

---

STATUTORY INSTRUMENTS

---

**2006 No. 3435**

**The Civil Procedure (Amendment No.3) Rules 2006**

**Amendment to the Civil Procedure Rules 1998**

7.—(1) For Part 36, substitute Part 36 (Offers to settle) as set out at Schedule 1 to these Rules.

(2) Where a Part 36 offer or Part 36 payment was made before 6th April 2007, if it would have had the consequences set out in the rules of court contained in Part 36 as it was in force immediately before 6th April 2007, it will have the consequences set out in rules 36.10, 36.11 and 36.14 after that date.

(3) Where a Part 36 offer or Part 36 payment was made before 6th April 2007, the permission of the court is required to accept that offer or payment, if permission would have been required under the rules of court contained in Part 36 as it was in force immediately before 6th April 2007.

(4) Rule 37.3 will apply to a Part 36 payment made before 6th April 2007 as if that payment into court had been made under a court order.

(5) Subject to paragraph (6), where a person has made a Part 36 offer or Part 36 payment less than 21 days before 6th April 2007—

- (a) paragraphs (1) to (4) of this Rule shall not apply to the offer or payment; and
- (b) the rules of court contained in Part 36 as it was in force immediately before 6th April 2007 shall continue to apply to that offer or payment as if they had not been revoked.

(6) Paragraph (5) ceases to apply to a Part 36 offer or Part 36 payment made less than 21 days before 6th April 2007 at the expiry of 21 days from the date that offer or payment was made unless the trial has started within that period.

(7) Where, before 6th April 2007, a person has made an offer to settle before commencement of proceedings which complied with rule 36.10 as it was in force immediately before 6th April 2007—

- (a) the court will take that offer into account when making any order as to costs; and
- (b) the permission of the court will be required to accept the offer after proceedings have been commenced.