

STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 36

OFFERS TO SETTLE AND PAYMENTS INTO COURT

VALID FROM 30/04/2010

Acceptance of a Part 36 offer or a Part 36 payment made by one or more, but not all, defendants

36.17.—(1) This rule applies where the claimant wishes to accept a Part 36 offer or a Part 36 payment made by one or more, but not all, of a number of defendants.

(2) If the defendants are sued jointly or in the alternative, the claimant may accept the offer or payment without needing the permission of the court in accordance with rule 36.11(1) if—

- (a) he discontinues his claim against those defendants who have not made the offer or payment; and
- (b) those defendants give written consent to the acceptance of the offer or payment.

(3) If the claimant alleges that the defendants [^{F1}if he is entitled to do so] have a several liability^(GL) to him the claimant may—

- (a) accept the offer or payment in accordance with rule 36.11(1); and
- (b) continue with his claims against the other defendants.

(4) In all other cases the claimant must apply to the court for—

- (a) an order permitting a payment out to him of any sum in court; and
- (b) such order as to costs as the court considers appropriate.

Textual Amendments

- F1** Words in rule 36.17(3)(b) inserted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, 14

Commencement Information

- I1** [Rule 36.17](#) in force at 26.4.1999, see [Signature](#)

Status:

Point in time view as at 01/10/2004. This version of this provision is not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 36.17.