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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**

**Form and content of a Part 36 offer**

**36.5.**—(1) A Part 36 offer must be in writing.

(2) A Part 36 offer may relate to the whole claim or to part of it or to any issue that arises in it.

(3) A Part 36 offer must—

- (a) 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;
- (b) state whether it takes into account any counterclaim; and
- (c) if it is expressed not to be inclusive of interest, give the details relating to interest set out in rule 36.22(2).

(4) A defendant may make a Part 36 offer limited to accepting liability up to a specified proportion.

(5) A Part 36 offer may be made by reference to an interim payment.

(Part 25 contains provisions relating to interim payments)

(6) A Part 36 offer made not less than 21 days before the start of the trial must—

- (a) be expressed to remain open for acceptance for 21 days from the date it is made; and
- (b) provide that after 21 days the offeree may only accept it if—
  - (i) the parties agree the liability for costs; or
  - (ii) the court gives permission.

(7) A Part 36 offer made less than 21 days before the start of the trial must state that the offeree may only accept it if—

- (a) the parties agree the liability for costs; or
- (b) the court gives permission.

(Rule 36.8 makes provision for when a Part 36 offer is treated as being made)

(8) If a Part 36 offer is withdrawn it will not have the consequences set out in this Part.