
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 37

MISCELLANEOUS PROVISIONS ABOUT PAYMENTS INTO COURT

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Money paid into court under a court order—general

37.1.—(1) When a party makes a payment into court under a court order, the court will give notice of the payment to every other party.

(2) Money paid into court under a court order may not be paid out without the court's permission except where—

- (a) the defendant treats the money as a Part 36 payment under rule 37.2; and
- (b) the claimant accepts the Part 36 payment without needing the permission of the court.

(Rule 36.11 sets out when the claimant can accept a Part 36 payment without needing the permission of the court)

Money paid into court may be treated as a Part 36 payment

37.2.—(1) Where a defendant makes a payment into court following an order made under rule 3.1(3) or 3.1(5) he may choose to treat the whole or any part of the money paid into court as a Part 36 payment.

(Rule 36.2 defines a Part 36 payment)

- (2) To do this he must file a Part 36 payment notice.

(Rule 36.6 sets out what a Part 36 payment notice must contain and provides for the court to serve it on the other parties)

- (3) If he does so Part 36 applies to the money as if he had paid it into court as a Part 36 payment.

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

37.3.—(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^(GL) will not be available to him until he does so.

(3) Where the defendant makes such payment into court—

- (a) he may choose to treat the whole or any part of the money paid into court as a Part 36 payment; and
- (b) if he does so, he must file a Part 36 payment notice.

Proceedings under Fatal Accidents Act 1976(1) and Law Reform (Miscellaneous Provisions) Act 1934(2)—apportionment by court

37.4.—(1) Where—

- (a) a claim includes claims arising under—
 - (i) the Fatal Accidents Act 1976; and
 - (ii) the Law Reform (Miscellaneous Provisions) Act 1934;
- (b) a single sum of money is paid into court in satisfaction of those claims; and
- (c) the money is accepted,

the court shall apportion the money between the different claims.

(2) The court shall apportion money under paragraph (1)—

- (a) when it gives directions under rule 21.11 (control of money received by a child or patient); or
- (b) if rule 21.11 does not apply, when it gives permission for the money to be paid out of court.

(3) Where, in an action in which a claim under the Fatal Accidents Act 1976 is made by or on behalf of more than one person—

- (a) a sum in respect of damages is ordered or agreed to be paid in satisfaction of the claim; or
- (b) a sum of money is accepted in satisfaction of the claim,

the court shall apportion it between the persons entitled to it unless it has already been apportioned by the court, a jury, or agreement between the parties.

(1) 1976 c. 30.
(2) 1934 c. 41.