
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 36

OFFERS TO SETTLE

[^{F1}Costs consequences of acceptance of a Part 36 offer

36.10.—(1) Subject to paragraph (2) and paragraph (4)(a), where a Part 36 offer is accepted within the relevant period the claimant will be entitled to [^{F2}the] costs of the proceedings up to the date on which notice of acceptance was served on the offeror.

(2) Where—

- (a) a defendant's Part 36 offer relates to part only of the claim; and
- (b) at the time of serving notice of acceptance within the relevant period the claimant abandons the balance of the claim,

the claimant will be entitled to [^{F3}the] costs of the proceedings up to the date of serving notice of acceptance unless the court orders otherwise.

(3) Costs under paragraphs (1) and (2) of this rule will be assessed on the standard basis if the amount of costs is not agreed.

(Rule 44.4(2) explains the standard basis for assessment of costs)

[^{F4}(Rule 44.12 contains provisions about when a costs order is deemed to have been made and applying for an order under section 194(3) of the Legal Services Act 2007.)]

(4) Where—

- (a) a Part 36 offer that was made less than 21 days before the start of trial is accepted; or
- (b) a Part 36 offer is accepted after expiry of the relevant period,

if the parties do not agree the liability for costs, the court will make an order as to costs.

(5) Where paragraph (4)(b) applies, unless the court orders otherwise—

- (a) the claimant will be entitled to [^{F5}the] costs of the proceedings up to the date on which the relevant period expired; and
- (b) the offeree will be liable for the offeror's costs for the period from the date of expiry of the relevant period to the date of acceptance.

(6) The claimant's costs include any costs incurred in dealing with the defendant's counterclaim if the Part 36 offer states that it takes into account the counterclaim.]

Textual Amendments

- F1** Pt. 36 substituted (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rule 1, [Sch. 1](#) (with rule 7(2)-(7))

Status: Point in time view as at 01/10/2008. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 36.10. (See end of Document for details)

- F2** Word in rule 36.10(1) substituted (1.10.2008) by The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **17(c)(i)**
- F3** Word in rule 36.10(2) substituted (1.10.2008) by The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **17(c)(ii)**
- F4** Words in rule 36.10 inserted (1.10.2008) by The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **17(c)(iii)**
- F5** Word in rule 36.10(5)(a) substituted (1.10.2008) by The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **17(c)(iv)**

Status:

Point in time view as at 01/10/2008. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 36.10.