# CPR PART 25 – INTERIM REMEDIES AND SECURITY FOR COSTS

#### **SECTION I Interim Remedies in General**

##### **Court’s powers**

**25.1.**—(1) Interim remedies include—

(a)an interim injunction;

(b)an interim declaration;

(c)an order for—

(i)the detention, custody or preservation of relevant property;

(ii)the inspection of relevant property;

(iii)the taking of a sample of relevant property;

(iv)the carrying out of an experiment on or with relevant property;

(v)the sale of relevant property of a perishable nature, or where sale is urgent for any other reason; and

(vi)the payment of income from relevant property until a claim is decided;

(d)an 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);

(e)an order under section 4 of the Torts (Interference with Goods) Act 1977([1](https://www.legislation.gov.uk/uksi/2025/106/schedule/made#f00007)) to deliver up goods;

(f)an order (‘freezing injunction’)—

(i)restraining a party from removing assets from the jurisdiction; or

(ii)restraining a party from dealing with any assets whether located within the jurisdiction or not;

(g)an order directing a party to provide information about relevant property or assets, including their location, which are or may be the subject of an application for a freezing injunction;

(h)an order (‘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.);

(i)an order (‘imaging order’) under section IV of this Part for an independent IT expert to be given access to any electronic data storage devices or online accounts for the purpose of copying the contents;

(j)an order under section 33 of the Senior Courts Act 1981([2](https://www.legislation.gov.uk/uksi/2025/106/schedule/made#f00008)) or section 52 of the County Courts Act 1984([3](https://www.legislation.gov.uk/uksi/2025/106/schedule/made#f00009)) (order for disclosure of documents or inspection of property before a claim has been made);

(k)an order under section 34 of the Senior Courts 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);

(l)an order (‘order for interim payment’) under section V of this Part for payment by a defendant on account of any sum (except costs) which the court may hold the defendant liable to pay;

(m)an 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;

(n)an order permitting a party seeking to recover personal property to pay money into court pending the outcome of the proceedings and directing that, if they do so, the property shall be given up to them;

(o)an order directing a party to prepare and file accounts relating to the dispute;

(p)an order directing any account to be taken or inquiry to be made by the court; and

(q)an order for security for costs.

(2) In paragraph (1)(c) and (g), ‘relevant property’ means property (including land) which is the subject of a claim or as to which any question may arise on a claim.

(3) The fact that an interim remedy is not listed in paragraph (1) does not affect any power the court may have to grant that remedy.

(4) The court may grant an interim remedy whether or not there has been a claim for a final remedy of that kind.

(5) Section II of this Part contains additional provisions relating to interim injunctions.

(6) Sections III to VI of this Part contain additional provisions relating to specific types of interim remedy.

##### **Timing**

**25.2.**—(1) An order for an interim remedy may be made at any time, including before proceedings are started or after judgment has been given, subject to any rule, practice direction or enactment which provides otherwise.

(2) The court may grant an interim remedy before a claim has been started only if the matter is urgent, or it is otherwise desirable to do so in the interests of justice.

(3) A defendant may not apply for an interim remedy before filing either an acknowledgment of service or a defence, unless the court directs otherwise.

(4) Where the court grants an interim remedy before a claim has been started, it must give directions requiring a claim to be commenced, unless—

(a)the application is made under section 33 of the Senior Courts Act 1981 or section 52 of the County Courts Act 1984; or

(b)the court considers it is inappropriate.

##### **Applications and evidence**

**25.3.**—(1) An application for an interim remedy must be supported by evidence, unless the court directs otherwise.

(2) The court may grant an interim remedy on an application made without notice if it appears to the court that there are good reasons for not giving notice.

(3) Evidence in support of an application made without notice must state the reasons why notice has not been given.

(Part 23 contains general rules about making an application.)

##### **Application for an interim remedy in specific situations**

**25.4.**—(1) Where a person wishes to apply for an interim remedy—

(a)in relation to actual or intended proceedings outside the jurisdiction; or

(b)under section 33 of the Senior Courts Act 1981 or section 52 of the County Courts Act 1984 (order for disclosure, inspection etc. before commencement) before a claim has been commenced,

the application must be made in accordance with the general rules about applications contained in Part 23.

(2) Paragraphs (3) and (4) apply where a person makes an application under—

(a)section 33(1) of the Senior Courts Act 1981 or section 52(1) of the County Courts Act 1984 (inspection etc. of property before commencement); or

(b)section 34(3) of the Senior Courts Act 1981 or section 53(3) of the County Courts Act 1984 (inspection etc. of property against a non-party).

