	10	<b>2,374,006</b>	2,191,960
Debt Securities	11	<b>687</b>	930
Investment Securities	12	<b>85,143</b>	95,210
<b>Total Assets</b>		<b><u>2,705,266</u></b>	<u>2,575,263</u>
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Cash and Cash Equivalents	9	<b>2,756</b>	–
Clients' Holdings in Debt Securities	11	<b>687</b>	930
Clients' Holdings in Investment Securities	12	<b>85,143</b>	95,210
Clients' Cash Account Balances	13	<b>2,607,512</b>	2,477,438
Other Liabilities	14	<b>7,885</b>	913
<b>Total Current Liabilities</b>		<b><u>2,703,983</u></b>	<u>2,574,491</u>
<b>Total assets less total liabilities</b>		<b><u>1,283</u></b>	<u>772</u>
<b>Reserves</b>	15	<b><u>1,283</u></b>	<u>772</u>

*The notes on pages 24 to 34 form part of these Accounts.*

*Mike Driver*  
Accountant General of the Senior Courts

25 June 2019

## Statement of Cash Flows for the year ended 28 February 2019

	Notes	<b>28 February 2019 £000</b>	28 February 2018 £000
<b>Cash flows from operating activities</b>			
Operating Surplus		<b>511</b>	416
(Increase) in Deposits and Advances		<b>(517)</b>	(415)
Decrease in Debt Securities		<b>243</b>	3,357
Decrease in Investment Securities		<b>10,067</b>	15,339
(Decrease) in Client Cash Accounts		<b>130,074</b>	65,334
(Decrease) in Client Holdings in Debt Securities		<b>(243)</b>	(3,357)
(Decrease) in Client Holdings in Investment Securities		<b>(10,067)</b>	(15,339)
Increase/(Decrease) in Other Liabilities		<b>6,461</b>	(1,216)
Increase in Reserves		<b>511</b>	416
<b>Net cash flows from operating activities</b>		<b>137,040</b>	64,535
<b>Cash Flows from investing activities</b>			
Net movement in short-dated cash deposits		<b>(181,529)</b>	57,919
<b>Net Cash Flows from investing activities</b>		<b>(181,529)</b>	57,919
<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>(44,489)</b>	122,454
Cash and cash equivalents		<b>287,163</b>	164,709
<b>Cash and cash equivalents at 28 February 2018</b>	9	<b>242,674</b>	287,163

*The notes on pages 24 to 34 form part of these Accounts.*

# Notes to the Financial Statements

## 1 Statement of Accounting Policies

These financial statements have been prepared in accordance with the direction made by HM Treasury under section 45 of the Administration of Justice Act 1982, as detailed on page 2 of the Annual Report and Accounts. In applying this direction, due regard is given to the Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context. Where the FReM permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the particular circumstances of the Funds in Court in England & Wales (Part A), for the purpose of giving a true and fair view has been selected. The particular policies adopted are described below. They have been applied consistently in dealing with items that are considered material to the Accounts.

### 1.1 Accounting Convention

These Accounts have been prepared under the historical cost convention, modified to account for the revaluation of certain financial assets and liabilities to the extent that such requirements are relevant to the activities of the Court Funds Office (CFO).

### 1.2 Consolidation Boundaries

There are three parts to the Accounts:

- Part A – Funds in Court – Accountant General’s Accounts;
- Part B – Court Funds Investment Account (CFIA) – Commissioners for the Reduction of the National Debt (CRND)’s Accounts; and
- Part C – The Equity Index Tracker Fund (EITF) – Investment Manager’s Accounts.

All three parts of the accounts are prepared on an accruals basis. Part A accounts consolidate the Part B accounts and the elements of the Part C accounts that relate to CFO clients, together with the cash and securities paid into court and OAG’s administrative expenses.

The Accountant General’s Accounts (Part A) have been prepared in accordance with the direction given by HM Treasury in pursuance of Section 45(2) of the Administration of Justice Act 1982 (the Act). Deposits under the various enactments referred to in Section 40 of the Act are not segregated in the Accounts.

### 1.3 Recognition of Income

Interest earned and due for all interest-bearing financial instruments are recognised in “Interest Income” and “Interest Due to Clients’ Accounts” in the Statement of Comprehensive Net Expenditure using the Effective Interest Rate (EIR) method of allocating interest over the relevant period. Interest earned and due is recognised from the settlement date.

Income is recognised in the Accounts on the following bases:

- Interest on investments is recognised as it accrues on an EIR basis rather than on a cash received basis; dividends are accrued as they are declared;
- Realised gains and losses on disposals or maturities of investments are recognised in the period they arise; and
- Valuation gains and losses on securities and collective investment schemes are recognised in the Statement of Comprehensive Net Expenditure and are included in the carrying value of those securities in the Statement of Financial Position.

#### 1.4 Valuation of Securities & Common Investment Funds

All securities and common investment funds are designated as financial assets held at fair value through profit and loss, and are shown in the Statement of Financial Position at market value. The introduction of IFRS9 has been reviewed and has no impact on the values or presentation of such assets. See section 1.11 below.

Fair values of investment securities are determined by reference to published price quotations in an active market.

There are certain movements in securities where no cash transfer occurs (deposits and transfers). These include securities previously held by clients that are transferred into Court (deposits) or securities held which are transferred to clients rather than being sold (transfers). For these movements, cash values are calculated by using closing market prices applicable on the date the transaction occurs.

The Equity Index Tracker Fund is valued using Net Asset Value as at 28 February 2019.

#### 1.5 FRS102 – Financial Reporting

The Part C Legal & General EITF accounts are accounted for under FRS 102 and the investment SORP, whereas the Funds in Court Part A accounts are accounted for under FReM. Although the accounting policy for the Part A account is to consolidate only those elements of Part C that apply, a review was carried out to ensure the different accounting standards do not result in a material difference in policy. As both FRS102 and FReM value such investments on the same basis, which is fair value, this result is there no material difference between the two. This will be reviewed each year to ensure that future changes in accounting standards do not result in any material differences.

#### 1.6 Reserves held by CRND

Other Reserves held by CRND relate to surplus or accrued interest in the CFIA as at 28 February 2019. See Note 15.

#### 1.7 Administrative Expenses – OAG

The administrative expenses of OAG are paid in advance by the Ministry of Justice who then recover the costs from surplus interest earned on client funds in the year. OAG only incurs costs that are directly attributable to the delivery of its responsibilities to the clients. There are corporate services such as ICT, Human Resources, and Legal Services that are provided by the Ministry of Justice because it is more cost effective than OAG sourcing provision of such services itself.

#### 1.8 Client Fees

OAG clients do not pay fees towards the costs of the services provided. OAG costs are recovered through the surplus interest earned on client funds in the CFIA. Clients with funds in the EITF pay management fees at source to Legal & General and these are reflected in the Net Asset Value of these holdings.

#### 1.9 Foreign Currency

Assets and liabilities included in the Statement of Financial Position that have a functional currency different from the presentational currency are translated into the presentational currency at the closing rate at 28 February 2019.

The only foreign currency positions that are maintained are on behalf of clients who wish to hold Funds in Court in an alternative currency to Sterling. These funds are held in accounts with correspondent banks and earn interest in the relevant currency. Gains and losses on foreign exchange movements are calculated based on monthly movements in the exchange rates.

Foreign exchange gains and losses resulting from revaluations are taken to the Statement of Comprehensive Net Expenditure, but as the risk is borne by the clients a balancing transaction is reflected to adjust clients' holdings in the functional currency.

### 1.10. Ways & Means

End of day cash surpluses in the CFIA are swept daily to the National Loans Fund (NLF) and are repayable on demand while the NLF makes good any daily shortfall of monies in the CFIA. These investments are known as Ways & Means.

### 1.11. Changes in Structure and Format

There have been no major changes in structure and format to the Annual Report and Accounts.

#### 1.11 Accounting standards issued during the year

There were two accounting standards issued during the year, both of which were reviewed with the following conclusions:

- IFRS 9 – Financial Instruments

This standard superseded IAS39 and a review was carried out to consider if there was any impact from the introduction of IFRS9. The key areas were measurement, impairment, de-recognition (sale/transfer) and hedge accounting. In terms of measurement all assets are held on behalf of clients and not to generate contractual cash flows so are recorded at fair value and all gains and losses are recognised in the Statement of Comprehensive Net Expenditure. Impairment of assets does not apply as there are no amortised cost or fair value through Other Comprehensive Income instruments. There is no hedge accounting relating to client assets or the underlying investments.

- IFRS15 – Revenue From Contracts with Customers

There are no contracts with customers so no revenue arising.

### 1.12 Key judgements and assumptions

The Accountant General acts as custodian for funds in court and follows the legislation and policies relating to client funds. The Accountant General does not exercise any judgements on this process in how and when funds are invested which are decided by the judicial decisions as per the relevant court order. This also applies to securities paid into court which belong to the client who will have their own individual brokers to provide advice.

The Lord Chancellor's Strategic Investment Board will make judgements on how the funds in the Equity Index Tracker Fund are allocated between the different indices. Again, whilst the Accountant General attends the Board and will provide advice and opinion the actual investment decisions lies with the Non-Executive Investment Advisors.

## 2 Interest Income

	<b>28 February 2019 £000</b>	28 February 2018 £000
Foreign Exchange	<b>3,028</b>	1,626
Deposits & Advances	<b>14,466</b>	7,280
Debt Securities	<b>30</b>	58
<b>Total Interest Receivable</b>	<b>17,524</b>	8,964
Surplus Income payable to Consolidated Fund	<b>(1,994)</b>	–
<b>Total Net Interest Receivable</b>	<b>15,530</b>	8,964

**3 Interest due to clients' accounts**

	<b>28 February 2019 £000</b>	28 February 2018 £000
Court Funds – Basic Account	<b>(923)</b>	(936)
Court Funds – Special Account	<b>(5,138)</b>	(5,007)
Foreign Exchange	<b>(3,028)</b>	(1,626)
Debt Securities	<b>(30)</b>	(58)
<b>Total Interest Due to Clients' Accounts</b>	<b><u>(9,119)</u></b>	<u>(7,627)</u>

**4 Dividend Income**

	<b>28 February 2019 £000</b>	28 February 2018 £000
Dividends Received in Year	<b>2,611</b>	2,870
Dividends Accrued – period end	<b>1,236</b>	1,192
Dividends Accrued – period start	<b><u>(1,192)</u></b>	<u>(1,290)</u>
<b>Total Dividend Income</b>	<b><u>2,655</u></b>	<u>2,772</u>

**5 (Losses) / Gains Arising from Securities**

	<b>28 February 2019 £000</b>	28 February 2018 £000
Client Securities	<b><u>(1,764)</u></b>	<u>4,902</u>
<b>Total (Losses) / Gains Arising from Securities</b>	<b><u>(1,764)</u></b>	<u>4,902</u>

**6 Gains / (Losses) Arising from Foreign Currency**

	<b>28 February 2019 £000</b>	28 February 2018 £000
US Dollars	<b>10,182</b>	(26,104)
Euros	<b><u>(790)</u></b>	<u>(227)</u>
<b>Total Gains / (Losses) Arising from Foreign Exchange</b>	<b><u>9,392</u></b>	<u>(26,331)</u>

Foreign currency gains of £9.392m are mainly as a result of a strengthening US dollar against sterling. over the reporting year The decision to invest in foreign currencies rests with the client and the court and the Accountant General in his role as custodian has no involvement regarding investment decisions.

**7 Charges/(Income) Due to Clients' Holdings**

	<b>28 February 2019 £000</b>	28 February 2018 £000
Dividend (Income)	<b>(2,655)</b>	(2,772)
Losses/(Gains) Arising from Securities	<b>1,764</b>	(4,902)
(Gains)/Losses Arising from Foreign Exchange	<b>(9,392)</b>	26,331
<b>Total Charges/ (Income) Due to Clients' Holdings</b>	<b><u>(10,283)</u></b>	<u>18,657</u>

All income earned on securities and foreign currency accounts, and the associated risk on market movements, is solely attributable to the clients.

**8 Administrative expenses – OAG**

	<b>28 February 2019 £000</b>	28 February 2018 £000
Staff Costs	<b>(571)</b>	(583)
General Support	<b>(67)</b>	(116)
Third Party Supplier	<b>(5,168)</b>	(5,334)
<b>Total Gross Expenses</b>	<b>(5,806)</b>	<b>(6,033)</b>
Contribution from Ministry of Justice	–	5,206
<b>Total Net Administrative Expenses</b>	<b><u>(5,806)</u></b>	<u>(827)</u>



**9 Cash and Cash Equivalents**

	<b>28 February 2019 £000</b>	28 February 2018 £000
<b>Assets - Foreign Exchange Bank Accounts</b>		
Balance at 1 March	<b>284,829</b>	161,552
Net change in cash and cash equivalents	<b>(39,399)</b>	123,277
<b>Balance at Year End</b>	<b><u>245,430</u></b>	<u>284,829</u>
<b>Liabilities - Sterling Bank Accounts</b>		
Balance at 1 March	<b>2,334</b>	3,157
Net change in cash and cash equivalents	<b>(5,090)</b>	(823)
<b>Balance at Year End</b>	<b><u>(2,756)</u></b>	<u>2,334</u>
<b>Net Cash &amp; Cash Equivalent Holdings</b>	<b><u>242,674</u></b>	<u>287,163</u>

**10 Deposits and advances**

	<b>28 February 2019 £000</b>	28 February 2018 £000
Call Notice Deposits	<b><u>2,374,006</u></b>	<u>2,191,960</u>
<b>Total Deposits and Advances</b>	<b><u>2,374,006</u></b>	<u>2,191,960</u>

**11 Clients' Holdings in Debt Securities**

	<b>2019</b>	<b>Nominal £000</b>	<b>Market Value £000</b>
Holdings held on behalf of Clients		391	667
Dividends and Coupons Due		-	20
<b>Total Debt Security Holdings</b>		<b>391</b>	<b>687</b>
	<b>2018</b>	<b>Nominal £000</b>	<b>Market Value £000</b>
Holdings held on behalf of Clients		478	913
Dividends and Coupons Due		-	17
<b>Total Debt Security Holdings</b>		<b>478</b>	<b>930</b>
	<b>2019</b>	<b>Nominal £000</b>	<b>Market Value £000</b>
Maturing > 1 year but < 5 years		199	462
Maturing > 5 years		192	205
<b>Total Debt Security Holdings</b>		<b>391</b>	<b>667</b>
	<b>2018</b>	<b>Nominal £000</b>	<b>Market Value £000</b>
Maturing < 3 months		-	-
Maturing > 3 months but < 1 year		-	461
Maturing > 1 year but < 5 years		283	270
Maturing > 5 years		195	182
<b>Total Debt Security Holdings</b>		<b>478</b>	<b>913</b>

Debt securities consist of UK Treasury issued gilts purchased by brokers on behalf of clients. The note sets out both the market value and nominal value of the respective gilt and a maturity profile. The reduction in value from 2018-19 reflects the gilts reaching maturity or where the client has elected to redeem. The Accountant General as custodian has no role in the investment decision, this is by direction of the court or at the request of the client.

