

PART 33 Payments Into Court

PART 33

Money paid into Court under a Court order

33.1

A party who makes a payment into Court under a Court order must:

- (1) serve notice of the payment on every other party; and
- (2) 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

33.2

Where a defendant wishes to rely on a defence of tender before claim he must make a payment into Court of the amount he says was tendered.

33.3

If the defendant does not make a payment in accordance with Rule 33.2, the defence of tender before claim will not be available to him until he does so.

Payment into Court under an order

33.4

A party paying money into Court under an order or in support of a defence of tender before claim must:

(1) send to the Registry:

(a) the payment;

(b) a sealed copy of the order or a copy of the defence; and

(c) Form P33/01;

(2) serve notice of payment on the other parties; and

(3) file at Court:

(a) a copy of the notice of payment; and

(b) a certificate of service confirming service of the notice on each party served.

Application relating to funds in Court

33.5

Any application relating to money or securities which have been paid into Court , other than an application for the payment out of the money or securities (for example, an application for money to be invested, or for payment of interest to any person):

(1) must be made in accordance with Part 23; and

(2) may be made without notice, but the Court may direct notice to be served on any person.

Payment out of money paid into Court

33.6

Money paid into Court under a Court order or in support of a defence of tender before claim may not be paid out without the Court's permission except where:

(1) a Part 32 offer is accepted without needing the permission of the Court ; and

(2) the defendant agrees that a sum paid into Court by him should be used to satisfy the offer (in whole or in part).

33.7

Permission may be obtained by making an application in accordance with Part 23. The application notice must state the grounds on which the order for payment out is sought. Evidence of any facts on which the applicant relies may also be necessary.

33.8

Where the Court gives permission under Rule 33.6, it will include a direction for the payment out of any money in Court , including any interest accrued.

33.9

Where permission is not required to take money out of Court , the requesting party should file a request for payment in Form P33/02 with Registry , accompanied by a statement that the defendant agrees that the money should be used to satisfy the Part 32 offer in Form P33/03.

33.10

The request for payment should contain the following details:

(1) where the party receiving the payment is legally represented:

(a) the name, business address and reference of the legal representative ; and

(b) the name of the bank and the sort code number, the title of the account and the account number where the payment is to be transmitted;

(2) where the party is acting in person:

(a) his name and address; and

(b) his bank account details as in Rule 33.10(1)(b).

33.11

Where Rule 33.9 applies, interest accruing up to the date of acceptance will be paid to the defendant .

33.12

Subject Rule 33.13, if a party does not wish the payment to be transmitted into his bank account or if he does not have a bank account, he may send a written request to the Registrar for the payment to be made to him by cheque.

33.13

Where a party seeking payment out of Court has provided the necessary information, the payment where a party is legally represented must be made to the legal representative .