

# MISCELLANEOUS PROVISIONS ABOUT PAYMENTS INTO COURT

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### 37.1 Money paid into court under a court order

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.

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

- (1) Where a defendant wishes to rely on a defence of tender before claim <sup>(GL)</sup> 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.

### 37.3 Payment out of money paid into court

- (1) Money paid into court under a court order or in support of a defence of tender before claim <sup>(GL)</sup> 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)

### 37.4 Payment into court under enactments

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