(3) The evidence supporting such an application must show that the property—

(a)is or may become the subject matter of such actual or anticipated proceedings; or

(b)is relevant to the issues that will arise in such proceedings.

(4) A copy of the application notice and of the supporting evidence must be served on the person against whom the order is sought, and in relation to an application under section 34(3) of the Senior Courts Act 1981 or section 53(3) of the County Courts Act 1984, on every party to the proceedings other than the applicant.

#### **SECTION IIInterim Injunctions**

##### **Court’s powers**

**25.5.**—(1) In the High Court, Masters and District Judges may grant interim injunctions by consent, or in connection with charging orders and appointments of receivers, or in support of execution of judgments.

(2) In any other case, any judge who has jurisdiction to conduct the trial of the action may grant an interim injunction in that action.

(3) Masters or District Judges have the power to vary or discharge an interim injunction granted by any judge, if all the parties consent.

(4) High Court Judges or any other judges duly authorised may grant search orders and freezing injunctions.

##### **Applications**

**25.6.**—(1) The application notice must state the order sought.

(2) Save where the applicant reasonably believes that there is good reason for not giving notice, the applicant must serve the application notice, evidence in support, draft order and notice of the date, time and place of the hearing as soon as possible after filing and in any event not less than 3 days before the hearing date for the application.

(3) Where an application is made on paper, sufficient copies of the application notice and evidence in support for the court and for each respondent must be filed for issue and service.

(4) Whenever possible, the applicant must—

(a)file a draft of the order sought with the application notice; and

(b)provide an electronic version of the draft order to the court, in a format compatible with enabling the draft to be amended by the court.

##### **Evidence**

**25.7.**—(1) Applications must be supported by evidence in the following form unless the court, a rule, a practice direction or an enactment requires an affidavit or affirmation—

(a)a witness statement;

(b)a statement of case; or

(c)the application.

(2) The evidence must set out all relevant facts.

##### **Applications without notice**

**25.8.**—(1) Where the applicant reasonably believes that there is good reason for not giving the required notice, and where the application is to be dealt with at a court hearing—

(a)the application notice, supporting evidence and a draft order must be filed with the court at least two hours before the hearing wherever possible;

(b)if an application is made before the application notice has been issued, a draft order must be provided at the hearing, and the application notice and evidence in support must be filed with the court on the same or next working day or as ordered by the court;

(c)except in cases where the applicant reasonably believes that secrecy is essential, the applicant must take steps to notify the respondent of the application; and

(d)the applicant must take or arrange to be taken a note of the hearing and serve this on the respondent.

(2) Where the application is to be dealt with at a court hearing before the issue of a claim form, in addition to the requirements of paragraph (1)—

(a)unless the court orders otherwise, either the applicant must undertake to the court to issue a claim form immediately or the court must give directions for the commencement of the claim;

(b)where possible the claim form must be served with the order for the injunction; and

(c)the order must state in the title after the names of the applicant and respondent ‘the Claimant and Defendant in an Intended Action’.

(3) Where the application is to be dealt with remotely—

(a)the applicant must be prepared to send the judge a draft order in electronic format; and

(b)the application notice and evidence in support must be filed with the court on the day of the hearing or next working day or as ordered, together with two copies of the order for sealing where the application is made on paper.

(Further information about the procedure for urgent applications, including urgent out of hours applications, may be found in the relevant court guide, on the HMCTS website, or by contacting the court directly.)

##### **Form of order**

**25.9.**—(1) An order for an interim injunction must set out clearly what the respondent must do or not do.

(2) An order for an interim injunction made in the presence of all parties to be bound by it or made at a hearing of which they have had notice, may state that it is effective until trial or further order.

(3) Unless the court orders otherwise, an order for an interim injunction must contain—

(a)subject to paragraph (6), an undertaking by the applicant to the court to pay any damages which the respondent sustains and which the court considers the applicant should pay;

(b)if made without notice to any other party, an undertaking by the applicant to the court to serve on the respondent the application notice, evidence in support, note of the hearing and any order made as soon as practicable;

(c)if made without notice to any other party, a return date for a further hearing at which the other party can be present;

(d)if made before filing the application notice, an undertaking to file and pay the appropriate fee on the same or next working day; and

(e)if made before issue of a claim form, an undertaking to issue and pay the appropriate fee on the same or next working day, or directions for the commencement of the claim.

