
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 37

MISCELLANEOUS PROVISIONS ABOUT PAYMENTS INTO COURT

Textual Amendments

- F1** Pt. 37 substituted (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rule 1, [Sch. 2](#)

Modifications etc. (not altering text)

- C1** Pt. 37 applied (1.11.2009) by [The Water Industry \(Special Administration\) Rules 2009 \(S.I. 2009/2477\)](#), rules 2, [107](#)
- C2** Pt. 37 applied (30.6.2011) by [The Investment Bank Special Administration \(England and Wales\) Rules 2011 \(S.I. 2011/1301\)](#), rules 2, [229](#) (with rule 5)
- C3** Pt. 37 applied (7.6.2013) by [The Energy Supply Company Administration Rules 2013 \(S.I. 2013/1046\)](#), rules 1, [130](#) (with rules 3, 208)
- C4** Pt. 37 applied (31.1.2014) by [The Postal Administration Rules 2013 \(S.I. 2013/3208\)](#), rules 1, [134](#) (with rules 3, 210)
- C5** Pt. 37 applied (1.8.2020) by [The Smart Meter Communication Licensee Administration \(England and Wales\) Rules 2020 \(S.I. 2020/629\)](#), rules 1, [139](#) (with rule 4(1))
- C6** Pt. 37 applied (with modifications) (12.11.2021) by [The Payment and Electronic Money Institution Insolvency \(England and Wales\) Rules 2021 \(S.I. 2021/1178\)](#), rules 2, [187](#), 191
- C7** Pt. 37 applied (18.7.2023) by [The Relevant Licensee Nuclear Company Administration \(England and Wales\) Rules 2023 \(S.I. 2023/712\)](#), rules 1(2)(a), [135](#) (with rule 2)

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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—
- serve notice of the payment on every other party; and
 - 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 [F236.11] sets out when the court's permission is required to accept a Part 36 offer)

Textual Amendments

- F2** Word in [rule 37.3](#) substituted (6.4.2015) by [The Civil Procedure \(Amendment No. 8\) Rules 2014 \(S.I. 2014/3299\)](#), [rules 2\(c\)](#), [8](#) (with [rule 18](#))

Payment into court under enactments

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

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 37.