

## **vCJD TRUST**

### **GUIDANCE NOTE FOR INTERIM PAYMENT**

The Trustees are willing in appropriate circumstances to make interim payments of compensation during the life of the victim of vCJD before the Main Application has been completed.

Money can usually be released to the victim or family within about 48 hours of receipt of the completed application. The claims can be complex to administer and therefore incur considerable legal fees and may cause delay in dealing with other applications. For these reasons, claims for interim payments should only be made if there is a genuine urgent need, usually where the victim is alive.

After the Victim has died, the Trustees recognise that there may be rare occasions where funds are required before the Main Application has been completed. In these cases, an application should be made for a part-payment (rather than an interim payment) of compensation which will be dealt with on a priority at the next Trustees' meeting. For further information, you should contact Edwina Rawson or Rowena Hill at Charles Russell, Solicitors, on 0207 203 5000, or print "How to Claim" from the Trustees' website at [www.vcjdtrust.co.uk](http://www.vcjdtrust.co.uk).

#### **How to apply for an Interim Payment – Please complete and return the enclosed Application Form.**

You will have to satisfy the Trustees of 2 matters:

##### **1      **Diagnosis****

You need to establish that the Victim probably suffered from vCJD. This has to be done by your obtaining a letter confirming that this is the case from Dr Richard Knight, at the National CJD Surveillance Unit, the University of Edinburgh, Western General Hospital, Crewe Road, Edinburgh, EH4 2XU, telephone 0131-537-3108, fax 0131-537-2535.

##### **2      **Residence****

You will need to satisfy the Trustees that the Victim was present in the United Kingdom for periods totalling not less than 5 years between 1982 and 1996. Again Dr Knight can confirm this in his letter, after taking a statement from the Victim or from you.

Alternatively, you can complete the Authority which is attached to the Application Form and send it to Charles Russell, Solicitors, who will obtain the information for you.

A diagnosis and confirmation of residence from a different source will not be sufficient.

#### **Some further points**

- 1 *Where the Victim is alive and can receive payment direct, it will be necessary to provide a short letter from a GP confirming that he/she is well enough to manage his/her own affairs.*
- 2 *Where the Victim is alive but is unable to manage his/her own affairs it will be necessary to set up a simple form of trust before monies can be paid to the Victim's family or for his/her benefit, unless the Victim signed an Enduring Power of Attorney. We can provide a sample trust deed and will need to find out from you who will be the appropriate trustees to deal with the interim payment. At least one of the trustees will need to be a professional trustee, i.e. a solicitor. You and/or other family members may also act as a trustee. The trustees will have joint responsibility for spending the compensation for the victim's benefit.*
- 3 When the trust deed has been set up and signed, you will need to provide Charles Russell, Solicitors, with a copy of the signed version. Only in exceptional cases will any payment be made before you have sent us a signed trust deed and only on the solicitor's undertaking that it will be paid into the trust.
- 4 The Trustees will consider paying the total Basic Sum of £120,000 into a trust, although this will not always be appropriate. The Trustees have a discretion to pay any amount below £120,000 that they feel is appropriate to meet the victim's needs. You will need to sign a form of acknowledgement before any payment can be made. We shall send this to you in due course.

### **Tax Implications**

If it is not suitable to make payment into the estate because of the Inheritance Tax implications, please let us know, and if we can refer the matter back to the Trustees. You may need to obtain advice from a solicitor in this respect, the costs of which would not be within the terms of the Trust Deed and, therefore could not be paid by the Trustees. You should also be aware that the receipt of the Basic Sum may affect your own Inheritance Tax position depending on the total value of your estate at the time of death. You may require independent tax advice in this respect.

### **Our Response**

We shall acknowledge safe receipt promptly and let you know if we need any additional information. We shall also let you have an appropriate Form of Acknowledgement for your signature before payment can be made. The Application Form should be sent to Edwina Rawson at Charles Russell, 8-10 New Fetter Lane, London, EC4A 1RS, telephone 020-7203-8838, fax 020-7203-0207. She will be pleased to answer any questions that you may have.