(4) When the court makes an order for delivery up or preservation of evidence or property which is likely to be executed at the premises of the respondent or a third party, it must consider whether to include provisions for the benefit or protection of those parties.

(5) Subject to paragraph (6), when the court makes an order for an interim injunction, it must consider whether to require an undertaking by the applicant to pay any damages sustained by a person other than the respondent, including another party to the proceedings or any other person who may suffer loss as a consequence of the order.

(6) In an Aarhus Convention claim to which rules 46.24 to 46.28 apply, if the court is satisfied that an interim injunction is necessary to prevent significant environmental damage and to preserve the factual basis of the proceedings, the court must, in considering whether to require an undertaking by the applicant, and the terms of any such undertaking—

(a)have regard to the need for the terms of the order not to make continuing with the claim prohibitively expensive for the applicant; and

(b)give such directions as are necessary to ensure that the case is heard promptly.

(7) In this Section ‘Aarhus Convention claim’ has the same meaning as in rule 46.24(2).

(8) Proceedings are ‘prohibitively expensive’ if their likely costs, including any court fees payable by the applicant and the amount of any cross-undertaking in damages, and having regard to any limit under Part 46 on a party’s maximum costs liability, either exceed the financial resources of the applicant, or are objectively unreasonable having regard to the factors set out in rule 46.27(3)(b).

(9) When a court considers the financial resources of the applicant, it must have regard to any financial support which any person has provided or is likely to provide to the applicant.

##### **Interim injunction to cease if claim is stayed or automatically struck out**

**25.10.**—(1) If a claim is stayed other than by agreement between the parties, any interim injunction (other than a freezing injunction) granted in or in anticipation of the claim shall cease to have effect, unless the court orders otherwise.

(2) If a claim is automatically struck out, any interim injunction granted to the claimant in or in anticipation of the claim shall cease to have effect 14 days after the claim is struck out, unless the court orders otherwise or paragraph (3) applies.

(3) If a claimant applies within 14 days to reinstate a claim that has been automatically struck out, any interim injunction granted to them in or in anticipation of the claim shall continue until the hearing of the application, unless the court orders otherwise.

(Rules 20.2 and 20.3 provide that counterclaims and other additional claims are treated as claims and that references to a claimant include a party bringing an additional claim.)

##### **Injunctions against third parties**

**25.11.**—(1) The following provisions apply to orders which will affect a person, other than the applicant or respondent, who is served with the order but did not attend the hearing at which the order was made.

(2) Where such a person requests—

(a)a copy of any material provided to the judge, including material prepared after the hearing at the direction of the judge or in compliance with the order; or

(b)a note of the hearing,

the applicant or their legal representative must comply with the request forthwith, unless the court orders otherwise.

#### **SECTION III Freezing Injunctions**

##### **Scope**

**25.12.**  This Section applies to applications for freezing injunctions.

##### **Evidence**

**25.13.**  An application must be supported by evidence on affidavit or affirmation.

##### **Form of order**

**25.14.**—(1) The applicant must use the wording of the model order in the form approved in accordance with rule 4(1), modified as appropriate.

(2) Any modifications to the model order must be drawn to the judge’s attention at the application hearing.

(3) The court may, if it considers it appropriate, require the applicant’s solicitors, as well as the applicant, to give undertakings.

#### **SECTION IV Search and Imaging Orders**

##### **Scope**

**25.15.**  This Section applies to applications for search orders, imaging orders, or both.

##### **Supervising Solicitor**

**25.16.**  In this Section, ‘Supervising Solicitor’ means a solicitor experienced in the operation of search orders, who is not an employee or member of the applicant’s firm of solicitors.

##### **Evidence**

**25.17.**—(1) An application must be supported by evidence on affidavit or affirmation.

(2) The affidavit or affirmation must—

(a)state the address of the premises and whether it is a private or business address;

(b)state the name, firm and its address, and experience of the Supervising Solicitor and, where an imaging order is sought, the independent IT expert; and

(c)fully disclose the reason the order is sought, including the probability that relevant material would disappear if the order were not made.

##### **Form of order**

**25.18.**—(1) The applicant must use the wording of the model search and imaging order in the form approved in accordance with rule 4(1), modified as appropriate.

(2) Any modifications to the model order must be drawn to the judge’s attention at the application hearing.

(3) If the court orders that service by the Supervising Solicitor is not required, the reasons must be set out in the order.

##### **Service**

**25.19.**  Unless the court otherwise orders, the order must be served personally by a Supervising Solicitor.