

EX PARTE (WITHOUT NOTICE) INJUNCTION APPLICATIONS

Important:

Applying *without notice* is exceptional.

If you ask the Court to act without hearing the other side, you must be completely open and honest, even if some information may weaken your case.

1. SHOULD YOU BE APPLYING WITHOUT NOTICE?

You should only apply without notice if **all** of the following are true:

- ☐ There is a **serious and urgent risk** to your rights or interests
- ☐ Giving notice would **make the situation worse** or defeat the purpose of the application
- ☐ The urgency is not caused by delay on your part
- ☐ You cannot reasonably wait for the other side to be heard

If any of these are not true, you should normally apply **on notice**.

2. WHAT ARE YOU ASKING THE COURT TO DO?

- ☐ Have you clearly explained **exactly what you want the Court to order?**
 - ☐ Is the order **limited and temporary**, not open-ended?
 - ☐ Have you provided a **draft order** in simple terms?
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3. YOUR EVIDENCE (WRITTEN STATEMENT)

Your written evidence should:

- ☐ Set out the facts in date order
 - ☐ Explain what harm you say will happen **soon**, not just in theory
 - ☐ Explain **why you cannot give notice**
 - ☐ Explain any **delay** in bringing the application
 - ☐ Confirm that you have checked the facts carefully
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4. YOUR DUTY TO BE OPEN AND HONEST

(This is the most important part)

You must tell the Court **everything that matters**, including things that may not help you.

You must include:

- ☐ Facts that **support your case**
- ☐ Facts that **might help the other side**
- ☐ Any arguments you expect the other side may raise
- ☐ Relevant emails, letters, or messages
- ☐ Any previous court applications or disputes about the same issue
- ☐ Any legal points you know about that may go against you

You must not decide for yourself what the Court does or does not need to know.

This duty is well established, including in **Thompson v Thompson**.

5. LEGAL POINTS YOU SHOULD ADDRESS (BRIEFLY)

- ☐ Is there a real dispute that needs to be decided by the Court?
 - ☐ Why would money alone not fix the problem?
 - ☐ Why is the order fair at this stage?
 - ☐ Why must the order be made **without notice**?
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6. UNDERTAKING (PROMISE) TO THE COURT

- ☐ Are you willing to promise to pay compensation if the Court later decides the order should not have been made?
- ☐ Have you said this clearly in writing?

The Court may enforce this promise if the order is later cancelled.

7. WHAT HAPPENS NEXT?

- ☐ Have you asked for the order to be served on the other side immediately?
 - ☐ Have you asked for a **short return date** so the other side can be heard?
 - ☐ Do you understand that the other side can ask the Court to change or cancel the order?
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8. IMPORTANT WARNING

If you fail to tell the Court something important — even by accident — the Court may:

- cancel the order immediately
- refuse to hear your case further
- order you to pay compensation or costs

These principles are long established, including in **Brink's Mat Ltd v Elcombe**.

FINAL CONFIRMATION (TO BE SIGNED)

☐ I confirm that I have told the Court **all relevant information**, including information that may not support my application, so the Court can make a fair decision.

Signature:

Date:

Full name:

Address: