



LITIGATION GUIDE

1. INTERIM COURT REMEDIES

The Courts in England and Wales have very wide powers and can make any of the following court orders in proceedings (depending upon the subject matter of the dispute). These powers are governed by the Civil Procedure Rules 2008.

The Courts may grant any of the following interim remedies

- 1.1 an interim injunction.** This would preserve the current position (status quo) until final determination of a claim between the parties. This is useful when urgent action is required for example when there is a risk of financial damage if the injunction was not granted;
- 1.2 an interim declaration.** This would be a temporary declaration setting out the relief obtained by a party to litigation until such time as the main substantive action can be tried at court;
- 1.3 Others Orders include**
 - (i) for the detention, custody or preservation of relevant property;
 - (ii) for the inspection of relevant property;
 - (iii) for the taking of a sample of relevant property;
 - (iv) for the carrying out of an experiment on or with relevant property;
 - (v) for the sale of relevant property which is of a perishable nature or which for any other good reason it is desirable to sell quickly; and
 - (vi) for the payment of income from relevant property until a claim is decided.
- 1.4 Order authorising** a person to enter any land or building in the possession of a party to the proceedings for the purposes of carrying out an order under sub-paragraph (c);
- 1.5 Order under section 4 of the Torts (Interference with Goods) Act 1977** to deliver up goods;
- 1.6 Order (referred to as a ‘freezing injunction’)**
 - (i) restraining a party from removing from the jurisdiction assets located there; or
 - (ii) restraining a party from dealing with any assets whether located within the jurisdiction or not;

- 1.7 **Order directing a party to provide information** about the location of relevant property or assets or to provide information about relevant property or assets which are or may be the subject of an application for a freezing injunction;
- 1.8 **Order (referred to as a ‘search order’)** under section 7 of the Civil Procedure Act 1997 (order requiring a party to admit another party to premises for the purpose of preserving evidence etc.);
- 1.9 **Order under section 33 of the Supreme Court Act 1981** or section 52 of the County Courts Act 1984 (order for disclosure of documents or inspection of property before a claim has been made);
- 1.10 **Order under section 34 of the Supreme Court Act 1981** or section 53 of the County Courts Act 1984 (order in certain proceedings for disclosure of documents or inspection of property against a non-party);
- 1.11 **Order (referred to as an order for interim payment)** under rule 25.6 for payment by a defendant on account of any damages, debt or other sum (except costs) which the court may hold the defendant liable to pay;
- 1.12 **Order for a specified fund to be paid into court** or otherwise secured, where there is a dispute over a party’s right to the fund;
- 1.13 **Order permitting a party seeking to recover personal property or to pay money** into court pending the outcome of the proceedings and directing that, if he does so, the property shall be given up to him;
- 1.14 **Order directing a party to prepare and file accounts relating to the dispute;**
- 1.15 **Order directing any account to be taken or inquiry to be made by the court;** and
- 1.16 **Order under Article 9 of Council Directive (EC) 2004/48 on the enforcement of intellectual property rights** (order in intellectual property proceedings making the continuation of an alleged infringement subject to the lodging of guarantees).

On a separate note, the court can issue a witness summons requiring a witness to produce documents to the court at the hearing or on such date as the court may direct.

2. EUROPEAN UNION (“EU”)

Finally, given the international nature of commerce and other business interests in the EU, the above remedies are available in England and Wales to support existing proceedings commenced in the EU. Recognition of these interim remedies is under the Rules and Regulations enacted under both the Brussels Convention and the Civil Jurisdiction and Judgments Act.

For further information and advice please contact:

John Kenneally
Partner

T +44 (0)20 7553 6001
E jk@millerrosenfalck.com
I millerrosenfalck.com

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