**12 Clients' Holdings in Investment Securities**

	<b>28 February 2019 £000</b>	28 February 2018 £000
<b>Market valuation summary</b>		
Equity Index Tracker Fund	<b>77,402</b>	85,347
Unit Trust Holdings	<b>3,894</b>	5,257
Stocks, Shares and Loan Notes	<b>2,611</b>	3,415
<b>Total</b>	<b><u>83,907</u></b>	<b><u>94,019</u></b>
<b>Dividends and coupons due</b>		
Equity Index Tracker Fund	<b>1,222</b>	1,172
Unit Trust Holdings	<b>5</b>	3
Stocks, Shares and Loan Notes	<b>9</b>	16
<b>Total</b>	<b><u>1,236</u></b>	<b><u>1,191</u></b>
<b>Total Value of Investment Securities</b>		
Equity Index Tracker Fund	<b>78,624</b>	86,519
Unit Trust Holdings	<b>3,899</b>	5,260
Stocks, Shares and Loan Notes	<b>2,620</b>	3,431
<b>Total</b>	<b><u>85,143</u></b>	<b><u>95,210</u></b>
<b>Market Holdings Summary (Units)</b>		
Equity Index Tracker Fund	<b>4,703</b>	5,062
Unit Trust Holdings	<b>2,211</b>	3,018
Stocks, Shares and Loan Notes	<b>309</b>	363
<b>Total Investment Securities</b>	<b><u>7,223</u></b>	<b><u>8,443</u></b>
<b>Movements in Holdings during the Year (Units)</b>		
Balance at start of year	<b>8,443</b>	13,942
Purchases during Year	<b>400</b>	1,484
Sold during Year	<b>(1,116)</b>	(3,021)
Net Transfers (to)/from Clients	<b>(505)</b>	(3,962)
<b>Balance as at year end</b>	<b><u>7,222</u></b>	<b><u>8,443</u></b>

Investment Securities relate to holdings held by the Accountant General on behalf of clients and comprise of:

- Holdings in the Equity Index Tracker Fund (EITF) managed by Legal & General (Unit Trust Managers) Limited.
- Holdings of unit trusts deposited in court by clients; and
- Holdings of individual stocks and shares

The note sets out the market value of these holdings along with the associated accrued income. The note also provides an analysis of the number of units held for investment securities and details the in-year movements in terms of purchases, sales and transfers.

EITF holdings as at 28 February 2019 were valued at a Net Asset Value of 1,645.71p (1,681.06p as at 28 February 2018).

**13 Clients' Cash Account Balances**

	<b>28 February 2019 £000</b>	28 February 2018 £000
Court Funds placed on Basic Account	<b>841,710</b>	718,035
Court Funds placed on Special Account	<b>1,049,058</b>	1,031,364
Unclaimed Balances	<b>334,446</b>	322,405
Other Suitors Deposited in the Senior Courts	<b>136,868</b>	120,805
Clients' Monies Held as Foreign Exchange	<b>245,430</b>	284,829
<b>Total Client Balances</b>	<b><u>2,607,512</u></b>	<b><u>2,477,438</u></b>

All client cash account balances other than those held as foreign exchange are invested in the UK Debt Management Office (UKDMO), an executive agency of HM Treasury. The funds are invested by UKDMO in short term call notice deposits and guaranteed by HM Treasury and so the liquidity risk is negligible. The interest rate earned on client funds is pegged to the Bank of England Base Rate and is guaranteed by HM Treasury. The interest rate payable to clients is linked to the Bank of England Base Rate and is set in agreement with HM Treasury.

Clients Monies held as foreign exchange are invested in foreign currency accounts managed by the Government Banking Service. The exchange rate risk is fluctuations in exchange rates whilst the interest rate risk is fluctuations in interest rates payable on these accounts. Both risks are borne by the client.

**13a Clients' Receipts and Payments During Year**

	<b>28 February 2019 £000</b>	28 February 2018 £000
<b>Opening balance</b>	<b>2,477,438</b>	<b>2,412,104</b>
Lodgments by Clients	<b>745,207</b>	726,846
Sales of EITF units and other securities	<b>12,211</b>	18,783
Dividends and Interest paid on securities	<b>2,506</b>	2,832
<b>Total Lodgments from Clients</b>	<b><u>759,924</u></b>	<b><u>748,461</u></b>
Payments to Clients	<b>(654,823)</b>	(674,779)
Purchase of EITF units and other securities	<b>6,560</b>	10,106
<b>Total Payments to Clients</b>	<b><u>(648,263)</u></b>	<b><u>(664,673)</u></b>
Interest Paid and Credited to Court Accounts	<b>7,451</b>	6,357
Gains / (Losses) Arising from Foreign Exchange	<b>9,392</b>	(26,331)
<b>Closing Balance</b>	<b><u>2,605,942</u></b>	<b><u>2,475,918</u></b>
<b>Add accrued interest</b>	<b>1,570</b>	1,520
<b>Total Client Balances</b>	<b><u>2,607,512</u></b>	<b><u>2,477,438</u></b>

**14 Other Liabilities**

	<b>28 February 2019 £000</b>	28 February 2018 £000
Interest Due to Consolidated Fund	<b>60</b>	61
Administrative Expenses – OAG	<b>5,807</b>	828
Surplus to Consolidated Fund	<b>1,994</b>	-
Management Charges from CRND	<b>24</b>	24
<b>Total Other Liabilities</b>	<b>7,885</b>	913

Other liabilities relate to costs against the CFIA which were outstanding at the end of the financial year.

**15 Reserves**

	<b>28 February 2019 £000</b>	28 February 2018 £000
<b>Interest Reserves held by CRND</b>		
Opening Balance	<b>772</b>	356
Total Comprehensive Net Expenditure	<b>511</b>	416
<b>Closing Balance</b>	<b>1,283</b>	772

**16 Events after the Reporting Period**

Post balance sheet events are considered up to the date on which the Accounts are authorised for issue. The date the Accounts are authorised for issue is interpreted as the same date the Accounts are certified by the Comptroller and Auditor General. As at the accounts authorisation date, no material post balance sheet events have occurred.

**17 Provisions for Liabilities and Charges**

There were no provisions made for liabilities and charges within the reporting period.

**18 Contingent Liability**

There were no contingent liabilities as at 28 February 2019 or 28 February 2018.

## **19 Physical effects**

The Accountant General acts as custodian for client physical effects that have been paid into court. These assets generally have no financial value consisting of legal documents, deeds and wills.

There are two assets that have a notional financial value as follows:

- Sixteen gold US Dollar coins paid into court in the early 20th Century. These are held in a safety deposit box with the Royal Bank of Scotland; and
- A bag of 1,746 silver and 4 gold coins paid into court in the 18th Century. These are currently on loan to the British Museum but remain under the custodianship of the Accountant General.
- The total value of both sets of coins is estimated to be £60,000.

During the production of the 2018-19 accounts both sets of coins were counted and verified.

## Accounts Direction given by HM Treasury

Funds in court in England and Wales – account of the transactions of the Accountant General under Section 38 of the Administration of Justice Act 1982

HM Treasury, in pursuance of section 45 of the Administration of Justice Act 1982, hereby gives the following Direction:

- 1 The Accountant General of the Senior Courts shall prepare accounts for the financial year ending 28 February 2010 and for each subsequent financial year ending on the last day of February. The financial statements shall include the following information:
  - Annual Report;
  - Statement of the Accountant General's Responsibilities;
  - Statement on Internal Control;
  - Income Statement;
  - Statement of Financial Position; and
  - Statement of Cash Flows

The financial statements shall include such notes as may be necessary, to explain the transactions of the Accountant General under Section 38 of the Administration of Justice Act 1982, and for the purposes referred to in the following paragraphs.

- 2 The financial statements shall be prepared so as to give a true and fair view of the state of affairs as at 28 February 2010 and subsequent financial year ends and of the income and expenditure and cash flows of the year then ended.
- 3 Subject to the requirements in (2) above, the financial statements shall be prepared in accordance with
  - International Financial Reporting Standards, adapted and interpreted for the public sector context. In applying the Standards, the entity shall have regard to the Government Financial Reporting Manual;
  - Any other relevant guidance which HM Treasury may issue from time to time in respect of financial statements which are required to give a true and fair view.
- 4 The financial statements shall be sent to the Comptroller and Auditor General not later than the last day of July following the end of the accounting period.
- 5 The Management Report shall state that the financial statements have been prepared in accordance with a Direction given by HM Treasury in pursuance of section 45(2) of the Administration of Justice Act 1982.
- 6 This direction shall be reproduced as an appendix to the financial statements.
- 7 This direction replaces the direction dated 7 August 2006.

*Chris Wobschall*  
Head of Assurance and Financial Reporting Policy  
HM Treasury

19 February 2010

# Commissioners for the Reduction of the National Debt Court Funds Investment Account

## Accounts for the year ended 28 February 2019

### Performance Report

#### Overview

The purpose of the overview is to provide sufficient information to understand the Court Funds Investment Account (CFIA), its purpose, the key risks to the achievement of its objectives, and how it has performed during the year.

These accounts have been prepared by the Commissioners for the Reduction of the National Debt (CRND) under a direction issued by HM Treasury in accordance with section 45 of the Administration of Justice Act 1982 (the Act).

#### Purpose and principal activities of the Court Funds Investment Account

The CFIA facilitates the operation of the basic and special accounts operated by the Office of the Accountant General (OAG) for suitors' funds paid into court in England and Wales; it also contains funds due to the Consolidated Fund.

By virtue of rules made under section 38(7) of the Act, on days when the Accountant General of the Senior Courts (the Accountant General) has excess cash in his account he remits the excess to CRND for investment in the CFIA, and on days when the balance in his account is insufficient to meet demands he makes a withdrawal from the CFIA to make good the shortfall.

Section 39(1) of the Act authorises HM Treasury to make regulations setting out the range of investments in which CRND may invest money transferred to them by the Accountant General. Currently, investment is limited to securities specified in paragraphs 1, 2, 3, 8, 9 and 9A of Part 2 of Schedule 1 to the Trustee Investments Act 1961. Until required to meet payments, the interest or dividends received on investments held by CRND are reinvested in authorised securities. The resulting investments are held in the CFIA.

In recent years, CRND predominantly placed the funds of the CFIA with the Debt Management Account (one of HM Governments central Exchequer accounts) and occasionally transacted in UK Government gilt-edged securities (gilts). During 2018-2019, CRND placed the funds of the CFIA with the Debt Management Account or the National Loans Fund.

Section 39(2) of the Act requires the payment into the Consolidated Fund of any surplus interest or dividends received in any accounting year by CRND and Section 39(3) provides for any deficiency of interest or dividends to be made good out of the Consolidated Fund. The amount of any surplus or deficiency is obtained by deducting from the interest and dividends received by CRND the sum of:

- any sum required by HM Treasury to be set aside to provide for depreciation in the value of investments so made;
- such sum as the Lord Chancellor may with the concurrence of HM Treasury direct to be paid to him in respect of the cost to him in that year of administering funds in court;
- an amount equal to the expenses incurred by CRND in that year in making the investments above and disposing of investments so made; and
- the interest due to be paid or credited on funds in court.

Section 39(5) of the Act provides a guarantee by the Consolidated Fund of the capital paid to CRND by the Accountant General in an instance when CRND are unable to pay a sum due to the Accountant General.



A deficit that exceeds the remaining reserves would lead to a call on the Consolidated Fund to meet any shortfall under section 39(3) of the Act.

## Commissioners for the Reduction of the National Debt

CRND's main function is the investment and management of major Government funds. The investment powers differ from fund to fund.

The Secretary and Comptroller General and Assistant Comptroller, who are appointed by and act on behalf of the Commissioners, make the day-to-day decisions. There is no legislation that determines the specific responsibilities of the Secretary and Comptroller General and the Assistant Comptroller. However, in practice the role of the Secretary and Comptroller General is considered analogous to acting as the Accounting Officer for CRND. Therefore, the Secretary and Comptroller General takes responsibility for preparing and signing the accounts on behalf of the Commissioners.

The arrangements made between CRND and the OAG in respect of the investment service provided by CRND are set out in a Memorandum of Understanding, which describes how CRND intend to achieve the agreed investment objectives.

## Performance summary

During 2018-2019, in accordance with the Memorandum of Understanding, the CFIA was invested in short-term deposits with the Debt Management Account. This strategy enabled the CFIA to earn a rate of interest very closely correlated with prevailing short-term sterling interest rates, whilst protecting its capital position and access to liquidity.

In the event of the CFIA having insufficient interest to meet its obligations, reserves would be used to cover the shortfall. Where reserves were insufficient to meet the obligations to suitors in any given year, the necessary funds would be recovered from the Consolidated Fund.

In accordance with section 39(2) (b) of the Act, the OAG obtained HM Treasury's concurrence to make a charge of £5.8 million (2017-2018: £0.8 million) in respect of the cost of administering funds in court. (In 2017-2018, the OAG received a subsidy from the Ministry of Justice which covered the majority of the costs of administering funds in court and this subsidy meant that the charge to the CFIA was lower than the full costs incurred by the OAG.)

The CFIA generated sufficient interest to meet its obligations to suitors (interest payable on funds in court) after deducting the relevant amounts in respect of CRND's management expenses, the OAG's costs of administering funds in court and any surplus payable to the Consolidated Fund.

## Performance analysis

During 2018-2019, total income before client expenses was £14.5 million (2017-2018: £7.3 million). The increase in income was primarily due to a rise in average interest rates on the CFIA's investments with the Debt Management Account, which correspond to the official Bank Rate. Interest payable on funds in court was £6.1 million (2017-2018: £5.9 million), CRND's management expenses were £0.1 million (2017-2018: £0.1 million), surplus due to the Consolidated Fund was £2.0 million (2017-2018: nil) and the OAG's costs of administering funds in court were £5.8 million (2017-2018: £0.8 million). This resulted in an overall surplus for the year of £0.5 million (2017-2018: £0.4 million surplus).

The OAG deposited £168.5 million (net of withdrawals) into the CFIA over the course of the year (2017-2018: £63.0 million net withdrawal).

*Jo Whelan* 5 June 2019  
Secretary and Comptroller General to the  
Commissioners for the Reduction of the National Debt

# Accountability Report

The accountability report comprises two sections: a corporate governance report and a parliamentary accountability and audit report. The corporate governance report includes the following information: the responsibilities of the Secretary and Comptroller General; the composition, responsibilities and actions of the Managing Board and Audit Committee and how they have supported the Secretary and Comptroller General and enabled the objectives of the CFIA; the key risks faced by the CFIA and how it seeks to manage them. The parliamentary accountability and audit report includes a formal opinion by the CFIA's external auditor to certify that the financial statements give a true and fair view of the state of the CFIA's affairs for the year and that they have been prepared in accordance with all relevant rules.

These two sections contribute to the CFIA's accountability to Parliament and comply with best practice in relation to corporate governance norms and codes. In particular, the corporate governance report seeks to do so by describing the key mechanisms the CFIA employs to ensure it maintains high standards of conduct and performance. This includes the statement of Secretary and Comptroller General's responsibilities which describes her accountability to Parliament for the CFIA's use of resources and compliance with rules set by HM Treasury to ensure best practice in financial management. The governance statement reflects the applicable principles of the Corporate Governance Code for Central Government Departments. The parliamentary accountability and audit report confirms that expenditure and income of the CFIA have been applied to the purposes intended by Parliament and confirms that information in the parliamentary accountability disclosures has been audited and approved by external auditors.

## Corporate governance report

### Directors' report

Operationally, the CRND is part of the DMO and its staff are employees of the DMO. The CRND therefore has no staff of its own. The structure of the CRND is described on page 36.

### **Directors' conflicts of interest**

In 2018-2019, no material conflicts of interest were declared by DMO Managing Board members.

### **Reporting of personal data related incidents**

The CFIA had no protected personal data related incidents during 2018-2019.

*Jo Whelan* 5 June 2019  
Secretary and Comptroller General to the  
Commissioners for the Reduction of the National Debt

## Statement of Secretary and Comptroller General's responsibilities

Section 45(2) of the 1982 Act requires the Commissioners to prepare for each financial year a statement of accounts in the form and on the basis set out in the accounts direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the CFIA, its income and expenditure, statement of financial position and cash flows for the financial year.

The Commissioners have appointed the Secretary and Comptroller General to discharge their statutory responsibilities, a role that is analogous to acting as an Accounting Officer. Therefore the Secretary and Comptroller General has responsibility for preparing the annual accounts.

