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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

PART 36

OFFERS TO SETTLE AND PAYMENTS INTO COURT

**Part 36 offers and Part 36 payments—general provisions**

**36.2.**—(1) An offer made in accordance with the requirements of this Part is called—

- (a) if made by way of a payment into court, “a Part 36 payment”;
- (b) otherwise “a Part 36 offer”.

(Rule 36.3 sets out when an offer has to be made by way of a payment into court)

- (2) The party who makes an offer is the “offeror”.
- (3) The party to whom an offer is made is the “offeree”.
- (4) A Part 36 offer or a Part 36 payment—
  - (a) may be made at any time after proceedings have started; and
  - (b) may be made in appeal proceedings.

(5) A Part 36 offer or a Part 36 payment shall not have the consequences set out in this Part while the claim is being dealt with on the small claims track unless the court orders otherwise.

(Part 26 deals with allocation to the small claims track)

(Rule 27.2 provides that Part 36 does not apply to small claims)