

## Notes for Guidance on completion of Form 201

This form is used to request payment out of money in court where a Part 36 offer has been accepted in circumstances where the permission of the court was not required. In order to request payment out of money in court send the Form 201, signed and completed in accordance with these notes for guidance, to the **Court Funds Office, 22 Kingsway, London, WC2B 6LE or DX 149780 Kingsway 5.**

- When completing the Form 201 please ensure that you tick all of the appropriate boxes under the heading: 'I declare that'. If you do not tick all of the appropriate boxes the Court Funds Office will not be able to process your request for payment and will have to return the form to you.
- You must confirm that the permission of the court to accept the offer to settle under Part 36 was not required. Permission to accept is required if any one or more of the following apply:
  - The offer was made by one or more, but not all, defendants and rule 36.12(4) of the Civil Procedure Rules (CPR) applies.
  - CPR 36.15(3)(b) applies, further deductible benefits have been paid to the claimant since the date of the offer and the relevant period has expired.
  - An apportionment is required under CPR rule 41.3A (claims under Fatal Accidents Act 1976 and Law Reform (Miscellaneous Provisions) Act 1934).
  - The trial has started.
  - The offer was made before 6 April 2007 (unless the parties have agreed liability for costs or a further offer has been made since 6 April 2007).
- An order of the court is required before a settlement in favour of a child or patient (rule 21.1(2)) is valid, and the order will deal with the payment out of any money in court (CPR 21.10). Form 200 should be used.
- You must indicate whether the claimant has ever been in receipt of services funded by the Legal Services Commission as part of the Community Legal Service in respect of the case (including legal aid under Part IV of the Legal Aid Act 1988 if granted before 1 April 2000). Payment will then be made to the Legal Services Commission so that it can apply any charge that arises under section 10 of the Access to Justice Act 1999 (CPR PD 37, paragraph 3.8).
- In cases where you are accepting money paid into court as a Part 36 payment before 6 April 2007 you need to fill in the defendant ('s solicitors) bank details. You will find these on Form N242A, notice of payment into court, which the defendants sent to you when they lodged the money in court.
- This form should be signed either by the claimant or, if a solicitor is on record, a partner in the solicitors' firm. Under the Court Funds Rules 1987, the Court Funds Office reserves the right to request a partner's signature on the Form 201 in accordance with audit recommendations.
- If the claimant signs the form their signature must be witnessed. The witness must know the payee and be a professional person or a person of standing in the community, e.g. Bank or Building Society official, Police Officer, Civil Servant, Minister of Religion, Teacher, Accountant, Solicitor, Doctor etc. It **must not** be signed by a relative of the payee.
- In cases of counterclaim, the terms 'claimant' and 'defendant' should be reversed so that the claimant in the original claim is the defendant to the counterclaim and should be treated as the defendant on this form, and vice versa.

The Court Funds Office will only issue payment upon receipt of a properly completed Form 201 with an original signature. Faxed copies of the form and photocopies of signatures will not be accepted and will be returned to sender.