In preparing the accounts, the Secretary and Comptroller General is required to observe the applicable accounting standards and be consistent with the relevant requirements of the Government Financial Reporting Manual (FReM), and in particular to:

- observe the relevant accounts direction issued by HM Treasury, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards have been followed, and disclose and explain any material departures in the accounts;
- prepare the accounts on a going-concern basis; and
- confirm that the annual report and accounts as a whole are fair, balanced and understandable, and take personal responsibility for the annual report and accounts and the judgements required for determining they are fair, balanced and understandable.

As the role of the Secretary and Comptroller General is analogous to acting as an Accounting Officer, it is considered that the responsibilities of an Accounting Officer, as set out in *Managing Public Money* published by HM Treasury, apply to the Secretary and Comptroller General. These include responsibility for the propriety and regularity of the public finances for which the Secretary and Comptroller General is answerable, for keeping proper records, and for safeguarding the CFIA's assets.

### Disclosure to auditors

Section 45(1) of the Act requires the Commissioners to send accounts prepared by them to the Comptroller and Auditor General.

Under section 45(3) of the Act, the Comptroller and Auditor General examines, certifies and reports on the accounts and lays copies of them with his report before each House of Parliament.

As the Secretary and Comptroller General, I have taken all the steps that I ought to have taken to make myself aware of any relevant audit information and to establish that the CFIA's auditors are aware of that information. So far as I am aware, there is no relevant audit information of which the auditors are unaware.

# Governance statement

## Scope of responsibility

As Secretary and Comptroller General to the Commissioners for the Reduction of the National Debt (CRND), I am responsible for ensuring the operation of a sound system of internal control that supports the achievement of CRND's targets, policies and objectives in managing client investment portfolios whilst safeguarding the public funds for which I am accountable, in accordance with the responsibilities assigned to me.

CRND is a separate business entity managed within the control framework of the DMO. While I am responsible for CRND's system of internal control, the Accounting Officer of the DMO is responsible for the wider control framework within which CRND is managed. In discharging my own control responsibilities I take assurance on the continued sound maintenance of the wider control framework from the governance statement for the DMO, although I understand that only reasonable and not absolute assurance can be given that risks have been controlled.

It is also my responsibility to ensure that all CRND fund management activities are conducted with due regard to value for money and operated in line with client instructions. I have put arrangements in place to ensure that there is a proper evaluation of the balance of cost and risk in our operations.

CRND is committed to the highest standards of corporate governance and is guided by the Corporate Governance Code for central government departments (the Code) and the following principles laid down in that Code:

- Parliamentary accountability;
- The role of the Board;
- Board composition;
- Board effectiveness; and
- Risk management.

CRND does not conduct any part of its business with or through arm's length bodies (ALBs) and therefore has not applied principle six which covers departmental governance arrangements with ALBs.

## Managing Board

The Secretary and Comptroller General was supported during 2018-2019 by the DMO Managing Board (the Board) which, in addition to the Secretary and Comptroller General, is comprised of:

Sir Robert Stheeman  
DMO Chief Executive and Accounting Officer

Jim Juffs  
Chief Operating Officer

Jessica Pulay  
Co-Head of Policy and Markets

Richard Hughes  
Non-executive HM Treasury representative

Brian Duffin  
Non-executive director – Brian Duffin was Chief Executive of Scottish Life from 1999 to 2007 and Executive Director of Royal London Mutual from 2001 to 2007.

Paul Fisher  
Non-executive director - During a 26 year career at the Bank of England, Paul Fisher served as a member of the Monetary Policy Committee from 2009 to 2014, the interim Financial Policy Committee from 2011 to 2013

and the PRA Board from 2015 to 2016. He has a number of current roles including Chair of the London Bullion Market Association.

Non-executive directors are appointed by the DMO Accounting Officer following a formal process and have fixed terms defined in their contracts of service. All non-executive Board members receive an induction on joining and have access to additional information and training where it is considered necessary for the effective discharge of their duties.

One of the roles of the Board is to advise the Secretary and Comptroller General on any key decisions affecting CRND.

An executive sub-committee of the Board generally meets weekly and supports the Secretary and Comptroller General on operational decisions.

The Board has put in place a formal process to self-evaluate its performance on a regular basis. The Board undertook a self-evaluation of its performance in December 2017 and concluded that it has operated effectively in delivering the objectives set out in its Terms of Reference, and that the information used by the Board was accurate and relevant. The Terms of Reference underwent a review by the Board in 2018.

## 2018-2019 Managing Board activities

Board meetings were held throughout 2018-2019 and covered regular agenda items, including risk management, staffing and progress against the operational business plan.

Board and Audit Committee attendance is outlined in the table below:

	Managing Board					
	Possible	Actual				
Sir Robert Steeman	8	8	Audit Committee			
Jo Whelan	8	8				
Jim Juffs	8	8				
Jessica Pulay	8	8				
Richard Hughes	8	4			Possible	Actual
Brian Duffin	8	8			5	5
Paul Fisher	8	8			5	5
Caroline Mawhood	n/a	n/a			5	5

## Audit Committee

The Secretary and Comptroller General was supported during 2018-2019 by the Audit Committee on matters relating to risk, internal control and governance. The members of the Audit Committee during 2018-2019 were:

Brian Duffin (Chairman)

Paul Fisher

Caroline Mawhood – Caroline Mawhood was an Assistant Auditor General at the National Audit Office until 2009 and President of the Chartered Institute of Public Finance and Accountancy for 2008-2009. She is a non-executive member of the Audit Committee of the Corporation of London and its Performance and Resource Management Sub (Police) Committee and one of three external members of the Audit Progress Committee of the European Commission. She is also a trustee of the Wimbledon Guild charity.

Although a departure from the Corporate Governance Code for central government departments, the Audit Committee Chairman's membership was extended by an additional year to 31st December 2019 in view of the need for continuity and to retain knowledge during a period of considerable change both externally (in particular, the implications of the UK leaving the EU) and also internal to the DMO (including the Trading Systems Replacement project).

Audit Committee meetings are typically attended by the DMO Accounting Officer, the Secretary and Comptroller General, the Co-Heads of Policy & Markets, the Chief Operating Officer, the Head of Internal Audit, the Head of Finance, and the National Audit Office.

One of the Audit Committee's objectives is to give advice to the Secretary and Comptroller General on:

- The overall processes for risk, control and governance and the governance statement;
- Management assurances and appropriate actions to follow from internal and external audit findings, risk analysis and reporting undertaken;
- The financial control framework and supporting compliance culture;
- Accounting policies and material judgements, the accounts and the annual report and management's letter of representation to the external auditors;
- Whistleblowing arrangements for confidentially raising and investigating concerns over possible improprieties in the conduct of the DMO's business;
- Processes to protect against money laundering, fraud and corruption; and
- The planned activity and results of both internal and external audit.

During the period under review the Audit Committee paid particular attention to the following areas:

- Trading Systems Replacement (TSR) Project;
- General Data Protection Regulation (GDPR);
- Dispute Resolution Policies and Staff Conduct;
- DMO Policies;
- Operational Risk Framework Risk Registers;
- Pension Contributions;
- Critical Suppliers – Use of Subcontractors;
- Business Continuity Management;
- Cyber Security;
- Disclosure of Market Sensitive Information;
- User Access and Permission Rights;
- International Financial Reporting Standard (IFRS) 9;

The Audit Committee covers a regular programme of agenda items, together with other current topics, through an annual schedule of four meetings. All scheduled meetings were held and no additional meetings were deemed necessary.

The Secretary and Comptroller General has also been informed by the following operational committees throughout the period under review:

## Fund Management Review Committee

The Fund Management Review Committee monitors CRND activity relating to the performance of the government funds under management, including any reporting on compliance activities undertaken in relation to the funds.

The Fund Management Review Committee met four times in 2018-2019.

## Business Delivery Committee

The Business Delivery Committee reviews the status of the delivery of DMO's business and work plan as a collective cross-functional body, resolving emerging issues in a timely way, and agreeing priorities to ensure the plan stays on track. The most significant initiative monitored by the Business Delivery Committee during the year was the project to procure a replacement for legacy core trading systems including those used to process CRND transactions.

The Business Delivery Committee met regularly (typically weekly) throughout 2018-2019.

## Risk Committees

The Secretary and Comptroller General is informed by three risk committees covering credit and market risk, operational risk and risk control. More detail on the roles, responsibilities and activities of these committees can be found in the sections below.

## Risk management and internal control

The Secretary and Comptroller General is responsible for maintaining a sound system of internal control that supports the achievement of CRND's targets, policies and objectives in managing client investment portfolios whilst safeguarding the public funds for which she is accountable, in accordance with the responsibilities assigned to her.

CRND is managed within the wider DMO system of internal control which is based upon what the DMO Accounting Officer, with the support of the Board, considers to be appropriate, taking account of the DMO's activities, the materiality of risks inherent in those activities and the relative costs and benefits of implementing specific controls to mitigate those risks. The DMO's position differs to that of a commercial organisation in that it must always be in a position to transact the underlying business required to meet its remit. As a result the risks associated with this activity cannot be avoided and the system of internal control can only provide reasonable assurance against failure to achieve aims and objectives.

## The Risk and Control Framework

The Board has designed and put in place a formal risk management framework covering all the activities conducted and overseen by the DMO. This Framework helps ensure that the DMO Accounting Officer is appropriately informed and advised of any identified risks and also allows the management of risks to be monitored. The risk management framework covers both regular operations and new business initiatives, and evolves as the range and nature of the DMO's activities change. The Framework is supported by a clear 'three lines of defence' model:

### First line of defence

Day-to-day management of risk is the responsibility of management staff within business areas. The DMO considers effective risk management to be central to its operations and fosters a risk aware culture in which all members of staff, including Board members, are encouraged to understand and own the risks that are inherent in those operations. In particular the DMO seeks to promote an environment in which staff feel comfortable to identify new risks and changes in previously identified risks, as well as weaknesses so that these may be assessed and appropriate mitigating actions put in place.

Mitigating actions typically include segregation of duties, staff training, clear lines of management delegation and robust business continuity arrangements.

## Second line of defence

Oversight of risk is provided by the Board and risk committees, whose role is to provide regular and systematic scrutiny of risk issues which lie within their remit and to support the DMO Accounting Officer in exercising his overall responsibility for risk management.

The DMO considers that the principal risks it faces arise in three broad areas: credit risk, market risk and operational risk. It has established committees to meet regularly to review the changing risk pattern for each of these areas and to set up appropriate responses. The work of these committees is described in more detail below.

### Credit and Market Risk Committee

The Credit and Market Risk Committee (CMRC) meets on a regular basis, with more frequent meetings held when required, for example during times of market stress. It monitors and reviews the management of market, credit, and liquidity risk. It sets limits across a range of exposures including counterparties, countries, instruments held as collateral, as well as setting absolute limits on net daily flows across the DMA. The CMRC met eight times during 2018-2019.

### Operational Risk Committee

The Operational Risk Committee (ORC) meets regularly to monitor operational risks and to review significant risk issues. The ORC is responsible for reviewing risk incidents identified through the DMO's risk incident reporting process, and considering whether planned mitigating action is appropriate. The ORC also reviews and tracks the progress of actions identified by Internal Audit. The ORC's scope includes issues relating to information risk, IT security, business continuity, anti-fraud and key supplier risks.

The ORC has advised the DMO Accounting Officer and the Board, during the year, on significant operational risk concerns, significant risk issues and trends as well as actions to mitigate such risks. The ORC has focused this year on supplier risk, data protection, IT and data security and business continuity planning. The ORC met seven times during 2018-2019.

### Controls Group

The Controls Group meets periodically to review issues affecting the DMO's system of internal control and to analyse material changes to the control environment. The Controls Group recommends actions to management to implement changes where appropriate. The Controls Group consists of representatives from Finance, Risk, Compliance and Internal Audit.

The Controls Group has advised the DMO Accounting Officer, the Board and senior management on any significant risk concerns stemming from the introduction of new business activities as well as risks relating to other change management activities. The Controls Group has also advised the DMO Accounting Officer on suitable mitigating action where appropriate.

During the year the Controls Group review work has covered the change to the DMO's core trading system with process improvements, and project work to strengthen the control environment.

### Risk Management Unit

The risk committees are supported by the DMO's Risk Management Unit (RMU) which ensures key risk issues arising from these committees are communicated to the DMO Accounting Officer and senior management on a regular basis, with additional ad hoc reporting if an emerging issue requires it. The RMU also supports the formal risk reporting processes with defined outputs, including regular detailed risk reports which are reviewed by the Board and senior management.

As well as supporting the risk committee structure, the RMU provides control advice on risks. As part of the second line of defence the RMU is separate from, and independent of, the DMO's trading operations. The RMU conducts risk analysis and provides market, credit and operational risk capability for the DMO.



The identification, monitoring and mitigation of operational risk is facilitated by the RMU via quarterly consultations with heads of business units and functional teams. Significant risk issues are assessed for materiality and probability of occurrence. New risks, and risks to which exposure is increasing, are highlighted and actions are taken to ensure effective management of all risks. The DMO has Senior Risk Owners (SROs) who undertake a cross-functional moderation process to promote better prioritisation of operational risks across the organisation. The RMU maintains a central exception log to record all risk incidents raised, in order to identify control weaknesses and assign actions to improve controls. Progress against treatment actions is monitored on a regular basis to ensure issues highlighted by internal and external audit, and other identified actions to improve the control environment, are managed and progressed within agreed deadlines.

### Third line of defence:

The DMO's Internal Audit function provides the DMO Accounting Officer with independent and objective assurance on the overall effectiveness of the Agency's system of internal control. It does this through a risk based work programme which is approved by the Audit Committee at the start of each year. All audits make a series of findings relating to control weaknesses. Remedial actions once agreed with management, are monitored for implementation. Progress against treatment actions is monitored on a regular basis to ensure issues highlighted by internal and external audit, and other identified actions to improve the control environment, are managed and progressed within agreed deadlines. The function is independent of the DMO's trading activities and operations and has a direct reporting line to the DMO Accounting Officer. The work of Internal Audit includes assessing the effectiveness of both control design and control performance. With its independence and overall remit, Internal Audit provides a third line of defence against the risks that might prevent the DMO delivering its objectives.

### Risk policies and procedures

The DMO's risk policies reflect the high standards and robust requirements which determine the way in which risks are managed and controlled. The DMO Accounting Officer, with the support of the Board, ensures that policies are regularly reviewed to reflect any changes in the DMO's operations and/or best practice. In 2018-2019, this included policies relating to anti-fraud, telephony and voice recording, data protection, health & safety and spreadsheet controls.

Staff are required to signify that they have read and accepted the DMO's rules on personal dealing and the DMO's policy on the use of information systems and technology, and that they are aware of, and will continue to keep up to date with, the DMO's policies on whistleblowing, anti-fraud and anti-money laundering. The DMO ensures that this exercise is undertaken on an annual basis allowing staff to maintain a good level of awareness of the DMO's policies in these areas. All members of staff have job descriptions which include reference to the specific key risks they are expected to manage.

Managers in each business function are responsible for ensuring that the operations within their area are compliant with plans, policies, procedures and legislation.

During 2018-2019 no concerns were raised by staff under the DMO's whistleblowing policy relating to CRND.

### Key Developments

#### **UK leaving the EU**

During the year the DMO has continued to work with HM Treasury and other stakeholders to identify, assess and raise awareness of potential direct or indirect impacts on CRND activities resulting from the United Kingdom's exit from the European Union and take mitigating actions where possible. **Trading Systems Replacement Project**

The Trading Systems Replacement Project has been a significant multi-year project for the DMO which aims to simplify and update its IT systems for deal input, settlement, risk management and accounting. During 2018-2019 focus of the implementation stage of the project has been on the design and testing of the new systems and processes including those used for CRND transactions. The project has been overseen through an established governance framework in order to maintain the strength of CRND processes resilience and to make improvements where appropriate.

