

# INVESTMENT DIRECTIONS

A JUDICIAL PERSPECTIVE – Master Lisa Sullivan

# Considerations for form of investment



Are the damages needed now, during minority, in later life?



What should damages be spent on?



How cautious should the investment be?



How should it be managed to achieve those aims?



Who should be making the decisions on spending and investment?

# INVESTMENT OPTIONS

## Court Funds

- Equity Index Tracker Fund
- Special Account Rate

## Personal Injury Trust

## Junior ISA

# Court Funds Office

- Special Account
  - 4.25%
  - “Instant” access
  - Regular payments out
- Equity Index Tracker Fund
  - More than £10,000
  - More than 5 years to invest
  - ? Risk profile

# Personal Injury Trust

Investment flexibility

Likely management as adult

**BUT**

- Cost of management
- Professional trustee required
- Cost of professional trustee

# Personal Injury Trust Terms

Unlimited investment options

Delegation of powers

Change of Jurisdiction

Conflict

Liability of trustees

Clear ability to revoke

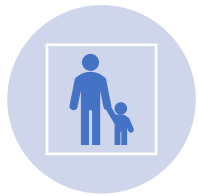
Change of trustee

# The role of the barrister

Chancery  
barrister

Personal  
injury  
barrister

# Common errors



Confusion of child/protected party



Trust requested, no draft trust



In-house professional trustee, no consideration of undue influence issues



No costs estimates of professional trustee



No proper explanation of terms of trust or court funds office process to litigation friend



Court funds office investment requested, no birth certificate, no CFO 320, no majority direction in order