

Personal Injury Trusts - For Adults with Capacity

What Is A Personal Injury Trust?

- Paying your compensation into a Personal Injury Trust can help to protect your right to means-tested benefits. These may be benefits you are on now or may be eligible for in the future or even means-tested assistance from your local authority.
- The trust is established by a special 'trust deed' which states what can be done with the compensation.
- The trust deed also states who looks after the money. The people who look after it are called your 'trustees'.

Why Should You Bother?

- If you receive compensation directly, even from an interim payment, this can result in a loss of means-tested benefits. If you personally hold more than £6,000 in capital or savings your Income Support will be affected, hold over £21,000 in capital or savings and your access to free residential care will be restricted.
- Even if you do not get means-tested benefits now you might want to protect your compensation from potential future costs such as long-term care.

What Can You Do With The Money Held In The Personal Injury Trust?

- Post October 2006 income deriving from a Personal Injury Trust will be disregarded in the majority of cases when a claimant is being assessed for means-tested benefits.
- As well as covering normal expenses of daily living your Trustees can also pay for a place to live, a new car, a holiday but you they will need to be careful that money from the trust is not used or distributed in such a way that jeopardises your means-tested benefits.

Who Should You Choose To Be Your Trustees?

- You need to pick a couple of trustees who will look after the compensation you put into the trust and make decisions about payments from the trust.
- Your choice of trustees is very important. Payments are subject to their consent and the money will be under their control rather than yours.
- Trustees must take proper investment advice. You can have the power to remove/appoint Trustees.
- The trust will contain a power for you to wind up the trust if necessary although this may trigger loss of benefits. This option should not be used without first obtaining legal advice
- *The role of trustee is fundamental to how your trust fund is managed and administered. You should be completely satisfied that your trustees are reliable, trustworthy and capable of carrying out their duties fully.*

How Can Russell-Cooke Assist?

- If you wish to create a Personal Injury Trust or discuss the above issues further then are happy to advise you, in consultation or writing, on the options available to you.
- Our usual charging rates will apply and fees will apply but we shall provide you an estimate of costs before any work is undertaken.
- Should you require further information then please complete the attached questionnaire and return it to: Rita.Bhargava@russell-cooke.co.uk t. 020 83946224

COMPENSATED PERSON'S DETAILS

<i>Full Name</i>	
Address E-mail Address	
Tel No (Home) (Office) (Mobile)	
Date of Birth Place of Birth	
Family Status Date and place of marriage or civil partnership	
National Insurance No. Tax Reference.	
Please state what sum you expect to receive in compensation and when. Please also confirm if this is an interim or final payment.	
Briefly outline the date and nature of the accident/incident for which compensation is being claimed	

<p>Please list the names, and their relationship to you, of all those living in the same household as the compensated person.</p>	Name	Relationship	Under 16 years of age?
<p>Please give brief details of your current assets/savings</p>			
<p>Please list any benefits currently received or have been received by either the compensated person or their spouse or partner.</p> <p>Please provide as full details as possible inc. your local authority office and reference for any benefits received.</p>			
<p>WILL</p>			
<p><i>Do you have a Will?</i></p>			

TRUSTEE'S DETAILS

	Name	Address	Occupation	Relationship to compensated person
<p>Who do you want to be trustees?</p> <p>These are the people who would like after your funds.</p> <p>Please list at least two choices but no more than four.</p>				

OTHER INFORMATION

<p>Please provide any further information that you feel may be useful</p>	
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For more information please contact:

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