## Risk profile

The Secretary and Comptroller General and the DMO Board believe that the principal risks and uncertainties facing CRND are outlined in the table below together with the key actions taken to manage and mitigate them:

Principal risks and uncertainties	Mitigation and management
<b>IT systems and infrastructure</b>	
<p>CRND relies on a number of IT and communications systems to conduct its operations effectively and efficiently.</p>	<p>During the year the DMO has continued to strengthen the resilience of systems and progressed initiatives to further strengthen the resilience and security of its IT network.</p> <p>The DMO has put in place structured business continuity arrangements to ensure it is able to continue market operations in the event of an internal or external incident that threatens business operations.</p>
<b>IT and data security</b>	
<p>Through its activities the DMO gathers, disseminates and maintains sensitive information including market sensitive information and personal data about staff and market participants. The DMO seeks to ensure the highest standards of data protection and information management.</p> <p>The DMO is exposed to risk of an external attack on its IT systems and infrastructure.</p>	<p>The DMO continues to work to maintain the required level of protective security covering physical, personnel and information security and is particularly aware of the growing threat posed by cyber security risk. IT and data security risks continued to be a specific area of focus in 2018-2019 and the DMO's IT team have been enhancing the security environment and appropriateness of transaction systems and processes.</p> <p>Risks to data and information held by the DMO are owned and managed by designated Information Asset Owners. The DMO has a Senior Information Risk Owner (SIRO) who is responsible for the information risk policy and the assessment of information risks. The SIRO is a member of the Board and provides advice to Board members on the management of information risk.</p> <p>The DMO has put in place several layers to defend against external attack and its infrastructure undergoes an annual penetration test. This year particular attention has been paid to ensuring the DMO's policies and processes are compliant with the new General Data Protection Regulation (GDPR) which came into force in May 2018. This included documenting personal data assets and security arrangements.</p>

<b>Reliance on third parties</b>	
<p>A number of the operational systems and services on which CRND relies are provided or supported by third party suppliers.</p>	<p>To mitigate the risk of failure of a key third party supplier the DMO undertakes regular corporate risk assessments of each key supplier in order to assess a range of factors including its financial strength and operational capacity. The DMO has dedicated relationship managers who meet regularly with key suppliers and monitor performance against agreed Service Level Agreements where appropriate. The procurement manager and the recently formed vendor management group have been working to embed consistent standards of supplier management across account managers by improving visibility of key contracts, sharing best practice to ensure relationships start on a firm footing.</p> <p>The supplier of the new trading system will become a key long-term partner. During the year more focus has been given to understanding where key suppliers are themselves reliant on sub-contractors to supply business critical services to the DMO and this is an area where greater assurance will be sought in future procurements.</p>
<b>Transaction processing</b>	
<p>CRND relies on its operational processes to successfully execute a significant number of high value transactions on a daily basis. Reliance on the accurate execution of processes exposes CRND to operational risk arising from process breakdown and human error.</p>	<p>A key component of CRND's control framework is the segregation of duties to ensure independent checking and reconciliation, and to avoid concentration of key activities or related controls in individuals or small groups of staff. In particular, segregation of duties takes place between front and back office activities.</p> <p>All teams, including CRND, have documented procedures for their main activities and there are clearly defined authorisation levels for committing the DMO externally.</p> <p>The RMU conducts regular control and compliance testing of CRND activities, providing the executive sub-committee of the Board with assurance on the effectiveness of operational controls and compliance with relevant Financial Conduct Authority and Prudential Regulation Authority rules in the dealing and settlement areas.</p> <p>The DMO also maintains a strong audit and control environment which includes a well embedded incident reporting procedure which extends to cover CRND. This promotes early identification and resolution of risk incidents and provides visibility to the DMO Accounting Officer and Board.</p> <p>The main focus of improvements to transaction processing has been the trading system implementation which covers the full trade life-cycle. The implementation is focussed on maintaining control standards and improving processes and resilience.</p>

<b>People risk</b>	
<p>The DMO, including CRND, relies on maintaining a sufficiently skilled workforce at all levels of the organisation in order to operate effectively and efficiently, and to deliver its strategic objectives.</p> <p>The DMO is exposed to an increased risk of operational failure if it is unable to compete for, and retain, sufficiently skilled staff over time. Competition for skilled staff is generally against employers from the private financial services sector which is not subject to public sector remuneration policies and which have historically offered higher remuneration than either the private sector in general or the public sector.</p>	<p>DMO recruitment policies help ensure that individuals with the appropriate level of skill and experience are appointed at all levels within the organisation. This helps mitigate the level of human error resulting in process failures.</p> <p>The DMO's Training and Development policy is designed to help ensure that staff have the right skills to meet its objectives.</p> <p>The DMO has a formal recruitment and selection process to help ensure vacancies are filled quickly by appropriately skilled candidates.</p> <p>The DMO has a formal performance appraisal process and all staff are given clear and achievable objectives. Where appropriate, staff are encouraged to engage in activities which promote development and the DMO provides regular training opportunities and support for professional studies to enhance the skills base of its employees. The DMO also provides cross-training for different roles to help improve staffing flexibility and reduce turnover pressure.</p> <p>Salaries are reviewed annually, taking account of benchmarks derived from equivalent private sector pay levels. During the year particular consideration has been given to the issues faced by staff working increased hours and weekends on the programme to strengthen IT infrastructure. The DMO has a policy to recognise those staff who have performed well in their roles through the payment of one-off performance related awards. Any awards are assessed annually by the DMO Pay Committee, are determined by individual performance and criteria associated with the DMO's performance management process and are aligned to the policy for public sector pay.</p> <p>A Staff Council has met regularly throughout the year and enabled an open exchange of ideas and views between management and staff representatives and has been an effective conduit for wider communication and consultation with all staff.</p> <p>On an annual basis all DMO staff are encouraged to take part in the Civil Service employee engagement survey and any issues raised, including mitigating action if required, will be considered by the DMO Accounting Officer and Board.</p> <p>The DMO was reaccredited as an Investor in People in 2017.</p>

#### Review of effectiveness

I have reviewed the effectiveness of the system of internal control and confirm that an ongoing process designed to identify, evaluate and prioritise risks to the achievement of CRND's aims and objectives has been in place throughout 2018-2019. This review included an assessment of any material risk and control issues identified and reported during the relevant period.

My review has been informed by the advice of the risk committees and by the work of the internal auditors and the executive managers within the DMO, who have been delegated responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their management letter and other reports.

In my role as Secretary and Comptroller General I have been advised on the implications of the result of my review of the effectiveness of the system of internal control by the Board and the Audit Committee.

In 2018-2019, no ministerial directions were given and no material conflicts of interest have been noted by the Board or Audit Committee members in the Register of Interests.

In my opinion, CRND's system of internal control was effective throughout the financial year and remains so on the date I sign this statement.

*Jo Whelan*  
Secretary and Comptroller General to the  
Commissioners for the Reduction of the National Debt

5 June 2019

## Parliamentary accountability and audit report

### Regularity of expenditure

The investments, income and expenditure of the CFIA were applied to the purposes intended by Parliament.

The above statement has been audited.

### Fees and charges

The CFIA received no fees or charges during the year.

The above statement has been audited.

# The Certificate and Report of the Comptroller and Auditor General to the Houses of Parliament

## Opinion on financial statements

I certify that I have audited the financial statements of the Court Funds Investment Account for the year ended 28 February 2019 under the Administration of Justice Act 1982. The financial statements comprise: the Statement of Comprehensive Income, the Statement of Financial Position, the Statement of Cash Flows, the Statement of Changes in Client Funds; and the related notes, including the significant accounting policies. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Accountability Report that are described in that report as having been audited.

In my opinion:

- the financial statements give a true and fair view of the state of the Court Funds Investment Account's affairs as at 28 February 2019 and of its net surplus for the year then ended; and
- the financial statements have been properly prepared in accordance with the Administration of Justice Act 1982 and HM Treasury directions issued thereunder.

## Opinion on regularity

In my opinion, in all material respects the expenditure and income recorded in the financial statements have been applied to the purposes intended by Parliament and the financial transactions recorded in the financial statements conform to the authorities which govern them.

## Basis of opinions

I conducted my audit in accordance with International Standards on Auditing (ISAs) (UK) and Practice Note 10 'Audit of Financial Statements of Public Sector Entities in the United Kingdom'. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of my certificate. Those standards require me and my staff to comply with the Financial Reporting Council's Revised Ethical Standard 2016. I am independent of the Commissioners for the Reduction of the National Debt in accordance with the ethical requirements that are relevant to my audit and the financial statements in the UK. My staff and I have fulfilled our other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

## Conclusions relating to going concern

I am required to conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Court Funds Investment Account's ability to continue as a going concern for a period of at least twelve months from the date of approval of the financial statements. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern. I have nothing to report in these respects.

## Responsibilities of the Secretary and Comptroller General to the Commissioners for the Reduction of the National Debt for the financial statements

As explained more fully in the Statement of Secretary and Comptroller General's Responsibilities, the Commissioners are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view. They have appointed the Secretary and Comptroller General to discharge these responsibilities.

## Auditor's responsibilities for the audit of the financial statements

My responsibility is to audit, certify and report on the financial statements in accordance with the Administration of Justice Act 1982.

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs (UK), I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commissioners' internal control.
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the consolidated financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the expenditure and income recorded in the financial statements have been applied to the purposes intended by Parliament and the financial transactions recorded in the financial statements conform to the authorities which govern them.

#### Other Information

The Secretary and Comptroller General is responsible for the other information. The other information comprises information included in the annual report, other than the parts of the Accountability Report disclosures described in that report as having been audited, the financial statements and my auditor's report thereon. My opinion on the financial statements does not cover the other information and I do not express any form of assurance conclusion thereon. In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

#### Opinion on other matters

In my opinion:

- the parts of the Accountability Report to be audited have been properly prepared in accordance the Administration of Justice Act 1982 and HM Treasury directions issued thereunder;
- in the light of the knowledge and understanding of the Commissioners for the Reduction of the National Debt and its environment obtained in the course of the audit, I have not identified any material misstatements in the Performance Report or the Accountability Report; and



- the information given in Performance Report and Accountability Report for the financial year for which the financial statements are prepared is consistent with the financial statements.

Matters on which I report by exception

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- adequate accounting records have not been kept or returns adequate for my audit have not been received from branches not visited by my staff; or
- the financial statements and the parts of the Accountability Report to be audited are not in agreement with the accounting records and returns; or
- I have not received all of the information and explanations I require for my audit; or
- the Governance Statement does not reflect compliance with HM Treasury's guidance.

### **Report**

I have no observations to make on these financial statements.

*Gareth Davies*  
Comptroller and Auditor General

19 June 2019

National Audit Office  
157- 197 Buckingham Palace Road  
Victoria  
London SW1W 9SP

## Court Funds Investment Account

### Statement of Comprehensive Income for the year ended 28 February 2019

	Notes	2019 £000	2018 £000
Interest income		<b>14,467</b>	7,280
<b>Total income</b>		<b>14,467</b>	7,280
CRND management expenses		<b>(94)</b>	(94)
OAG cost of administering funds in court		<b>(5,801)</b>	(827)
Interest payable on funds in court		<b>(6,060)</b>	(5,944)
Surplus payable to the Consolidated Fund	2	<b>(1,995)</b>	–
<b>Surplus for the year</b>		<b>517</b>	415

*The notes on pages 58 to 60 form part of these accounts.*

# Court Funds Investment Account

## Statement of Financial Position as at 28 February 2019

	Notes	<b>2019</b>	2018
		<b>£000</b>	£000
<b>Assets</b>			
Demand deposits with the Debt Management Account and the National Loans Fund		<b>2,374,006</b>	2,191,960
<b>Total assets</b>		<b>2,374,006</b>	2,191,960
<b>Liabilities and client funds</b>			
<b>Liabilities</b>			
OAG costs of administering funds in court		<b>5,801</b>	827
CRND management expenses		<b>23</b>	23
HMT funds			
Surplus payable to the Consolidated Fund	2	<b>1,995</b>	–
<b>Client funds</b>			
OAG funds		<b>2,364,897</b>	2,190,337
Reserves*		<b>1,290</b>	773
<b>Total liabilities and client funds</b>		<b>2,366,187</b>	2,191,110
		<b>2,374,006</b>	2,191,960

\*These reserves are payable to the OAG and arise due to annual surpluses as calculated in the Statement of Comprehensive Income.

*The notes on pages 58 to 60 form part of these accounts.*

Jo Whelan                      5 June 2019  
Secretary and Comptroller General to the  
Commissioners for the Reduction of the National Debt

## Court Funds Investment Account

### Statement of Cash Flows for the year ended 28 February 2019

	Notes	2019 £000	2018 £000
<b>Operating activities</b>			
Interest received on demand deposits with the Debt Management Account and the National Loans Fund		13,950	6,865
(Increase)/decrease in demand deposits with the Debt Management Account and the National Loans Fund		(181,529)	57,919
CRND management expenses		(71)	(71)
OAG cost of administering funds in court		(850)	(1,713)
Surplus paid to the Consolidated Fund	2	-	-
<b>Net cash from/(used in) operating activities</b>		<b>(168,500)</b>	<b>63,000</b>
<b>Financing activities</b>			
Funds received from the OAG		459,000	264,200
Funds paid to the OAG		(290,500)	(327,200)
<b>Net cash from/(used in) financing activities</b>		<b>168,500</b>	<b>(63,000)</b>
<b>Increase in cash</b>		<b>-</b>	<b>-</b>
<b>Cash at the beginning of the year</b>		<b>-</b>	<b>-</b>
<b>Cash at the end of the year</b>		<b>-</b>	<b>-</b>

*The notes on pages 58 to 60 form part of these accounts.*

## Court Funds Investment Account Statement of changes in Client Funds for the year ended 28 February 2019

	OAG funds (excluding reserves) £000	Reserves £000	Total client funds £000
<b>At 28 February 2017</b>	<b>2,247,393</b>	<b>358</b>	<b>2,247,751</b>
Surplus for the year	-	415	415
Interest payable on funds in court	5,944	-	5,944
Funds received from the OAG	264,200	-	264,200
Funds paid to the OAG	(327,200)	-	(327,200)
<b>At 28 February 2018</b>	<b>2,190,337</b>	<b>773</b>	<b>2,191,110</b>
Surplus for the year	-	517	517
Interest payable on funds in court	6,060	-	6,060
Funds received from the OAG	459,000	-	459,000
Funds paid to the OAG	(290,500)	-	(290,500)
<b>At 28 February 2019</b>	<b>2,364,897</b>	<b>1,290</b>	<b>2,366,187</b>

*The notes on pages 58 to 60 form part of these accounts.*

# Notes to the Accounts for the year ended 28 February 2018

## 1 Accounting policies

### 1.1 Basis of preparation

These accounts have been prepared in accordance with a direction made by HM Treasury under section 45(2) of the Administration of Justice Act 1982 in accordance with applicable International Financial Reporting Standards (IFRS) and relevant requirements of the Government Financial Reporting Manual; and under the historical cost convention and on a going concern basis. In particular, the following standards have been applied:

- IFRS 7 Financial Instruments: Disclosures
- IFRS 9 Financial Instruments
- IFRS 13 Fair Value Measurement
- IAS 1 Presentation of Financial Statements (revised 2007)
- IAS 7 Statement of Cash Flows
- IAS 8 Accounting Policies, Changes in Accounting Estimates and Errors
- IAS 10 Events After the Reporting Period
- IAS 24 Related Party Disclosures
- IAS 32 Financial Instruments: Presentation
- IAS 36 Impairment of Assets
- IAS 37 Provisions, Contingent Liabilities and Contingent Assets

The CFIA adopted IFRS 9 on 1 March 2018, which replaced IAS 39. IFRS 9 sets out requirements for recognition, measurement, impairment and de-recognition of financial instruments. The impact of the replacement of IAS 39 with IFRS 9 on the financial statements of the CFIA is considered immaterial. The CFIA's assets were measured at amortised cost under IAS 39 and, as highlighted in Note 1 (ii), the CFIA continues to measure its assets at amortised cost under IFRS 9.

