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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

[<sup>F1</sup>PART 52

APPEALS

*SECTION IV*

*Additional rules*

[<sup>F1</sup>**Non-disclosure of Part 36 offers and payments**

**52.22.**—(1) [<sup>F2</sup>Unless the appeal court otherwise orders, the] fact that a Part 36 offer or payment into court has been made must not be disclosed to any judge of the appeal court who is to hear or determine—

- (a) an application for permission to appeal; or
- (b) an appeal,

until all questions (other than costs) have been determined.

(2) Paragraph (1) does not apply if the Part 36 offer or payment into court is relevant to the substance of the appeal.

(3) Paragraph (1) does not prevent disclosure in any application in the appeal proceedings if disclosure of the fact that a Part 36 offer or payment into court has been made is properly relevant to the matter to be decided.

(Rule 36.4 has the effect that a Part 36 offer made in proceedings at first instance will not have consequences in any appeal proceedings. Therefore, a fresh Part 36 offer needs to be made in appeal proceedings. However, this rule applies to a Part 36 offer whether made in the original proceedings or in the appeal.)]

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**Textual Amendments**

- F1** Pt. 52 substituted (3.10.2016) by [The Civil Procedure \(Amendment No. 3\) Rules 2016 \(S.I. 2016/788\)](#), rule 2, **Sch.** (with rule 16)
- F2** Words in rule 52.22(1) substituted (6.4.2020) by [The Civil Procedure \(Amendment\) Rules 2020 \(S.I. 2020/82\)](#), rules 1(1), **5(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 52.22.