**南京海事法院诉讼指南（海事强制令申请篇）**

**一、海事强制令有哪些申请条件？**

1、请求人有具体的海事请求；

2、需要纠正被请求人违反法律规定或合同约定的行为；

3、情况紧急，不立即作出海事强制令将造成损害或者使损害扩大。

4、请求人提供的担保符合法律规定。

**二、申请海事强制令所需什么材料？**

1、海事强制令申请书及证据

强制令申请书为一式两份（正本），注明申请人名称、被申请人名称、请求事项、标的物所在的地点、场所、申请的事实和理由、由申请人签字盖章。所附证据显示的有关船舶名称、货物标记、单证编号等内容应与申请书记载的内容一致。

2、担保函

现金或金融机构出具的独立保函。

3、申请人主体资格材料

申请人是自然人的，提交身份证明复印件；申请人是法人或者非法人组织的，提交营业执照或者组织机构代码证复印件、法定代表人或者主要负责人身份证明书

4、授权委托

代理人是律师的，提交授权委托书及律所公函；代理人是公司员工的，提交员工身份证复印件、授权委托书及劳动合同复印件并由公司盖章。

5、法律文书送达地址确认书

**Application guide for maritime injunction**

**Ⅰ. To make a maritime injunction, what conditions shall be fulfilled?**

1. The claimant has a specific maritime claim.

2. There is a need to rectify an act committed by the party who opposes the claim, in violation of the provisions of the law or the stipulations of a contract.

3. In case of emergency, failure to make a maritime injunction immediately will cause damage or expand damage;

4. The guarantee provided by the maritime claimant shall be in accordance with law.

**II. What documents are required for maritime injunction application?**

1. Written application for maritime injunction and evidence

Written application for maritime injunction is in duplicate (original) signed and/or stamped by the applicant, in which to indicate the applicant’s name, the respondent’s name, the matters to be requested, the place and the location where the subject matter is, facts and grounds for application. The name of the involved ship, the goods’ mark, the reference number of documents and other content showed in the evidence attached thereto should be in accordance with the written application.

2. Letter of Undertaking

Cash or the independent Letter of Undertaking issued by a financial institution.

3. Documents for the applicant’s subject qualification

If the applicant is a natural person, submit the copy of identification card; if the applicant is a legal person or other organization, submit the copy of business license or organization code certificate and the identity certificate of the legal representative or the person chiefly in charge.

4. Power of attorney

If the agent ad litem is a lawyer, submit the power of attorney and the letter of law firm; if the agent ad litem is a company employee, submit the copy of the employee’s identification card, power of attorney, the copy of labor contract and the aforesaid documents should be affixed with the company’s stamp.

5. Confirmation of service address for legal documents