Certain IFRS have been issued or revised, but are not yet effective. Those issues or revisions expected to be relevant in subsequent reporting periods are:

- IAS 1 Presentation of Financial Statements, which has been revised as part of the IASB's 'Disclosure Initiative (Amendments to IAS 1)'. Application is required for reporting periods beginning on or after 1 January 2020. The CFIA expects to apply these revisions to IAS 1 in 2020-2021. The application of these revisions, which relate to a revised definition of 'material', are not expected to materially alter the presentation of the financial statements of the CFIA.
- IAS 8 Accounting Policies, Changes in Accounting Estimates and Errors, which has been revised as part of the IASB's 'Disclosure Initiative (Amendments to IAS 1)'. Application is required for reporting periods beginning on or after 1 January 2020. The CFIA expects to apply these revisions to IAS 8 in 2020-2021. The application of these revisions, which relate to a revised definition of 'material', are not expected to materially alter the presentation of the financial statements of the CFIA.

A separate income statement, as required by the accounts direction, has not been presented as the content would be identical to the statement of comprehensive income. A statement of comprehensive income is required by IAS 1.

## 1.2 Assets

### Demand deposits

Deposits with the Debt Management Account and the National Loans Fund are financial assets held by the CFIA in order to collect contractual cash flows of principal and interest on specified dates. Therefore these deposits are treated as financial assets measured at amortised cost.

## 1.3 Income recognition

Interest income is recognised using the effective interest rate method. The effective interest rate is the rate that exactly discounts estimated future cash receipts or payments through the expected life of the financial instrument or, where appropriate, a shorter period, to the net carrying amount of the instrument.

## 2 Surplus payable to the Consolidated Fund

The surplus payable to the Consolidated Fund at the end of each year is paid over during the following year.

	<b>2019</b>	2018
	<b>£000</b>	£000
Interest received	13,950	6,865
Interest payable on funds in court	(6,060)	(5,944)
Cost of administering funds in court		
OAG costs	(5,801)	(827)
CRND management expenses	(94)	(94)
	(5,895)	(921)
Surplus payable to the Consolidated Fund at 28 Feb	<b>1,995</b>	–

## 3 Risk

### 3.1 Credit risk

Credit risk is the risk that a counterparty, or security issuer, will fail to discharge a contractual obligation resulting in financial loss to the CFIA.

The investments of the CFIA comprised deposits with the Debt Management Account and the National Loans Fund. These deposits were considered to have no exposure to credit risk because they are obligations of HM Government.

There were no renegotiated assets or assets considered impaired at 28 February 2019 (28 February 2018: no renegotiated or impaired assets).

### 3.2 Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. Market risk for the CFIA was considered to comprise interest rate risk.

The interest returns on deposits were closely linked to the official Bank Rate.

CRND monitored interest rate movements to help inform the OAG of potential issues and events. The CFIA was not subject to active management and thus no formal market risk parameters were in place.

### 3.3 *Liquidity risk*

Liquidity risk is the risk that the CFIA will encounter difficulty in meeting obligations associated with client withdrawal requests.

Assets held by the CFIA were highly liquid to enable all client obligations to be met as they fell due.

### 4 Related party transactions

CRND is a separate entity within the DMO. CRND client mandates are kept distinct from other DMO business.

During the year, the CFIA had a significant number of material transactions with the Debt Management Account, which is operated by the DMO. CRND's client mandates required the bulk of the funds to be invested in gilts or deposited with the Debt Management Account.

During the year, the CFIA had a significant number of material transactions with the OAG due to the CFIA facilitating the operation of the basic and special accounts operated by the OAG for suitors' funds paid into court in England and Wales. During the year, the OAG deposited £168.5 million (net of withdrawals) into the CFIA (2017-2018: £63.0 million net withdrawal).

### 5 Events after the reporting date

In accordance with the requirements of IAS 10, events after the reporting period are considered up to the date on which the Secretary and Comptroller General authorises the accounts for issue. This is interpreted as the date of the Certificate and Report of the Comptroller and Auditor General.



## Accounts Direction given by the Treasury in Accordance with Section 45 (2) of the Administration of Justice Act 1982

- 1 This direction applies to the Funds in Court in England and Wales Investment Account.
- 2 The Commissioners for the Reduction of the National Debt shall prepare accounts for the financial year ended 28 February 2012 (29 February in a leap year) and subsequent financial years which give a true and fair view of the state of affairs of the Account at the reporting date, and of its income and cash flows for the year then ended.
- 3 The accounts shall be prepared in accordance with applicable accounting standards, and shall be consistent with relevant requirements of the extant Government Financial Reporting Manual.
- 4 The accounts shall present an income statement, a statement of comprehensive income, a statement of financial position, a statement of cash flows, and a statement of changes in client funds. The statement of financial position shall present assets and liabilities in order of liquidity.
- 5 The notes to the accounts shall include disclosure of assets and liabilities, and of income and expenditure, relating to other central government funds including the National Loans Fund.
- 6 The report shall include:
  - a brief history of the Account, and its statutory background;
  - an outline of the scope of the Account, its relationship to HM Treasury and other central funds, and its management arrangements;
  - a management commentary, including information on financial performance and financial position, which reflects the relationship between the Account and other central funds; and
  - a governance statement.
- 7 This accounts direction shall be reproduced as an appendix to the accounts

This accounts direction supersedes all previous Directions issued by HM Treasury.

*Chris Wobschall*

Deputy Director, Assurance and Financial Reporting Policy Her Majesty's Treasury  
23 March 2012

# Ministry of Justice Equity Index Tracker Fund

## Foreword

These accounts are presented under Section 45 of the Administration of Justice Act 1982 (the Act).

### The Ministry of Justice Equity Index Tracker Fund

The Ministry of Justice Equity Index Tracker Fund was established on 1 September 2003. Within the Common Investment Fund, it replaced the previous Capital and High Yield Funds (which had merged on 10 April 2003).

### What is the Common Investment Fund?

The Fund is only available for investment of money belonging to Clients or former Clients of the Ministry of Justice (MoJ), individually or under a trustee arrangement, or under the control of certain Courts in England and Wales. It operates in a similar way to a unit trust where investors can buy units in a Fund. New investment monies are added to those already invested in the Fund and the Authorised Fund Manager uses it to buy a mixture of Index tracking unit trusts. Depending on how the Fund performs, the value of units changes and so does the income paid out to the investors each year. Units can be sold back to the Fund and the investor will receive the value of the units at that time.

### What does this report cover?

This report covers the performance of the Fund for the year ended 28 February 2019, together with some information for investors and their advisers.

### What is the legal basis for the Fund?

The Fund is a Common Investment Fund and was created under the Act which authorises the Lord Chancellor to make Common Investment Schemes for the purposes of investing funds held in Court and money held by any other person authorised to hold units in the Fund. The current scheme is governed by the Common Investment Scheme 2004 (SI 2004 No. 266).

On 1 March 2004, the right to own units in the Fund was extended to the Official Solicitor, the Public Trustee and Clients of the Office of the Public Guardian (OPG)/Court of Protection wishing to hold units out of Court. In addition, certain former Clients of the OPG/Court of Protection, the Office of the Accountant General (OAG) and The Official Solicitor and the Public Trustee (OSPT) were authorised to retain units in the Fund on termination of their connection with those offices. These changes came into effect as a result of authorisation by the Lord Chancellor pursuant to Section 42(5)(b) of the Act.

### Why invest in the Fund?

The Ministry of Justice Equity Index Tracker Fund is a simple and cost-effective means of investing in the stock market over the medium to long term. Legal & General manages the Fund's assets on an Index tracking basis aiming to match the returns of the major stock markets. 55% of the Fund has exposure to UK shares with the remainder invested in other global markets. Index trackers invest in a representative sample of all of the companies that make up the Index that they are tracking, instead of the Authorised Fund Manager actively choosing which stocks to hold in the Fund. The intention is simply to deliver the return of the Index being tracked.

### What are the Lord Chancellor and the Accountant General's Responsibilities?

#### The Lord Chancellor's Responsibilities

Under Section 42(1) of the Act, the Lord Chancellor may make schemes ('Common Investment Schemes') establishing Common Investment Funds for the purpose of investing funds in Court and other monies defined under Section 42(5)(b) of the Act.

Under Section 42(2) of the Act, the Common Investment Schemes made by the Lord Chancellor shall provide for an Investment Manager to be appointed by the Lord Chancellor to manage and control the Common Investment Funds established.

The contractual relationship between Legal and General and the Lord Chancellor is set out in the Deed of Appointment. The current deed runs from 18 February 2017 to 17 February 2022.

Under Section 42(5), units in the Common Investment Scheme shall be allotted to and held by the Accountant General and the Accountant General of the Supreme Court of Judicature of Northern Ireland and any other person authorised by the Lord Chancellor. In this context, since the inception of this Common Investment Scheme, the list of authorised investors to whom units in the Common Investment Fund may be allotted and held by, has been extended to include 'other' investors from the following:

- i the Public Trustee either in his sole name or jointly with any person or persons with whom he acts as trustee or personal representative;
- ii the Official Solicitor either in his sole name or jointly with any person or persons with whom he acts as trustee or personal representative;
- iii any trustee or trustees, if more than one, of a trust from which the Public Trustee or Official Solicitor has retired as trustee, in relation to any units held in the trust immediately prior to such retirement;
- iv any beneficiary of a trust or estate in respect of which the Public Trustee or Official Solicitor acts solely or jointly with any other person or persons as trustee or personal representative, in relation to any units held in the trust or estate to which the beneficiary has become absolutely entitled;
- v any beneficiary of a trust from which the Public Trustee or Official Solicitor has retired as trustee, in relation to any units held in the trust to which the beneficiary has become absolutely entitled;
- vi any person who lacks capacity whose property and affairs are managed by the Court of Protection and whose funds are not held in Court in the name of the Accountant General;
- vii any person who is restored to the management of his property and affairs by order of the Court of Protection, in relation to any units held by him or by the Accountant General on his behalf immediately prior to the making of such an order;
- viii any person entitled by a direction of the Court to withdraw Funds retained in Court under Part 21.11 of the Civil Procedure Rules 1998 on the ground that he is no longer incapable of managing and administering his own affairs, in relation to any units held on his behalf by the Accountant General immediately prior to the making of such a direction;
- ix any person who has attained majority and on whose behalf units were held by the Accountant General during his minority, in relation to any units held on his behalf by the Accountant General upon the attainment of his majority;
- x any person entitled to withdraw Funds from Court by application under Section 5(2) of the Law Reform (Miscellaneous Provisions) Act 1971, in relation to any units held by the Accountant General on his behalf immediately prior to the making of such an application;
- xi the Investment Manager of the Fund on his own account in the ordinary course of fund management, subject to the terms of his appointment;
- xii any person acting in his capacity as nominee for any person included in (i) to (viii) above.

The total value of 'other' investors is shown in note 17.

## II Appointment of the Accountant General

The Secretary of State and Lord Chancellor has, under Section 97(2) of the Senior Courts Act 1981, as amended by the Public Trustee and Administration of Funds Act 1986, appointed Mike Driver as Accountant General on 1 October 2016. The Permanent Secretary of the Ministry of Justice has also appointed the Accountant General as the Accounting Officer for Funds in Court.

His relevant responsibilities as Accounting Officer, including responsibilities for the propriety and regularity of the funds for which he is answerable and for the keeping of proper records, are set out in the Accounting Officer's Memorandum issued by the Treasury and published in *'Managing Public Money'*.

## Management and Investment of Funds in Court

As set out in Section 38 of the Act, the Accountant General of the Senior Courts is responsible for the management and investment of the Funds in Court. Under Section 43 of the same Act, the Lord Chancellor is empowered to make any decisions relating to defaults with respect to any money, securities and effects for which he is responsible.

The operation of the investment fund itself is the responsibility of Legal & General (Unit Trust Managers) Limited as the appointed fund management company. The Accountant General's responsibilities as Accounting Officer for Funds in Court therefore do not extend to these accounts and they are therefore signed by the Unit Trust Managers only.

## How does the Accountant General honour his responsibilities?

The Accountant General manages his responsibilities and associated risks through the Office of the Accountant General (OAG).

The OAG manages funds held in Court in the name of the Accountant General of the Senior Courts under the Act. Certain funds may be invested in Common Investment Schemes. Under the direction of the Court and on behalf of the Accountant General, the responsibilities of the OAG include:

- buying and selling units in the Common Investment Scheme (on behalf of eligible investors);
- maintenance of a register of unit holders in the Common Investment Fund (albeit only on behalf of beneficiaries of the Court Funds Office (CFO) - see note 17 for the Split of Assets by Investment Channel);
- distribution to unitholders of dividends calculated by the Manager;
- payment of Investment Manager's fees;
- Investment management oversight through the OAG Management Team which advises the Ministry of Justice on investment strategy and performance monitoring;
- the implementation of a control framework with the Investment Manager to provide sufficient assurance to the Accounting Officer.

## Accounts and Audit

These accounts are in respect of the Ministry of Justice Equity Index Tracker Fund for the year ended 28 February 2019 and have been prepared in accordance with an Accounts Direction issued by Treasury under Section 45(2) of the Act. The Comptroller and Auditor General is appointed external auditor under Section 45(3) of the Act. The responsibilities of the Comptroller and Auditor General are set out in the Certificate and Report as detailed on pages 16 to 19. The notional audit fee for the audit of the Ministry of Justice Equity Index Tracker Funds Financial Statements for the year ended 28 February 2019 is £20,000. This fee is borne by the Ministry of Justice.

The Legal & General (Unit Trust Managers) Limited Board of Directors and the Accountant General have taken all the steps that they ought to have taken to make themselves aware of any relevant audit information and to establish that the Fund's auditors are aware of that information. So far as they are aware, there is no relevant audit information of which the Fund's auditors are unaware. The Accountant General's responsibility only extends to CFO clients. For other clients, separate arrangements apply.

*A. J. C. Craven*  
Director  
On behalf of Legal & General  
(Unit Trust Managers) Limited  
25 June 2019

*M Driver*  
Accountant General of the Senior Courts  
25 June 2019

# Investment Manager's Report

## Investment Strategy

The Fund's strategy is to track the total return of the composite benchmark by investing in Legal & General Index Tracking Unit Trusts. The Fund's performance benchmark is a composite of the following:

	Control Range	
FTSE All-Share Index	55%	+/- 2%
FTSE World (excluding UK) Index	35%	+/- 2%
FTSE All-World Emerging Markets Index	10%	+/- 0.5%

The FTSE All-Share Index exposure is provided by the purchase of units in the Legal & General UK Index Trust.

The FTSE World (ex-UK) Index exposure is provided by the purchase of units in the Legal & General International Index Trust.

The FTSE All-World Emerging Markets Index exposure is provided by the purchase of units in the Legal & General Global Emerging Markets Index Fund.

The investment objective of the Fund is to track the total performance of the composite benchmark Index to within +/-0.5% p.a. for two years out of three, before fund costs.

The Lord Chancellor's Strategic Investment Board is responsible for provision of advice and governance on the investment of funds including:

- a Advice on investment strategy, performance benchmarks and related investment matters including guidelines for external managers;
- b Advice on the appointment of external managers to invest the client monies coming within the care of the Ministry of Justice; and
- c Oversight of the Fund's performance against established industry benchmarks, providing robust challenge, advice and direction to the external managers as appropriate.

The board comprises of two non-executive investment advisors and representatives from each of the investing bodies who meet quarterly. The Lord Chancellor is regularly informed of the board's activity and provides direction as required.

All rights in the FTSE All Share Index, the FTSE World ex-UK Index and the FTSE All World Emerging Index (the "Indices") vest in FTSE International Limited ("FTSE"). "FTSE" is a trade mark of the London Stock Exchange Group companies and is used by FTSE under licence. The Equity Index Tracker Fund (the "Fund") has been developed solely by Legal & General (Unit Trust Managers) Limited. The Indices are calculated by FTSE or its agent. FTSE and its licensors are not connected to and do not sponsor, advise, recommend, endorse or promote the Fund and do not accept any liability whatsoever to any person arising out of (a) the use of, reliance on or any error in the Indices or (b) investment in or operation of the Fund. FTSE makes no claim, prediction, warranty or representation either as to the results to be obtained from the Fund or the suitability of the Indices for the purpose of which they are being put by Legal & General (Unit Trust Managers) Limited.

