
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 36

OFFERS TO SETTLE AND PAYMENTS INTO COURT

Restriction on disclosure of a Part 36 offer or a Part 36 payment

36.19.—(1) A Part 36 offer will be treated as “without prejudice^(GL) except as to costs”.

(2) The fact that a Part 36 payment has been made shall not be communicated to the trial judge until all questions of liability and the amount of money to be awarded have been decided.

(3) Paragraph (2) does not apply—

- (a) where the defence of tender before claim^(GL) has been raised;
- (b) where the proceedings have been stayed^(GL) under rule 36.15 following acceptance of a Part 36 offer or Part 36 payment; or
- (c) where—
 - (i) the issue of liability has been determined before any assessment of the money claimed; and
 - (ii) the fact that there has or has not been a Part 36 payment may be relevant to the question of the costs of the issue of liability.