



Queensland

Uniform Civil Procedure (Offers to Settle) Amendment Rule 2023

Subordinate Legislation 2023 No. 61

made under the

Supreme Court of Queensland Act 1991

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[s 1]

1 Short title

This rule may be cited as the *Uniform Civil Procedure (Offers to Settle) Amendment Rule 2023*.

2 Rules amended

This rule amends the *Uniform Civil Procedure Rules 1999*.

3 Replacement of r 360 (Costs if offer by plaintiff)

Rule 360—

omit, insert—

360 Costs if offer by plaintiff

- (1) This rule applies if—
 - (a) the plaintiff makes an offer that is not accepted by the defendant; and
 - (b) the plaintiff obtains an order no less favourable than the offer; and
 - (c) the court is satisfied that the plaintiff was at all material times willing and able to carry out what was proposed in the offer.
- (2) Unless the defendant shows another order for costs is appropriate in the circumstances, the court must order the defendant to pay the plaintiff's costs—
 - (a) calculated on the standard basis, up to and including the day of service of the offer; and
 - (b) calculated on the indemnity basis, after the day of service of the offer.

4 Amendment of r 361 (Costs if offer by defendant)

- (1) Rule 361, heading, after 'defendant'—

insert—

—order obtained by plaintiff

(2) Rule 361(1) and (2)—

omit, insert—

- (1) This rule applies if—
 - (a) the defendant makes an offer that is not accepted by the plaintiff; and
 - (b) the plaintiff obtains an order that is less favourable to the plaintiff than the offer; and
 - (c) the court is satisfied that the defendant was at all material times willing and able to carry out what was proposed in the offer.
- (2) Unless a party shows another order for costs is appropriate in the circumstances—
 - (a) the court must—
 - (i) order the defendant to pay the plaintiff's costs, calculated on the standard basis, up to and including the day of service of the offer; and
 - (ii) order the plaintiff to pay the defendant's costs, calculated on the indemnity basis, after the day of service of the offer; and
 - (b) the plaintiff is not entitled to any costs after the day of service of the offer.

(3) Rule 361(4)—

omit.

5 Insertion of new r 361A

After rule 361—

insert—

361A Costs if offer by defendant—dismissal of plaintiff's proceeding

- (1) This rule applies if—

[s 6]

- (a) the defendant makes an offer that is not accepted by the plaintiff; and
 - (b) the plaintiff's proceeding is dismissed; and
 - (c) the court is satisfied that the defendant was at all material times willing and able to carry out what was proposed in the offer.
- (2) Unless a party shows another order for costs is appropriate in the circumstances, the court must order the plaintiff to pay the defendant's costs—
- (a) calculated on the standard basis, up to and including the day of service of the offer; and
 - (b) calculated on the indemnity basis, after the day of service of the offer.

6 Insertion of new ch 24, pt 8

Chapter 24—

insert—

Part 8

Transitional provision for Uniform Civil Procedure (Offers to Settle) Amendment Rule 2023

1003 Costs in relation to offers to settle

- (1) Rules 360 and 361, as in force immediately before the commencement, continue to apply in relation to an offer made before the commencement as if the *Uniform Civil Procedure (Offers to Settle) Amendment Rule 2023* had not commenced.
- (2) Rules 360, 361 and 361A, as in force from the commencement, apply only in relation to an offer made after the commencement.

ENDNOTES

- 1 Made by the Governor in Council on 22 June 2023.
- 2 Notified on the Queensland legislation website on 23 June 2023.
- 3 The administering agency is the Department of Justice and Attorney-General.

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