

42. Order for costs if settlement offer is rejected

- (1) This rule applies if —
 - (a) a party to a proceeding (other than a proceeding in the Tribunal's review jurisdiction) gives another party to the proceeding an offer in writing to settle the proceeding;
 - (b) the other party does not accept the offer within the time the offer is open;
 - (c) the offer complies with rules 40 and 41; and
 - (d) in the opinion of the Tribunal, the orders made by the Tribunal in the proceeding are not more favourable to the other party than the offer.
- (2) If this rule applies, the Tribunal is to, in determining the costs that may be awarded, take into account that the party did not accept an offer more favourable than the Tribunal's order.
- (3) In determining whether its orders are or are not more favourable to a party than an offer, the Tribunal —
 - (a) must take into account any costs it would have ordered on the date the offer was made; and
 - (b) must disregard any costs it ordered in respect of any period after the date the offer was received.