## Manager's Investment Report

Over the year under review, the published price of the Fund's units valued at 12 noon fell by 1.58% during that period.

### Tracking Deviation

The table below shows the Fund Performance for the period from 1 March 2018 to 28 February 2019, with the benchmark performance, which comprises of 55% FTSE All Share Index, 35% FTSE World

(ex-UK) Index and 10% FTSE All World Emerging Markets Index.

	<b>Mar-18</b>	<b>Apr-18</b>	<b>May-18</b>	<b>Jun-18</b>	<b>Jul-18</b>	<b>Aug-18</b>	
Total Fund (%)	(2.83)	4.54	2.77	(0.24)	2.50	(1.00)	
Benchmark (%)	(2.83)	4.54	2.78	(0.26)	2.51	(1.00)	
Relative (%)	0.00	0.00	(0.01)	0.02	(0.01)	0.00	
	<b>Sept-18</b>	<b>Oct-18</b>	<b>Nov-18</b>	<b>Dec-18</b>	<b>Jan-19</b>	<b>Feb-19</b>	<b>12 Months</b>
Total Fund (%)	0.37	(5.33)	0.03	(4.84)	4.33	1.73	1.46
Benchmark (%)	0.38	(5.35)	0.05	(4.84)	4.31	1.73	1.42
Relative (%)	(0.01)	0.02	(0.02)	0.00	0.02	0.00	0.04

Source: LGIM, as at 28 February 2019

In order to calculate the tracking performance of the Fund, the total performance of the underlying unit trusts is compared with the total performance of the composite benchmark. This is because adjustments have to be made for accrued income within the underlying trusts.

We also use close of trade values for the underlying unit trusts in order to make a valid comparison with the indices.

Past performance is not a guide to future performance.

The value of investments and income from them may go down as well as up.

Exchange rate changes may cause the value of any overseas investments to rise or fall.

### Distribution Review

Distributions were made by the Legal & General UK Index Trust, Legal & General International Index Trust and the Legal & General Global Emerging Markets Index Fund. These distributions are held in a cash income account within the Equity Index Tracker Fund (the "Fund"). Distribution dates for Legal & General UK Index Trust, Legal & General International Index Trust are 6 June and 6 December. The Legal & General Global Emerging Markets Index Fund distribution date is the 30 September.

## Market/Economic Review

Since early 2018, global economic indicators have weakened. The closely-watched global manufacturing PMI composite index fell back to its lowest level for three and a half years in February. This was partly a result of the US-China trade dispute, but also reflective of a slowdown in the Chinese economy. Worldwide, inflationary pressures have remained subdued by historical standards. Having risen to its highest level in four years in early October, the oil price (Brent crude) declined sharply to just over \$50 per barrel in December – its lowest level for 15 months, driven by increased levels of supply, notably US inventories. In the US, growth has been underpinned by improving consumer and business sentiment, as the impact of tax cuts and a strong labour market have boosted domestic demand in an economy which is less dependent on world trade. In contrast, there has been a sharp loss of momentum in the Eurozone over the last 12 months. The single currency area grew at its slowest rate since the second quarter of 2014 during the three months to September as the export-led German economy contracted for the first time in three-and-a-half years, partly due to reduced Chinese demand for capital goods, while Italy fell into a technical recession recording two consecutive quarters of contraction. In the UK, both economic and political uncertainty have heightened over the last 12 months, with precariousness as to the outcome of Brexit negotiations and the implications for trade with the EU. Although the UK government negotiated a draft withdrawal agreement with the EU, it is highly uncertain whether this will receive the consent of Parliament.

## UK Equities

UK equities have underperformed global indices over the last 12 months as uncertainty over Brexit negotiations has weighed on investor sentiment. The best performing sectors were Pharmaceuticals, which were a focal point for merger and acquisition activity, along with Food Retailers, Beverages and Industrial Metals. Amongst the weakest sectors were General Retailers, Telecoms, Financials, Industrials and Tobacco, the latter weighed down by regulatory risks. More domestically orientated smaller companies underperformed the broader market indices.

## Overseas Equities

US equities outperformed global indices in Sterling terms, rebounding from a turbulent end to 2018 as the Fed's more dovish stance on monetary policy boosted sentiment. Nevertheless, earnings growth is decelerating and investors are more cognisant of downside risk. The best performing sectors were Real Estate, Utilities and Healthcare, while the weakest areas of the market were Basic Materials, Financials and Energy. Financials weakened on mild inversion at the front end of the Treasury bond yield curve, potentially heralding a squeeze on profitability in the banking sector.

Returns from European equities have been disappointing in comparison with other developed markets. Political concerns resurfaced as the year progressed, most notably in Italy. The new coalition government comprising the populist Five Star Movement and the Northern League appeared set on a collision course with the European Central Bank over its spending plans, which threaten to breach the latter's fiscal deficit limits until an agreement was eventually reached as 2018 ended. As a result, renewed fears of contagion risk and a slowdown in economic growth weakened financial stocks, notably banks.

Asia-Pacific equities lost ground, underperforming relative to global equities but outperforming compared to broader emerging market equities. US-China trade tensions rose for much of 2018, as did concern over rising US interest rates, thereby dragging on sentiment towards export-orientated emerging economies. However, despite China's cooling economy, MSCI's decision to increase the country's weighting in a key index lent support to Chinese equities in February. However, Japanese stocks struggled, reflecting concerns over the economy and disappointing export data. Meanwhile, Australian equities rose slightly as buoyant consumer activity offset unease over the cooling housing market and the mixed outlook for Chinese demand.

Emerging market equities delivered negative returns for Sterling-based investors, underperforming wider global equities. This reflected worries over China's deepening economic slowdown as trade tensions between the US and China grew, with the underperformance concentrated in the first half of the review period amid unease over the likely extent of future US interest rate rises. Asia-Pacific equities fared poorly, reflecting concerns over the drag from China's economic slowdown and the mixed export outlook as trade tensions lingered. Latin America equities demonstrated particular resilience, reflecting optimism over improved political clarity, particularly following the election of pro-market Jair Bolsonaro as Brazilian President.



## Outlook

We see next year as the start of the twilight zone between expansion and a downturn marking the end of the cycle; an environment where a point forecast for equities at the end of 2019 becomes increasingly useless. However, those hoping for a return to tranquillity may be disappointed.

In fixed income and currency markets, the interest rate differential between the US and elsewhere could widen, triggering more US Dollar appreciation and yield increases in the first half of the year. However, US exceptionalism may run out of steam by mid-year as the focus switches to 2020's election. One important concern is the potential for a persistent change in the relationship between equities and bonds. Bonds' shock-absorbing capacity could disappear when an inflationary mind-set takes hold.

In 2019, pressure on the Euro could continue as Brexit negotiations go to the wire and the confrontation between the Italian government and the European Commission heads into the eleventh hour.

We expect continued pressure on credit markets. However, consistent with our constructive outlook for emerging market fundamentals; emerging market debt (both hard and local currency) looks increasingly interesting.

Details of the management of the underlying unit trusts can be found in those trusts' report and accounts which are available on request from Legal & General on 0370 050 0955.

Call charges will vary. We may record and monitor calls.

Legal & General Investment Management Limited  
(Investment Manager)  
14 March 2019

# Governance Statement

## Scope of responsibility

The Legal & General (Unit Trust Managers) Limited Board of Directors have responsibility for maintaining a sound system of internal controls that supports the achievement of the Ministry of Justice Equity Index Tracker Fund policies, aims and objectives, whilst safeguarding the assets of unitholders.

The operation of the Ministry of Justice Equity Index Tracker Fund is governed by the Strategic Investment Board (SIB) on behalf of the Lord Chancellor. The performance of the Fund is reported via quarterly management information, which ensures the objectives of Index tracking are fulfilled. Quarterly meetings are also held between

Legal & General and the SIB to discuss performance, operational issues and investment strategy. These Accounts are also reviewed annually by the Ministry of Justice Audit and Risk Committee who also act on behalf of the Lord Chancellor. The Committee has scope to query any aspect of the accounts and the underlying funds to provide the Lord Chancellor with the necessary assurance to approve the account for laying in Parliament.

Assets of the Fund are held by an appointed Custodian who is separate to Legal & General, to ensure that the assets are safeguarded against misuse by ensuring all are held in the Fund's name.

## System of internal controls

The system of internal controls is designed to manage risk to a reasonable level rather than eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable, not absolute assurance of effectiveness. The system of internal controls is based on an ongoing process designed to identify and prioritise the risks to the achievement of policies, aims and objectives, to evaluate the likelihood of those risks being realised, the impact should they be realised and to manage them efficiently, effectively and compliantly.

## Risk Framework

Legal & General (Unit Trust Managers) Limited (UTM) of Legal & General Investment Management (Holdings) Limited (LGIMH), as a subsidiary of Legal & General Group Plc (L&G), operates within a group-wide risk management framework.

The risk framework seeks to ensure all risks are identified and that appropriate strategies are in place for their management. The framework consists of formal committees, risk management policies, risk assessment and reporting processes and oversight functions. These enable the directors and senior management to debate key risks and draw assurance that risks are being appropriately identified and managed, and that an independent assessment of risk is being performed.

Legal & General operates a 'three lines of defence' model of risk management and assurance. Business management manage risks, Risk and Compliance functions and Group level committees oversee and challenge the management of risk and Internal Audit provide independent assurance that risks are effectively managed and that there is appropriate oversight.

Risk assessment is carried out on a bottom up and top down basis. On a monthly basis business management carry out a self-assessment of the performance of controls that operate to mitigate risk. This assessment is carried out using OSX and RMS risk management systems. This self-assessment feeds into the Directors Certification process, part of the firm's Combined Code on Corporate Governance.

Legal & General Compliance functions carry out periodic assessments of controls using a conduct risk-based model. In addition, the Internal Audit function operates a similar risk-based universe of periodic reviews and assessments of control. These functions report findings to key committees and these findings are recorded on the risk management systems, which ensure that required actions are tracked and evidenced. During the period, no material findings have been contained within the published reports.

The control assurance model incorporates a self-assessment and independent assurance of the full risk exposure of the firm. This will range from transaction processing to risk management and governance. The bottom up assessments are carried out monthly, with the independent assurance subject to a risk-based approach, with an appropriate frequency agreed by the Audit Committee (for Internal Audits) or the Compliance functions.

## Corporate Governance

Legal & General (Unit Trust Managers) Limited is a Company authorised and regulated by the FCA and its Board members are persons approved by the FCA to carry out significant management and control functions. The Company is a subsidiary company of Legal & General Investment Management (Holdings) Limited, which is itself a subsidiary of Legal & General Group Plc.

The UTM Board consists of seven Directors (including one Non-executive Director), each with approved person responsibility for UTM and other Legal & General companies. The independent Chief Compliance Officer and Risk Director also attend the Board meetings. The Chairman of the Board also sits on the board of Legal & General Group Plc and the LGIM Risk & Compliance Committee. The Board of Legal & General Group Plc has a number of Non-Executive Directors.

## Review of effectiveness

The Board of UTM have responsibility for reviewing the effectiveness of the system of internal controls. The Board's review of internal control is informed by the work of the internal auditors, support functions and the Executive Managers within UTM who have responsibility for the development and maintenance of the risk management framework, and comments made by the external auditor in their management letter and other reports. On the basis of this information, The Board can confirm there are no significant internal control issues to report.

*A. J. C. Craven*  
Chief Administration Officer  
Legal & General (Unit Trust Managers) Limited  
25 June 2019

# Respective Responsibilities of the Lord Chancellor, Accountant General and Investment Manager

## Lord Chancellor's Responsibilities

Under Section 42(1) of the Administration of Justice Act 1982 (the Act), the Lord Chancellor may make schemes ('Common Investment Schemes') establishing Common Investment Funds for the purpose of investing funds in Court and other monies defined under Section 42(5)(b) of the Act.

Under Section 42(2) of the Act, the Common Investment Schemes made by the Lord Chancellor shall provide for an Investment Manager to be appointed by the Lord Chancellor to manage and control the Common Investment Funds established. On 1 September 2003, the Lord Chancellor appointed Legal & General (Unit Trust Managers) Limited as the Investment Manager of the Fund. This appointment is under a Deed of Appointment between Legal and General and the Lord Chancellor which is retendered every five years.

## Accountant General's Responsibilities

The Secretary of State and Lord Chancellor has, under Section 97(2) of the Senior Courts Act 1981, as amended by the Public Trustee and Administration of Funds Act 1986, appointed Mike Driver as Accountant General on 1 October 2016. The Permanent Secretary of the Ministry of Justice has also appointed the Accountant General as the Accounting Officer for Funds in Court.

His relevant responsibilities as Accounting Officer, including responsibilities for the propriety and regularity of the funds for which he is answerable and for the keeping of proper records, are set out in the Accounting Officer's Memorandum issued by the Treasury and published in 'Managing Public Money'.

However, the operation of the investment fund is the responsibility of Legal & General (Unit Trust Managers) Limited as the appointed fund management company. The Accountant General's responsibilities as Accounting Officer for Funds in Court therefore do not extend to these accounts and are therefore signed by the Unit Trust Managers only.

The Accountant General exercises his Accounting Officer responsibilities through the Funds in Court Part A Account which consolidates Part C.

## Investment Manager's responsibilities

Under Section 45(1)(c) of the Act, and in accordance with directions issued by Treasury, the Investment Manager is responsible for preparing the financial statements in respect of the Common Investment Scheme, Ministry of Justice Equity Index Tracker Fund.

The HM Treasury Accounts Direction requires the Investment Manager to follow best practice. In preparing the Funds Accounts, the Manager follows the disclosure requirements of the Statement of Recommended Practice for Financial Statements of UK Authorised Funds issued by the Investment Management Association in May 2014 as updated by additional requirements from the Financial Conduct Authority (from time to time) and to the extent that such requirements are relevant to the Common Investment Fund. These require the Investment Manager to prepare accounts for each annual accounting period which give a true and fair view of the financial affairs of the Fund and of income/expenditure for the period.

In preparing the accounts the Manager is required to:

- select suitable accounting policies and apply them consistently;
- comply with the disclosure requirements of the Statement of Recommended Practice relating to Financial Statements of UK Authorised Funds to the extent that such requirements are relevant to the Common Investment Funds;
- follow applicable accounting standards; and
- keep proper accounting records, which enable the Investment Manager to demonstrate that the accounts as prepared comply with the above requirements.

The Investment Manager is responsible for the management of the Funds in accordance with the Deed of Appointment with the Lord High Chancellor dated 3 July 2003 and the Common Investment Scheme Statutory Instrument 2004 No. 266. The current Deed of Appointment runs from 18 February 2017 to 17 February 2022 unless otherwise determined.

# The Certificate and Report of the Comptroller and Auditor General to the Houses of Parliament

## Opinion on financial statements

I certify that I have audited the financial statements of Ministry of Justice Equity Index Tracker Fund for the year ended 28 February 2019 under the Administration of Justice Act 1982.

The financial statements comprise: the Statement of Total Return, the Statement of Change in Net Assets attributable to Unitholders, the Balance sheet, and the related notes, including the significant accounting policies.

The financial reporting framework that has been applied in their preparation is applicable law and the UK Financial Reporting Standard 102 (FRS 102) and in accordance with the Statement of Recommended Practice for UK Authorised Funds issued by the Investment Association in May 2014 (2014 SORP).

