
STATUTORY INSTRUMENTS

1987 No. 821

The Court Funds Rules 1987

PART X

UNCLAIMED FUNDS IN COURT

Unclaimed funds

57.—(1) Subject to the provisions of this rule, the Accountant General may carry over an unclaimed fund in court to an account of unclaimed balances when five years have elapsed since an account was opened for the fund.

(2) Subject to paragraph (3), a fund shall be treated as unclaimed if:—

- (i) it stands to the credit of an account which has not been dealt with for a period of five years otherwise than by the continuous investment or placing on deposit of accrued interest, the compulsory conversion, redemption or acquisition of securities or the placing on deposit of any money arising therefrom; and
- (ii) the Accountant General is satisfied that all reasonable steps have been taken to trace the person entitled to it and to pay it to him.

(3) Where a fund was lodged in court for the benefit of a minor, the period of five years mentioned in paragraph 2(i) shall not begin to run until the minor's 18th birthday, or, if his date of birth is not known, until 18 years have elapsed since the account was opened.

(4) Where the person entitled to a fund was a patient, the Accountant General may at any time, if so requested by the proper officer of the Court of Protection, and provided he is satisfied that all reasonable steps have been taken to trace the person entitled to the fund and to pay it to him, carry the fund over to an account of unclaimed balances.

(5) In the case of a fund paid into court by the Public Trustee under the Trustee Act 1925, the Accountant General may at any time, provided he is satisfied that all reasonable steps have been taken to trace the person entitled to the fund and to pay it to him, carry the fund over to an account of unclaimed balances.

(6) On receipt of a Payment Schedule directing a dealing with a fund carried over in accordance with this rule, the Accountant General shall carry back the unclaimed balance to the appropriate account.

(7) Where a fund is carried back under paragraph (6) simple interest shall be credited to the fund in respect of the whole period during which the fund stood to an account of unclaimed balances at the rate of interest prescribed at the date when the fund is carried back, for money placed in a basic account.

Lists of unclaimed funds

58.—(1) The Accountant General shall maintain a list of the accounts in respect of which funds have been carried over to an account of unclaimed balances under rule 57, which may be inspected at the Court Funds Office during normal office hours.

(2) The proper officer of each county court shall maintain a list of unclaimed funds in the custody of that court, which may be inspected at the court office; and he shall send to the Accountant General a copy of the list from time to time.

Disposal of unclaimed effects in court

59.—(1) Where effects have been deposited in court on or after 3rd July 1978 and have been carried over to an account of unclaimed balances under rule 57, the Accountant General may send to the court a copy of any inventory provided to him in accordance with rule 17(3) in respect of such effects when 25 years have elapsed since he received the authority for such lodgment.

(2) On receipt of an inventory sent in accordance with paragraph (1) the court may:—

- (i) cause enquiries to be made whether any party to the proceedings in which the effects were deposited wishes to make any application in respect of them, or whether any other person who may have an interest in the effects can be found; and
- (ii) of its own motion and without reference to any party or person (other than a party or person who may have an interest and whose whereabouts or the whereabouts of whose personal representatives are known), order the final disposal of the effects by sale, realisation or otherwise; provided that the court shall not order the destruction of any effects unless it is satisfied that they have no realisable value.

(3) For the purpose of any reference to a party or other person who may have an interest in the effects in question it shall not be necessary to revive any proceedings which may have abated or to issue any summons unless the court so directs and an order for such final disposal may be made after oral or written communication with such party or person.

(4) The amount of the net proceeds of any sale or realisation under paragraph (2) should be certified by the proper officer and placed to the credit of the unclaimed balance account in which the effects were held prior to the sale or realisation.

Disposal of unclaimed securities in court

60.—(1) Where any securities (including Common Investment Fund units) are carried over under rule 57, or are standing to an account of unclaimed balances on 1st June 1987 the Accountant General shall sell the securities and pay the proceeds into the account of unclaimed balances.

(2) The Accountant General shall write-off any securities carried over under rule 57 or standing to an account of unclaimed balances on 1st June 1987 which have no value.

(3) Where any sum carried over under rule 57 stands to an interest bearing account the Accountant General shall withdraw the sum and place it to the account of unclaimed balances.

Repayment of closed county court funds

61.—(1) Where a fund in a county court has been closed a person may apply to the court at which the funds account was kept for repayment of all or part of the fund to him.

(2) Where the court is satisfied that the claimant is entitled to the whole or part of the fund, it may order the payment to him of money standing to the credit of the account as at the date of its closure or of a sum of money representing the value of the fund at the date of its closure.

(3) Where the court makes an order under paragraph (2) the proper officer shall send a sealed copy of the court's order to the Accountant General.

(4) On receipt of the order the Accountant General shall take such steps as may be necessary to give effect to it, and shall forward a remittance for the amount of the fund to the claimant.

Unclaimed money in county court

62. This part of these Rules shall apply, with such modifications as may be necessary, to unclaimed moneys which have not been dealt with for a period of one year immediately before the preceding 1st March.