

Offer to settle

(Section I – Part 36)

This form may be used to settle the whole or part of, or any issue that arises in, a claim, counterclaim, other additional claim, appeal or cross-appeal. It may also be used to settle detailed costs assessment proceedings.

A **Notice of acceptance** form is attached to this form should the offeree wish to use it.

In the (If proceedings have started)

Claim No. (or other ref.)

Name of Claimant (including ref.)

Jane Davies

Name of Defendant (including ref.)

East Kent Hospitals University NHS Foundation Trust

**Before completing this form or responding to the offer
please read the notes on pages 4 and 5**

To the Offeree ('s legal representative) (Insert name and address)

Alex Hiscutt
Pracctice Ltd
Suite 1, Falstaff House
Sandy's Road
Malvern
Worcestershire
WR14 1JJ

Take notice that (insert name of party making the offer)

Jane Davies

makes this offer to settle pursuant to Part 36 of the Civil Procedure Rules 1998.

This offer is intended to be a ☐ defendant's ☒ claimant's Part 36 offer.

If the offer is accepted within days of service of this notice, the defendant will be liable for the claimant's costs in accordance with rule 36.13.

Note: Specify a period which, subject to rule 36.5(2), must be at least 21 days

The offer is to settle: *(tick as appropriate)*

☐ the whole of

☐ part of
(give details over the page)

☐ a certain issue or issues in
(give details over the page)

the

☐ claim

☐ counterclaim

☐ other additional claim

☐ appeal

☐ cross-appeal

☐ detailed costs assessment proceedings

Please give details below of the offer you are making (If necessary continue on a separate sheet ensuring the claim number, if proceedings have started, is shown clearly)

The offer ☐ does ☐ does not take into account ☐ all ☐ part
of the following counterclaim (or other adverse claim):

Is this a personal injury claim?

☐ Yes, please complete section 2,
section 3 if applicable and section 4

☐ No, please go to Section 4

SECTION 2 PERSONAL INJURY CLAIMS

Note: See rule 36.19

Is there a claim for provisional damages?

☐ Yes, complete either part A or B below

☐ No, please go to Section 3

A The offer is made in satisfaction of the claim on the assumption that the claimant will not:

☐ develop
(state the disease)

OR

☐ suffer
(state type of
deterioration)

But if this does occur, the claimant will be entitled to claim further
damages at any time before

Day

Month

Year

B

☐ This offer does not include an offer in respect of the claim for provisional damages.

SECTION 3

Note: See rule 36.22

To be completed only by DEFENDANTS in PERSONAL INJURY claims

A ☐ This offer is made without regard to any liability for recoverable benefits under the Social Security (Recovery of Benefits Act) 1997.

OR

B ☐ This offer is intended to include any relevant deductible benefits for which the defendant is liable under the Social Security (Recovery of Benefits Act) 1997.

The amount of £ is offered by way of gross compensation.

If you have ticked B, complete this section

☐ The defendant has not yet received a certificate of recoverable benefits.

OR

☐ The following amounts in respect of the following benefits are to be deducted. Please give details below.

Type of benefit	Amount
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

The net amount offered is therefore

£

SECTION 4

Complete in ALL cases

Details of the party making the offer

Full name	<input type="text" value="Alex Hiscutt"/>		
Name of firm (if applicable)	<input type="text" value="Pracctice Ltd"/>		
Signed	<input type="text"/>	Position held (If signing on behalf of a firm or company)	<input type="text"/>
Date	<input type="text" value=""/> Day	<input type="text" value=""/> Month	<input type="text" value=""/> Year

IMPORTANT NOTES:

1. This form may be used to settle the whole or part of, or any issue that arises in, a claim, counterclaim, other additional claim, appeal or cross-appeal. It may also be used to settle detailed costs assessment proceedings.
2. When used to make a Part 36 offer in respect of an appeal, an appellant seeking to settle their appeal should make a claimant's offer while a respondent should make a defendant's offer. [See rule 36.4.]
3. When used to make a Part 36 offer in respect of a counterclaim or other additional claim or a cross-appeal in certain appeal proceedings:
 - the party bringing the counterclaim, additional claim or cross-appeal can make (a) a claimant's offer on such counterclaim, additional claim or cross-appeal; or (b) a defendant's offer on the claim or appeal; and
 - the party bringing the original claim or appeal can make (a) a claimant's offer on such claim or appeal; or (b) a defendant's offer on the counterclaim or cross-appeal.

In any case the offeror should make plain whether the offer takes into account any adverse claim. For example, when making an offer on a claim, state whether it takes into account the counterclaim. Equally when making an offer on a counterclaim, state whether it takes into account the claim. [See rules 36.2(3), 20.2 & 20.3 in respect of counterclaims and other additional claims. See rules 36.2(3) and 36.4 in respect of cross-appeals.]
4. When this form is used to make a Part 36 offer in detailed costs assessment proceedings, the receiving party in the assessment should make a claimant's offer while the paying party should make a defendant's offer. [See rule 47.20.]
5. In summary, Part 36 provides that:
 - A party making a defendant's offer is offering something to settle their opponent's claim, counterclaim, additional claim, appeal, cross-appeal or costs assessment proceedings and to accept a liability to pay costs.
 - A party making a claimant's offer is offering to accept something to settle their own claim, counterclaim, additional claim, appeal, cross-appeal or costs assessment proceedings on terms that their opponent pays their costs.
6. Part 6 of the Civil Procedure Rules makes detailed provision for the service of court documents.

NOTICE OF ACCEPTANCE

NOTES:

1. This form is suitable for the simple acceptance of the offer.
2. Where an offer relates only to part of the proceedings and the offeree wishes to abandon the balance of the claim then this should be made clear when accepting the offer. [See rule 36.13(2).]
3. See rule 36.15 where the offer was made by one or more but not all of the defendants.

In the (If proceedings have started)

Claim No. (or other ref.)

Name of Claimant (including ref.)
Jane Davies

Name of Defendant (including ref.)
East Kent Hospitals University NHS Foundation Trust

To the Offeror/legal representative

Alex Hiscutt

Take notice that (insert name of party accepting the offer)

accepts this offer to settle pursuant to rule 36.11 of the Civil Procedure Rules 1998.

Details of the party accepting the offer

Full name

Name of firm
(if applicable)

Signed

Position held
(If signing on behalf
of a firm or company)

Date

Day
Month
Year