In my opinion:

- the financial statements give a true and fair view of the state of Ministry of Justice Equity Index Tracker Fund's affairs as at 28 February 2019 and of the change in net assets attributable to unitholders for the year then ended; and
- the financial statements have been properly prepared in accordance with FRS 102 and 2014 SORP and HM Treasury directions issued thereunder.

## Opinion on regularity

In my opinion, in all material respects the income and expenditure recorded in the financial statements have been applied to the purposes intended by Parliament and the financial transactions recorded in the financial statements conform to the authorities which govern them.

## Basis of opinions

I conducted my audit in accordance with International Standards on Auditing (ISAs) (UK) and Practice Note 10 'Audit of Financial Statements of Public Sector Entities in the United Kingdom'. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of my certificate.

Those standards require me and my staff to comply with the Financial Reporting Council's Revised Ethical Standard 2016. I am independent of the Ministry of Justice Equity Index Tracker Fund in accordance with the ethical requirements that are relevant to my audit and the financial statements in the UK.

My staff and I have fulfilled our other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

## Conclusions relating to going concern

I am required to conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Ministry of Justice Equity Index Tracker Fund's ability to continue as a going concern for a period of at least twelve months from the date of approval of the financial statements.

If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern. I have nothing to report in these respects.

## Responsibilities of the Investment Manager for the financial statements

As explained more fully in the Respective Responsibilities of the Lord Chancellor, Accountant General and Investment Manager, the Investment Manager is responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view.

## Auditor's responsibilities for the audit of the financial statements

My responsibility is to examine, certify and report on the financial statements in accordance with the Administration of Justice Act 1982.

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs (UK), I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Ministry of Justice Equity Index Tracker Fund's internal control.
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the income and expenditure reported in the financial statements have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

### Other Information

The Investment Manager is responsible for the other information. The other information comprises information included in the Foreword and Investment Manager's Report and the Governance Statement and the Respective Responsibilities of the Lord Chancellor, Accountant General and Investment Manager.

My opinion on the financial statements does not cover the other information and I do not express any form of assurance conclusion thereon. In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

### **Opinion on other matters**

In my opinion:

- in the light of the knowledge and understanding of the Ministry of Justice Equity Index Tracker Fund's in Funds In Court C and its environment obtained in the course of the audit, I have not identified any material misstatements in the Foreword and Investment Manager's Report; and
- the information given in the Foreword and Investment Manager's Report for the financial year for which the financial statements are prepared is consistent with the financial statements.

### **Matters on which I report by exception**

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- adequate accounting records have not been kept or returns adequate for my audit have not been received from branches not visited by my staff; or
- the financial statements are not in agreement with the accounting records and returns; or
- I have not received all of the information and explanations I require for my audit; or
- the Governance Statement does not reflect compliance with HM Treasury's guidance.

### **Report**

I have no observations to make on these financial statements.

*Gareth Davies*  
Comptroller and Auditor General

10 July 2019

National Audit Office  
157-197 Buckingham Palace Road  
Victoria  
London SW1W 9SP



## Portfolio Statement as at 28 February 2019

All investments are in distribution units unless otherwise stated.

The percentages in brackets show the equivalent sector holdings at 28 February 2018.

Investment	Holding/ Nominal Value	Market Value £	% of Net Assets
<b>Unit Trusts investing in UK shares</b> — <b>55.00% (54.30%)</b>			
Legal & General UK Index Trust	32,626,654	<u>51,125,735</u>	<u>55.00</u>
<b>Unit Trusts investing in overseas shares — 44.84% (45.46%)</b>			
Legal & General Global Emerging Markets Index Fund	16,650,028	9,232,441	9.93
Legal & General International Index Trust	28,921,369	<u>32,449,777</u> <u>41,628,217</u>	<u>34.91</u> <u>44.84</u>
<b>Portfolio of investments</b>		92,807,952	99.84
<b>Net other assets</b>		145,912	0.16
<b>Total net assets</b>		<u><b>92,953,864</b></u>	<u><b>100.00</b></u>

Total purchases for the year: £3,093,357.

Total sales for the year: £10,843,120.

## Statement of Total Return for the year ended 28 February 2019

	Notes	28 February 2019		28 February 2018
		£	£	£
Income				
Net capital (losses)/gains	3		<b>(2,022,522)</b>	4,031,320
Revenue	4	<b>3,060,376</b>	3,142,490	
Expenses	5	<b>(150,221)</b>	(152,699)	
Interest payable and similar charges	7	<b>(261)</b>	(472)	
Net revenue before taxation		<b>2,909,894</b>	2,989,319	
Taxation	6	—	—	
Net revenue after taxation for the year		<b>2,909,894</b>		2,989,319
Total return before distributions		<b>887,372</b>		7,020,639
Distributions	7	<b>(2,915,655)</b>		(2,989,319)
Change in net assets attributable to Unitholders from investment activities		<b>(2,028,283)</b>		<b>4,031,320</b>

## Statement of Change in Net Assets attributable to Unitholders for the year ended 28 February 2019

		28 February 2019		28 February 2018
		£	£	£
Opening net assets attributable to Unitholders				108,256,402
Amounts received on issue of units	2,893,815		3,483,042	
Amounts paid on cancellation of units	<u>(10,770,015)</u>		<u>(12,912,417)</u>	
		(7,876,200)		(9,429,375)
Change in net assets attributable to Unitholders from investment activities		<u>2,028,283</u>		<u>4,031,320</u>
Closing net assets attributable to Unitholders		<b><u>92,953,864</u></b>		<b>102,858,347</b>

*The notes on pages 80 to 88 form part of these accounts.*

## Balance Sheet as at 28 February 2019

	Notes	28 February 2019 £	28 February 2018 £
<b>Assets</b>			
Fixed assets:			
Investments		92,807,952	102,607,431
Current assets:			
Debtors	8	305,747	154,490
Cash and bank balances	9	1,624,875	1,593,556
<b>Total assets</b>		<b><u>94,738,574</u></b>	<b><u>104,355,477</u></b>
<b>Liabilities</b>			
Creditors:			
Distributions payable	7	(1,467,388)	(1,413,092)
Other creditors	10	(317,322)	(84,038)
<b>Total liabilities</b>		<b><u>(1,784,710)</u></b>	<b><u>(1,497,130)</u></b>
<b>Net assets attributable to Unitholders</b>		<b><u>92,953,864</u></b>	<b><u>102,858,347</u></b>

*The notes on pages 80 to 88 form part of these accounts.*

A. J. C. Craven  
 Director  
 On behalf of Legal & General (Unit Trust Managers) Limited  
 25 June 2019

# Notes to the Financial Statements

## 1 Statement of Compliance

The Financial Statements have been prepared in compliance with UK Financial Reporting Standard 102 (FRS 102) and in accordance with the Statement of Recommended Practice for UK Authorised Funds issued by the Investment Association in May 2014 (2014 SORP).

## 2 Summary of Significant Accounting Policies

### *a Basis of Preparation*

The Financial Statements have been prepared on a going concern basis, under the historical cost convention as modified by the revaluation of certain financial assets and liabilities measured at fair value through profit or loss.

The principal accounting policies which have been applied consistently are set out below.

### *b Functional and Presentation Currency*

The functional and presentation currency of the Fund is Sterling.

### *c Recognition of revenue*

Revenue from distribution and accumulation units in Collective Investment Schemes is recognised when the distribution is quoted ex-dividend.

Equalisation on distributions received from Collective Investment Schemes is treated as capital property of the Fund.

All other revenue is recognised on an accruals basis.

### *d Treatment of expenses*

All expenses (other than those relating to the purchase or sale of investments) are charged against revenue on an accruals basis.

The Fund receives a rebate for managerial fees suffered by investments in underlying Collective Investment Schemes. These are treated as revenue or capital depending on the treatment of the Manager's fees in the underlying investment.

### *e Distribution Policy*

Realisable revenue, after deduction of those expenses which are chargeable in calculation of the distribution, will be paid to those Unitholders with a holding at ex-dividend date.

All expenses charged to the Fund, with the exception of professional fees, are deducted from revenue for the purpose of calculating the distribution.

In order to conduct a controlled dividend flow, interim distributions will be at the Manager's discretion, up to a maximum of the distributable revenue for the period.

Distributions which have remained unclaimed by Unitholders for over six years are credited to the capital property of the Fund.

*f Basis of valuation of investments*

All investments are valued at their fair value as at 12 noon on 28 February 2019, being the last working day of the accounting year. The fair value for units in Collective Investment Schemes is the cancellation price or bid price for dual priced funds and single price for single priced funds.

Investment in securities by Legal & General on behalf of Ministry of Justice Equity Index Tracker Fund are carried out on an arms length basis following the best execution principles thereby ensuring that Legal & General meets its regulatory obligations in respect of best execution.

*g Taxation*

Provision is made for taxation at current rates on the excess of investment revenue over expenses.

Deferred tax is provided for on all timing differences that have originated but not reversed by the balance sheet date, other than those differences that are regarded as permanent. Any liability to deferred tax is provided for at the average rate of tax expected to apply.

**3 Net capital gains**

	<b>28 February 2019</b>	28 February 2018
	<b>£</b>	£
The net capital gains during the year comprise:		
Non-derivative securities	<b>(2,021,262)</b>	4,032,660
Transaction charges	<b>(1,260)</b>	(1,340)
Net capital (losses)/gains	<b><u>(2,022,522)</u></b>	<u>4,031,320</u>

**4 Revenue**

	<b>28 February 2019</b>	28 February 2018
	<b>£</b>	£
UK Franked distributions	<b>2,963,469</b>	3,039,790
Bank interest	<b>1,709</b>	225
Rebates from Legal & General		
Investment Management Limited	<b>95,198</b>	102,475
	<b><u>3,060,376</u></b>	<u>3,142,490</u>

**5 Expenses**

	<b>28 February 2019</b>	28 February 2018
	£	£
Payable to the Manager, associates of the Manager and agents of either of them:		
Manager's periodic fee	<b>119,082</b>	126,318
Registration fees	<b>20,839</b>	21,235
	<b>139,921</b>	147,553
Payable to the Custodian, associates of the Custodian and agents of either of them:		
Safe custody fees	<b>4,539</b>	5,146
Other expenses:		
Professional fees	<b>5,761</b>	–
Total expenses	<b>150,221</b>	152,699

**6 Taxation**

	<b>28 February 2019</b>	28 February 2018
	£	£
<i>a Analysis of taxation charge in year</i>		
Corporation Tax	–	–
Current tax [note 6(b)]	–	–
Deferred tax [note 6(c)]	–	–
Total taxation	–	–

*b Factors affecting taxation charge for the year*

The total tax charge excludes capital gains and losses for the reason that Common Investment Funds are not subject to Corporation Tax on these items. Total tax differs from taxation assessed on net revenue before taxation as follows:

Net revenue before taxation	2,909,894	2,989,319
Net revenue before taxation multiplied by the applicable rate of		
Corporation Tax at 20% (2018: 20%)	581,979	597,864
<b>Effects of:</b>		
Revenue not subject to taxation	(592,694)	(607,958)
Excess management expenses not utilised	10,715	10,094
<b>Total tax</b>		

*c Provision for deferred tax*

There is no deferred tax provision in the current or preceding year. At the year end, there is a potential deferred tax asset of £43,511 (28 February 2018: £32,795) due to surplus management expenses.

It is unlikely the Fund will generate sufficient taxable profits in the future to utilise this amount and therefore no deferred tax asset has been recognised (28 February 2018: same).

## 7 Distributions

The distributions take account of revenue received on the creation of units and revenue deducted on the cancellation of units and comprise:

	<b>28 February 2019</b>	28 February 2018
	£	£
Interim distribution	1,367,661	1,489,413
Final distribution	<u>1,467,388</u>	<u>1,413,092</u>
	2,835,049	2,902,505
Add: Revenue deducted on cancellation of units	117,366	126,741
Less: Revenue received on creation of units	<u>(36,760)</u>	<u>(39,927)</u>
Distributions for the year	<b><u>2,915,655</u></b>	<b><u>2,989,319</u></b>
Bank overdraft interest	261	472
	<b><u>2,915,916</u></b>	<b><u>2,989,791</u></b>

The differences between the net revenue after taxation and the distributions for the year are as follows:

	<b>28 February 2019</b>	28 February 2018
	£	£
Net revenue after taxation for the year	2,909,894	2,989,319
Add: capitalised expenses	5,761	–
<b>Distributions for the year</b>	<b><u>2,915,655</u></b>	<b><u>2,989,319</u></b>

## 8 Debtors

	<b>28 February 2019</b>	28 February 2018
	£	£
Sales awaiting settlement	291,488	146,950
Management fee rebates	14,259	7,540
	<u>305,747</u>	<u>154,490</u>

## 9 Net uninvested cash

	<b>28 February 2019</b>	28 February 2018
	£	£
Cash and bank balances	1,624,875	1,593,556
Net uninvested cash	<u>1,624,875</u>	<u>1,593,556</u>

## 10 Creditors

	<b>28 February 2019</b>	28 February 2018
	£	£
Amounts payable for cancellation of units	294,901	71,995
Accrued expenses	<u>22,421</u>	<u>12,043</u>
	<u>317,322</u>	<u>84,038</u>

## 11 Contingent liabilities and outstanding commitments

There were no contingent liabilities or outstanding commitments at the balance sheet date (28 February 2018: same).

## 12 Financial Instruments and Associated Risks

The investments of a Fund in financial securities and derivatives are subject to normal market fluctuations and other risks inherent in investing in such instruments. Legal & General (Unit Trust Managers) Limited (UTM) is the Authorised Fund Manager and has responsibility for ensuring appropriate risk management processes are implemented for each Unit Trust.

The UTM Board has delegated the risk oversight function to the Unit Trust Funds Committee (UTMFC), a sub-committee of the UTM Board that meets monthly. The primary objective of the UTMFC is to ensure proper oversight of investment management activity for UTM in its capacity as Authorised Fund Manager. The committee members are: the Vice Chairman of Investments (Chair), the Chief Administration Officer (UTM), the Finance Director (UTM), Head of Fund Governance, Head of Operational Risk, Head of Investment Operations and the Head of Retail Distribution. Members of the Fund Operations Team also attend from a Fund Governance and Regulatory Fund Oversight perspective.

Each Fund has an investment objective and investment policy, against which the Fund manager will operate. Each Fund has a Investment Objectives and Guidelines (“IOG”) document which contains these and forms part of the Investment Management Agreement between LGIM and UTM. The IOG contains a list of the instruments and agreed investment weightings for those instruments that can be used by the Fund to achieve its objective. These are maintained by each fund manager, reviewed by the LGIM Operational Risk and Compliance Teams and approved by UTM on behalf of the UTM board. The IOGs provide the detail needed to determine the risk profile for each fund. Fund managers are not permitted to invest into any new instruments without first gaining approval from UTM for their addition into the IOG.

The Investment Strategy of this Fund is detailed on page 66.

### *a Market Risk arising from other price risk*

Market Risk arises mainly from uncertainty about future prices. It represents the potential loss the Fund may suffer through holding market positions in the face of market movements.

Other price risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices (other than those arising from interest rate risk or currency risk), whether those changes are caused by factors specific to the individual financial instrument or its issuer, or factors affecting similar instruments traded in the market.

The assets held by the Fund can be seen in the Portfolio Statement on page 77. Given that the Fund invests in other Collective Investment Schemes, there is market risk exposure in respect of the financial instruments held by these entities. The Manager adheres to the investment guidelines and borrowing powers established in the Fund Deed and Prospectus. In this way, the Manager monitors and controls the exposure to risk from any type of security, sector or issuer.



At 28 February 2019, if the price of the investments held by the Fund increased or decreased by 5%, with all other variables remaining constant, then the net assets attributable to unitholders would increase or decrease by approximately £4,640,398 (28 February 2018: £5,130,372).

*b Interest rate risk*

Interest Rate Risk is the risk of movements in the value of financial instruments as a result of fluctuations in interest rates.

