

SCHEDULE 2

Rule 8

“PART 37

MISCELLANEOUS PROVISIONS ABOUT PAYMENTS INTO COURT

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Money paid into court under a court order

37.1 A party who makes a payment into court under a court order must—

- (a) serve notice of the payment on every other party; and
- (b) in relation to each such notice, file a certificate of service.

Money paid into court where defendant wishes to rely on a defence of tender before claim

37.2.—(1) Where a defendant wishes to rely on a defence of tender before claim (GL) he must make a payment into court of the amount he says was tendered.

(2) If the defendant does not make a payment in accordance with paragraph (1), the defence of tender before claim will not be available to him until he does so.

Payment out of money paid into court

37.3 Money paid into court under a court order or in support of a defence of tender before claim (GL) may not be paid out without the court’s permission except where—

- (a) a Part 36 offer is accepted without needing the permission of the court; and
- (b) the defendant agrees that a sum paid into court by him should be used to satisfy the offer (in whole or in part).

(Rule 36.9 sets out when the court’s permission is required to accept a Part 36 offer)

Payment into court under enactments

37.4 A practice direction may set out special provisions with regard to payments into court under various enactments.”