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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 36**

**OFFERS TO SETTLE**

*SECTION 1*

*Part 36 Offers to Settle*

MAKING OFFERS

**[<sup>F1</sup>Form and content of a Part 36 offer**

**36.5.**—(1) A Part 36 offer must—

- (a) be in writing;
- (b) make clear that it is made pursuant to Part 36;
- (c) specify a period of not less than 21 days within which the defendant will be liable for the claimant's costs in accordance with rule 36.13 or [<sup>F2</sup>36.23] if the offer is accepted;
- (d) state whether it relates to the whole of the claim or to part of it or to an issue that arises in it and if so to which part or issue; and
- (e) state whether it takes into account any counterclaim.

(Rule 36.7 makes provision for when a Part 36 offer is made.)

(2) Paragraph (1)(c) does not apply if the offer is made less than 21 days before the start of a trial.

(3) In appropriate cases, a Part 36 offer must contain such further information as is required by rule 36.18 (personal injury claims for future pecuniary loss), rule 36.19 (offer to settle a claim for provisional damages), and rule [<sup>F3</sup>36.20] (deduction of benefits).

(4) A Part 36 offer which offers to pay or offers to accept a sum of money will be treated as inclusive of all interest until—

- (a) the date on which the period specified under rule 36.5(1)(c) expires; or
- (b) if rule 36.5(2) applies, a date 21 days after the date the offer was made.

[<sup>F4</sup>(5) A Part 36 offer to accept a sum of money may make provision for accrual of interest on such sum after the date specified in paragraph (4). If such an offer does not make any such provision, it shall be treated as inclusive of all interest up to the date of acceptance if it is later accepted.]]

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**Textual Amendments**

- F1** Pt. 36 substituted (6.4.2015) by [The Civil Procedure \(Amendment No. 8\) Rules 2014 \(S.I. 2014/3299\)](#), [rule 2\(c\)](#), [Sch. 1](#) (with [rule 18](#))
- F2** Word in [rule 36.5\(1\)\(c\)](#) substituted (1.10.2023) by [The Civil Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/572\)](#), [rules 1\(1\)](#), [12\(4\)\(a\)](#) (with [rule 2](#))

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**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, Section 36.5. (See end of Document for details)

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- F3** Word in rule 36.5(3) substituted (1.10.2023) by The Civil Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/572), rules 1(1), **12(4)(b)** (with rule 2)
- F4** Rule 36.5(5) inserted (6.4.2021) by The Civil Procedure (Amendment) Rules 2021 (S.I. 2021/117), rules 1(1), **9**

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 36.5.