The Fund's only interest bearing financial instruments were its bank balances and overdraft facilities as disclosed in note 9. Cash is deposited and overdraft facilities utilised on normal commercial terms and earn or bear interest based on LIBOR or its overseas equivalent.

In the event of a change in interest rates, there would be no material impact upon the assets of the Fund.

*c Foreign currency risk*

Foreign Currency Risk is the risk of movements in the value of financial instruments as a result of fluctuations in exchange rates.

At 28 February 2019, the Fund had no significant exposures to currencies other than Sterling, however, the underlying Collective Investment Schemes may have currency risk exposure (28 February 2018: same).

*d Credit risk*

Credit Risk is the risk of suffering financial loss as a result of a counterparty to a financial transaction being unable to fulfil their financial obligations as they fall due.

This risk is managed by appraising the credit profile of financial instruments and issuers in line with the Fund's investment strategy.

*e Liquidity risk*

Liquidity Risk relates to the capacity to meet liabilities as they fall due. The primary source of this risk to the Fund is the liability to Unitholders for any cancellation of units.

This risk is minimised by holding a large proportion of readily realisable assets, cash balances and via access to overdraft facilities.

*f Fair value*

The fair value of a financial instrument is the amount for which it could be exchanged between knowledgeable, willing parties in an arm's length transaction. There is no material difference between the value of the financial assets and liabilities, as shown in the financial statements, and their fair value.

The Statement of Recommended Practice for Financial Statements of UK Authorised Funds issued by the Investment Management Association in May 2014 requires the classification of the Fund's financial instruments held at the year end into a 3 tiered fair value hierarchy. The 3 tiers of the hierarchy and the classification of the Fund's financial instruments as at the balance sheet date were:

<b>28 February 2019</b>	<b>Assets</b>	<b>Liabilities</b>
<b>Valuation technique</b>	<b>£</b>	<b>£</b>
Level 1 – Quoted Prices	-	-
Level 2 –Observable Market Data	92,807,952	-
Level 3 – Unobservable Data	-	-
<b>Total</b>	<b><u>92,807,952</u></b>	

<b>28 February 2019</b>	<b>Assets</b>	<b>Liabilities</b>
<b>Valuation technique</b>	<b>£</b>	<b>£</b>
Level 1 – Quoted Prices	-	-
Level 2 – Observable Market Data	102,607,431	-
Level 3 – Unobservable Data	-	-
<b>Total</b>	<b><u>102,607,431</u></b>	

**Level 1**

The unadjusted quoted price in an active market for assets or liabilities that the entity can access at the measurement date.

**Level 2**

Valuation techniques using observable inputs other than quoted prices within Level 1.

**Level 3**

Valuation techniques using unobservable inputs.

**13 Portfolio transaction costs**

As the Fund mainly invests in Collective Investment Schemes, there are no transaction costs (28 February 2018 same).

Total purchases for the year: £3,093,357  
(28 February 2018: £3,357,346)

Total sales for the year: £10,843,120  
(28 February 2018: £12,947,362)

The average portfolio dealing spread, including the effect of foreign exchange, as at the balance sheet date was 0.46% (28 February 2018: 0.39%).

**14 Unit classes**

The Fund currently has one unit class: Distribution. The annual management charge on the unit class can be found on page 91. The net asset value per unit of the unit class and the number of units in the class are given in the comparative table on page 90. The distributions per unit class are given in the distribution tables on page 89. All classes have the same rights on winding up.

	<b>Distribution</b>
Opening Units	6,118,651
Units issued	173,063
Units cancelled	(643,461)
Units converted	–
Closing Units	5,648,253

**15 Post balance sheet events**

Post balance events are considered up to the date on which the Accounts are authorised for issue. The date the Accounts are authorised for issue is interpreted as the same date the Accounts are certified by the Comptroller and Auditor General. As at the accounts authorisation date, no material post balance sheet events have occurred.

**16 Ultimate controlling party and related party transactions**

Details of units created and cancelled are shown in the Statement of Net Assets attributable to Unitholders. Note 17 shows the split of existing assets by investment channel.

Investments made on behalf of the Fund include those in Legal & General unit trusts, which had a market value of £92,807,952 at 28 February 2019 (28 February 2018: £102,607,431).

Management fees paid to Legal & General Investment

Management Limited are shown in note 5. The balance due in respect of this fee is £18,256 (28 February 2018: £9,443).

Management fee rebates received from Legal & General Investment Management are shown in note 4. Rebates receivable at the year end amount to £14,259 (28 February 2018: £7,540).

Other than the related party transactions disclosed in the previous page, none of the key management staff nor any other related party has undertaken any material transactions with the Fund during the year.

## 17 Split of Assets by Investment Channel

Investment Channel	Net Asset Value of Fund	Net Asset Value per unit	Number of Units in Issue	Percent
<b>28 February 2019</b>				
Court Funds Office (CFO)	£77,401,855	1,645.71p	4,703,250	83.27%
Official Solicitor and Public Trustee (OSPT)	£3,310,691	1,645.71p	201,171	3.56%
Other	£12,241,318	1,645.71p	743,832	13.17%
<b>Total</b>	<b>£92,953,864</b>	<b>1,645.71p</b>	<b>5,648,253</b>	<b>100.00%</b>
<b>28 February 2018</b>				
Court Funds (CFO)	£85,347,021	1,681.06p	5,076,969	82.98%
Official Solicitor and Public Trustee (OSPT)	£3,720,780	1,681.06p	221,335	3.62%
Other	£13,790,546	1,681.06p	820,347	13.40%
<b>Total</b>	<b>£102,858,347</b>	<b>1,681.06p</b>	<b>6,118,651</b>	<b>100.00%</b>

## Distribution Tables for the year ended 28 February 2019

Group 1: units purchased prior to a distribution period.

Group 2: units purchased during a distribution period.

Equalisation is the average amount of revenue included in the purchase price of all Group 2 units and is refunded to the holders of these units as a return of capital. As capital it is not liable to Income Tax but must be deducted from the cost of units for Capital Gains Tax purposes.

### Interim dividend distribution in pence per unit

### Period 1 March 2018–31 August 2018

	Net Revenue	Equalisation	Distribution 12 October 2018	Distribution 12 October 2017
<b>Distribution Units</b>				
Group 1	23.2939	–	23.2939	23.6202
Group 2	5.0589	18.2350	23.2939	23.6202

### Final dividend distribution in pence per unit

### Period 1 September 2018–28 February 2019

	Net Revenue	Equalisation	Distribution 10 April 2019	Distribution 10 April 2018
<b>Distribution Units</b>				
Group 1	25.9795	–	25.9795	23.0948
Group 2	3.6411	22.3384	25.9795	23.0948

## Fund Information

The Comparative Table below gives the performance of the only active share class in the Fund.

The 'Return after charges' disclosed in the Comparative Table is calculated as the return after operating charges per unit divided by the opening net asset value per unit. It differs from the Fund's performance disclosed in the Manager's report, which is calculated based on the latest published price.

### Comparative Table

#### Distribution Unit

##### Change in Net Asset Value per Unit

Accounting year ending	28/02/19 (pence per unit)	28/02/18 (pence per unit)	29/02/17 (pence per unit)
Opening net asset value per unit	1,681.06	1,618.32	1,281.23
Return before operating charges*	17.10	112.50	380.43
Operating charges (calculated on average price)	(3.18)	(3.04)	(3.55)
Return after operating charges*	13.92	109.46	376.88
Distributions on income units	(49.27)	(46.72)	(39.79)
Closing net asset value per unit	1,645.71	1,681.06	1,618.32
* after direct transaction costs of:	–	–	–

#### Performance

Return after charges	0.83%	6.76%	29.42%
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#### Other Information

Closing net asset value (£)	92,953,864	102,858,347	108,256,402
Closing number of units	5,648,253	6,118,651	6,689,451
Operating charges	0.189%	0.182%	0.243%
Direct transaction costs	–	–	–

#### Prices

Highest unit price	1,802.00p	1,777.00p	1,644.00p
Lowest unit price	1,552.00p	1,597.00p	1,289.00p

*Past performance is not a guide to future performance.*

*The price of units and any income from them may go down as well as up.*

*Exchange rate changes may cause the value of any overseas investments to rise or fall.*

## Ongoing Charges Figure

**28 Feb 19** 0.189% **28 Feb 1** 0.182%

The Ongoing Charges Figure is the ratio of the Fund's operating costs (excluding overdraft interest) and all costs suffered through holdings in underlying Collective Investment Schemes, to the average net assets of the Fund.

The Ongoing Charges Figure comprises the following:

<b>Expense Type</b>	<b>Percentage of investment assets %</b>	<b>Fee £</b>	<b>Note</b>
Annual Management Charge	0.100	99,235	5
VAT on Annual Management Charge	0.020	19,847	5
Registration Fees	0.021	20,839	5
Safe Custody Fees	0.005	4,539	5
		<u>144,460</u>	
Transaction Charges	0.001	1,260	3
Professional Fees	0.006	5,761	5
Costs incurred through underlying holdings (net of rebates)	0.036	35,713	
	<u>0.189</u>	<u>187,194</u>	

The Fund is invested in underlying Collective Investment Schemes (Legal & General Index Tracking Unit Trusts). Annual Management and Registration Charges are already applied at fund level, as illustrated in the table above. Rebates are received from the underlying holdings to ensure that this Fund does not suffer additional excessive charges from investing in Collective Investment Schemes which already have charges applied. The indirect costs suffered through investing in those Trusts amount to a charge of approximately 0.036% for the MoJ Equity Index Tracker Fund, as shown in the table above.

## Accounts Direction given by HM Treasury

Funds in Court in England and Wales – Account of the transactions of the Accountant General under Section 38 of the Administration of Justice Act 1982

The Treasury, in pursuance of Section 45(2) of the Act, hereby gives the following Direction:

- 1 The Investment Manager of the Common Investment Funds shall prepare accounts for the Ministry of Justice Equity Index Tracker Fund in respect of the period from 1 September 2003 to 29 February 2004 and thereafter for each period of one year ending on the last day of February.
- 2 The accounts shall give a true and fair view in accordance with generally accepted accounting practice of the financial position of the Fund at the period end and of the net income and movement in the net assets of the Fund for the year.
- 3 The accounts shall be prepared in accordance with a format and content to be agreed between the Investment Manager, the Comptroller and Auditor General and the Court Funds Office, with the consent of Treasury, and shall include:
  - i a Foreword;
  - ii a Statement of Responsibilities;
  - iii a Governance Statement;
  - iv a Statement of Total Return;
  - v a Statement of Change to Net Assets attributable to Unitholders;
  - vi a Balance Sheet;
  - vii a Portfolio Statement
  - viii a Summary of Material Portfolio Changes;
  - ix a Distribution Table; and
  - x such notes as may be necessary to present a true and fair view.
  - xi Administration of Justice Act 1982.
- 4 The Foreword shall include among other items:
  - i a statement that the accounts have been prepared in accordance with directions given by Treasury in pursuance of Section 45(2) of the Act;
  - ii relevant information in respect of the statutory background of the Fund;
  - ii the name and period of appointment of the Investment Manager;
  - iv details of the arrangements for reporting financial performance of the Fund to unitholders;
  - v a statement on the external audit arrangements for the Fund, including commentary on the roles of the Comptroller and Auditor General and the auditors.



- 5 The notes shall include among other items:
- i the accounting policies;
  - ii a statement of the regulatory basis of the accounts, with reference to best practice principles which apply to the funds in which the Ministry of Justice Equity Index Tracker Fund is invested;
  - iii disclosure of the way in which the Investment Manager applies best execution principles when making investments;
  - iv a breakdown on material items within the Accounts;
  - v the tax computation;
  - vi distribution information;
  - vii a statement of movements between net income and distributions;
  - viii any contingent liabilities and contingent assets;
  - ix any units in issue;
  - x disclosure of fees and expenses in accordance with the tariff set out in the contract;
  - xi post balance sheet events;
  - xii related party transactions, recognising that the Court Funds Office and various entities within Legal and General are both related parties to the Fund, and therefore the disclosure principles laid down in FRS 102 need to be applied;
  - xiii a summary of the fund structure and the instruments invested in;
  - xiv a statement of any material errors made good by the Investment Manager and the impact of those errors on the accounts had they not been made good; and
  - xv the risk management policy.
- 6 When preparing the accounts, the Investment Manager shall comply with UK Financial Reporting Standard 102 (FRS 102), and in accordance with the disclosure requirements of the Statement of Recommended Practice relating to Authorised Funds issued by the Investment Management Association in May 2014 ('the IMA SORP 2014'), to the extent that such requirements are relevant to the Ministry of Justice Equity Index Tracker Fund.
- 7 The Investment Manager will support the Accounts with a General Representation Letter, containing material matters that need to be confirmed to the Comptroller and Auditor General and the Court Funds Office.
- 8 The Investment Manager will also submit the annual taxation computation to the Inland Revenue within the timescales defined by the Inland Revenue.
- 9 The Investment Manager will employ best endeavours to complete the Accounts and enable the Comptroller and Auditor General to lay the Accounts before Parliament within 9 months of the year end in respect of the accounts for the year ended on 28 February 2004 and thereafter within 3 months of the year-end.
- 10 This Direction shall be reproduced as an annex to the accounts.
- 11 This Direction replaces the Direction dated March 2007.

*Ian Bulmer*  
Deputy Director, Government Financial Reporting  
HM Treasury

2 July 2018

## General Information

### Accounting/Distribution Dates

The accounting and distribution dates for the Ministry of Justice

Equity Index Tracker Fund in 2019 are:

#### Accounting Dates

28 February  
31 August

#### Distribution Dates

10 April  
12 October

### Buying & Selling Units

#### Unit Prices

Unit prices may be found in the Financial Times under the MoJ Common Investment Funds heading, or are available from the MoJ.

The Fund is valued daily at noon and the prices for buying and selling units rise and fall depending on the market value of the Fund's investments at that time. If the prices are published as 'ex-dividend', a purchaser will not be entitled to the next income payment.

#### Management charge

There is no initial charge on the issue of units and no redemption charge is applied. The annual management charge is based on fund size as follows:

0.10% for the first £100 million

0.085% between £100 million and £150 million

0.07% £150 million and above

The management charge is paid in arrears out of the total assets of the Fund at the end of each month and is exclusive of VAT.

Individual accounts are unaffected by the management charge deduction.

The actual Management Charge suffered during the year was 0.10% plus VAT.

### Buying and Selling Securities

The Investment Manager buys and sells units in the underlying unit trusts on behalf of the MoJ Equity Index Tracker Fund using forward prices at the date of investment. The prices of the underlying trusts are published on the internet at: [www.legalandgeneral.com/investments/fund-information/daily-fund-prices/fund-prices](http://www.legalandgeneral.com/investments/fund-information/daily-fund-prices/fund-prices) immediately after they become available.

The Manager of the underlying trusts effects transactions based on Best Execution at all times and may, subject to Investment Restrictions, deal on any such markets or exchanges and with or through such brokers or counterparties as it thinks fit. The Manager will act with good faith and due diligence in its choice and use of brokers and counterparties.

### **Authorised Fund Manager**

Legal & General (Unit Trust Managers) Limited  
Registered in England and Wales No. 01009418  
Registered office:  
One Coleman Street,  
London EC2R 5AA  
Telephone: 0370 050 3350  
Authorised and regulated by the Financial Conduct Authority  
Call charges will vary. We may record and monitor calls.

### **Directors of the Manager**

R. M. Bartley (resigned 31 December 2018)  
A. J. C. Craven  
S. Hynes  
H. Morrissey  
H. Solomon  
S. D. Thomas (resigned 17 October 2018)  
L. W. Toms  
A. R. Toutouchi\*  
M. J. Zinkula

\*Non-executive Director

### **Secretary**

J. McCarthy

### **Overall Governance**

Ministry of Justice

### **Auditor**

Comptroller and Auditor General  
National Audit Office  
157-197 Buckingham Palace Road  
Victoria  
London SW1W 9SP

### **Fund Investors**

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