
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 37

MISCELLANEOUS PROVISIONS ABOUT PAYMENTS INTO COURT

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.