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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 36 E+W**  
**OFFERS TO SETTLE**

**[<sup>F1</sup>Acceptance of a Part 36 offer E+W**

**36.9.**—(1) A Part 36 offer is accepted by serving written notice of the acceptance on the offeror.

(2) Subject to rule 36.9(3), a Part 36 offer may be accepted at any time (whether or not the offeree has subsequently made a different offer) unless the offeror serves notice of withdrawal on the offeree.

(Rule 21.10 provides that acceptance on behalf of a child or patient shall not be valid unless the court has approved the settlement)

(3) The court's permission is required to accept a Part 36 offer where—

- (a) rule 36.12(4) applies;
- (b) rule 36.15(3)(b) applies, the relevant period has expired and further deductible benefits have been paid to the claimant since the date of the offer;
- (c) an apportionment is required under rule 41.3A; or
- (d) the trial has started.

(Rule 36.12 deals with offers by some but not all of multiple defendants)

(Rule 36.15 deals with recoverable benefits and deductible benefits)

(Rule 41.3A requires an apportionment in proceedings under the Fatal Accidents Act 1976 and Law Reform (Miscellaneous Provisions) Act 1934)

(4) Where the court gives permission under paragraph (3), unless all the parties have agreed costs, the court will make an order dealing with costs, and may order that the costs consequences set out in rule 36.10 will apply.

(5) Unless the parties agree, a Part 36 offer may not be accepted after the end of the trial but before judgment is handed down.]

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**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Point in time view as at 06/04/2007. This version of this provision has been superseded.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 36.9.