

This guidance is designed to assist you in dealing with the Court Funds Office (CFO) where a Court of Protection client entitled to funds held by CFO has died. The information below explains how to withdraw funds and close the account.

Interim payments

The CFO will allow you to use funds held in the deceased client's name to make interim payments for inheritance tax and funeral expenses.

Inheritance tax

You can pay some or all of the inheritance tax (IHT) that is due directly to Her Majesty's Revenue & Customs (HMRC) using the IHT direct payment scheme. As soon as HMRC have calculated the inheritance tax due, please complete HMRC form IHT423, ensuring you include the IHT reference (provided by HMRC), and send it to CFO along with the enclosed form CFO IHT1. You must also provide CFO with a certified copy of the death certificate unless this has previously been supplied. On receipt of these documents we will make the payment direct to HMRC.

Funeral expenses

Funeral expenses are the first debt of an estate. However, if you need these paid urgently, before a grant of probate or letters of administration has been issued, or you have arranged a funeral but are not dealing with the estate, you can ask CFO to pay the funeral expenses by completing the enclosed form CFO FE1 and sending it to us along with the invoice from the funeral provider. The funeral expenses must be reasonable and cannot include headstones or refreshments at the funeral service. You must also provide us with a certified copy of the death certificate unless this has previously been supplied. Upon receipt of these documents we will make the payment direct to the funeral provider.

Please note that we cannot reimburse any monies paid in advance. Requests for payments to cover outstanding nursing home fees or solicitor's costs should be directed to the executor or person dealing with the administration of the estate as these payments cannot be made from the CFO account.

Closing an account

If the value of the fund in court is £5,000 or more, or in any case where a grant of representation (for example a grant of probate or letters of administration) has been obtained, please complete form CFO 209 and send it directly to us along with a sealed copy of the grant of representation and a certified copy of the death certificate (unless previously supplied). The form must be signed by the personal representative. If there is more than one personal representative a letter of consent must be signed and dated by the remaining representatives and attached to the form. If there is more than one executor or nearest of kin only one executor or nearest of kin needs to sign the form CFO 209.

If the value of the entire estate is less than £5,000 and a grant of representation has not been obtained, please complete form CFO 210 and send it directly to us along with a certified copy of the death certificate (unless previously supplied). The form must be signed by the executor or nearest of kin and witnessed by a person before whom an affidavit may be sworn. If there is more than one named executor or beneficiary with equal entitlement to a share of the estate a letter of consent must be signed and dated by the remaining executors or beneficiaries and attached to the form. If there is more than one executor or nearest of kin only one executor or nearest of kin needs to sign the form CFO 210.

Guidance on how to complete the forms can be found on the back of each form. Once a fully completed form and relevant documents have been received, and there are no other outstanding issues, we will aim to make payment of all monies within five working days.

Security holdings

If there are security holdings to be sold or transferred it will take longer to pay the proceeds of sale and up to six weeks for transfer. This will not affect payment out of the cash account. A form CFO SST1 is not required where the only security holding is the EITF. If the EITF is not the only security holding, a form CFO SST1 is only required for the non-EITF securities. Please note holdings of the Equity Index Tracker Fund can only be sold; they cannot be transferred. If there is more than one executor or nearest of kin only one executor or nearest of kin needs to sign the SST1.

Copies of these forms can be found on our website or requested by calling the CFO Customer Services Helpline.

Useful contacts

Court Funds Office

Sunderland

SR43 3AB

Telephone: 0300 0200 199

Email: enquiries@cfo.gov.uk

The Probate Service

Website: www.gov.uk/wills-probate-inheritance

Office of the Public Guardian

PO Box 16185

Birmingham B2 2WH

Telephone: 0300 456 0300

Email: customerservices@publicguardian.gov.uk

HMRC Probate and Inheritance Tax Helpline

Website: www.gov.uk/contact-hmrc

Telephone: 0300 123 1072
