

Key Considerations for an Injunction or Urgent Court Application

Providing clear information and evidence as soon as possible will help your solicitor assess whether urgent action is available and proportionate.



The Immediate Risk

Explain what is happening or expected to happen and why immediate intervention is required. The court will need to understand the harm that may arise if an order is not made promptly.



The Order You Need

Consider what conduct needs to be stopped or what action needs to be required. An injunction must clearly define what the respondent is or is not permitted to do.



The Available Evidence

Gather contracts, correspondence, what the respondent is or witness accounts, financial records and other relevant documents. Urgent applications must normally be supported by evidence setting out the material facts.



The Legal Claim

Identify the underlying right that needs to be protected, such as a contractual obligation, confidentiality provision or ownership interest. An interim application will usually form part of, or relate to, a substantive legal claim.



Notice to the Other Party

Consider whether the other party can be given advance notice of the application. Applications without notice are only appropriate in particular circumstances and carry additional obligations.

Financial and Commercial Harm

Explain how the threatened conduct may affect the business, its assets, customers, reputation or operations. Evidence of the likely consequences can be important when demonstrating urgency.

The Respondent's Likely Position

Consider what arguments or evidence the other party may rely upon. Anticipating their response allows the application or defence to address the disputed issues more effectively.

Undertakings and Financial Exposure

Applicants may be required to give an undertaking to compensate the respondent if the order later proves to have caused unjustified loss. The potential financial implications should be considered before an application is made.

Confidentiality and Disclosure

Be prepared to disclose all material information relevant to the application, particularly where the other party will not initially be present. Failure to provide a complete and balanced account may place an order at risk.

The Wider Dispute

Consider what needs to happen after the urgent hearing. An interim order will not usually resolve the entire dispute, so a longer-term strategy for proceedings, negotiation or settlement will also be required.



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