

Are Injunctions on Motorways?



You may be surprised to learn that one third of the Limited Companies that you lend your money to, have on average at least one Director that has been involved in a failed company. According to a leading UK supplier of credit reports of the 2,595,182 company directors in the UK 952,432 have got a failed company behind them. It goes on to say that 307,563 directors have more than one and 3,684 have been involved in more than ten failures.

Not all these directors are rogue directors their misfortunes could have been caused by any number of extenuating circumstances. However, when you compare this information with the four main causes for the courts disqualifying directors over the last few years it makes you wonder just how safe is your money.

1. Managing a company whilst bankrupt.
2. Allowing takeover of an insolvent company to avoid personal liability.
3. Trading when having no reasonable prospect of paying creditors.
4. Misappropriating company funds.....

Not included are the statistics related to sole traders and partnerships. It's perhaps just as well as such doom and gloom could push you over the edge and result in your selling up and going to live on a desert island. So what can you do about such rogues apart from the usual county and High Court remedies that often take so long that nothing is left by the time you've obtained judgment?

Quite a lot actually! So let's look at some options. In cases where you believe that something underhand is taking place the law provides for you to apply for an injunction. Given the fact that you have grounds for your application the courts move very fast. Injunctions can be obtained 24 hours a day seven days a week.

By obtaining a Mareva: www.gilhams.com/dictionary/309.cmf injunction for example you can freeze all of the debtor's assets wherever they may be. The debtor may also be made to swear an affidavit detailing his assets and their location. Alternatively, you may have a suspicion that important documents or evidence may disappear in which case you can apply for an Anton Pillar: www.dca.gov.uk/consult/general/cpfreeze.htm#part3 injunction. In this case your legal advisors can visit the debtor's premises with the court order to inspect such documents and evidence. This will be a real surprise to the debtor because no one tells him they are coming.

Such injunctions can be obtained for any number of purposes. For example an order can be obtained to enter a debtor's premises to inspect things that are a material part of your claim; an order freezing property; or an order allowing a specialist to inspect goods and equipment and/or to determine that the debtor still has them. If you sell perishable goods or goods that may deteriorate in value, for whatever reason, you can obtain an order for the immediate sale of such things. If you believe that your debtor is going to do a bunk then you can get an order even to stop him leaving the country.

So there are quite a few options available all of which will make your debtors life extremely difficult. Perhaps so difficult that they may decide to pay you off!

See also www.answers.com/injunctions&r=67