

**IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE**

**PRACTICE DIRECTION NO. 10 OF 2005**

**AMENDMENTS TO FORMS 4, 5 AND 6:**

**FORM 4 – ORDER TO ALLOW ENTRY AND SEARCH OF PREMISES**

**FORM 5 – INJUNCTION PROHIBITING DISPOSAL OF ASSETS WORLDWIDE**

**FORM 6 – INJUNCTION PROHIBITING DISPOSAL OF ASSETS IN  
SINGAPORE**

According to paragraph 23(1) of *The Supreme Court Practice Directions (1997 Ed.)*, applications for *Anton Piller* orders and *Mareva* injunctions are to be made using Forms 4, 5 and 6 in Appendix B. For ease of reference to the paragraphs in the Forms, the paragraphs have been renumbered so that they now run in consecutive order. The contents of these Forms have not been changed.

2 This Practice Direction amends Forms 4, 5 and 6 by renumbering the current paragraphs. Relevant information is to be inserted where the symbol “[ ]” appears in the Forms.

3 This practice direction also makes miscellaneous amendments to bring the provisions of *The Supreme Court Practice Directions (1997 Ed.)* in line with existing practice.

4 This practice direction will take effect from 15 August 2005.

5 This practice direction should be included in *The Supreme Court Practice Directions (1997 Ed.)* immediately before the first page of the table of contents.

Instructions for effecting the amendments to *The Supreme Court Practice Directions (1997 Ed.)* are contained in the Appendix hereto.

Dated this 3<sup>rd</sup> day of August 2005.



KOH JUAT JONG  
REGISTRAR  
SUPREME COURT

## **APPENDIX**

- 1) The existing page 17 to be replaced with the attached page 17.
- 2) The existing page 52B(I) to be replaced with the attached page 52B(I).
- 3) The existing page 95 to be replaced with the attached page 95.
- 4) The existing page 98A to be replaced with the attached page 98A.
- 5) The existing pages 106 to 127 to be replaced with the attached pages 106 to 127.

Any summonses for directions not so endorsed will be regarded as exceeding 15 minutes.

- (5) Summonses for directions will be fixed for hearing before the Registrar on such days as may be directed by the Registrar.

**19. Summonses-in-chambers**

- (1) Ordinary summonses-in-chambers shall be endorsed “*ex parte*”, “by consent” or “non-contentious” and when so endorsed must bear a certificate to that effect signed by all the solicitors concerned. Any summons that is not endorsed will be regarded as a contentious matter liable to exceed 10 minutes.
- (2) “Non-contentious” shall mean a matter which has been certified by both or all the solicitors concerned as 1 which will not exceed 10 minutes.
- (3) [Deleted]

**20. Motions**

- (1) Motions shall be endorsed “*ex parte*”, “by consent” or “non-contentious” and when so endorsed must bear a certificate to that effect signed by all the solicitors concerned. Any motion that is not endorsed will be regarded as a contentious motion liable to exceed 15 minutes.
- (2) “Non-contentious” shall mean a matter which has been certified by both or all the solicitors concerned as 1 which will not exceed 15 minutes.
- (3) Motions fixed for hearing on normal dates will be heard by the Judge on Fridays.

- (u) originating summonses for bankruptcy;
  - (v) petitions for grants of probate or letters of administration;
  - (w) instruments creating a power of attorney;
  - (x) all documents which pertain to assessment of damages, taking of accounts and inquiries before the Registrar;
  - (y) all documents which pertain to proceedings falling within the ambit of Orders 45 to 52 of the Rules of Court;
  - (z) requests for and notifications of setting down;
  - (aa) notices of motion;
  - (bb) writs of subpoena;
  - (cc) praecipes;
  - (dd) certificates, caveats and declarations;
  - (ee) letters;
  - (eea) petitions filed under Part X of the Women's Charter and all documents which pertain to proceedings under the said Part; and
  - (ff) all other documents not otherwise specifically provided for in the preceding clauses.
- (3) It shall not be necessary to use the electronic filing service in respect of the following proceedings:
- (a) any proceedings commenced by a writ of summons before March 2000, subject to the provision in sub-paragraphs (c), (d), (e) and (f);
  - (b) any proceedings commenced by an originating summons before 18 December 2001;
  - (c) any proceedings for taxation commenced by a bill of costs, including proceedings resulting or arising from such proceedings, filed before 18 December 2001;
  - (d) any proceedings commenced by an originating summons or summons for interpleader relief, including proceedings resulting or arising from such proceedings, filed before 18 December 2001;

**79. Transfer of proceedings to the Subordinate Courts**

- (1) Solicitors who act for parties in any action where the claim or value of the claim does not exceed \$250,000 should consider applying by summons-in-chambers or at the hearing of the summons for directions for an order that the action be transferred to a District Court for trial.
- (2) In cases where directions have been given, solicitors should proceed under Order 25, Rule 7 (3), of the Rules of Court.

**80. Witnesses**

- (1) It has been brought to the attention of the Court that generally witnesses have not been told that they are free to leave the Court after they have completed their evidence.
- (2) To remedy this, every witness will be released by the Court upon completion of his evidence and it is the duty of counsel to apply to the Court if counsel desires the witness to remain.

*(The next page is page 96.)*

**83A. Applications for dispensation of sureties for grants of Letters of Administration**

- (1) An application for dispensation of sureties pursuant to section 29(3) of the Probate and Administration Act (Cap. 251) shall be made by way of a summons-in-chambers supported by an affidavit sworn or affirmed by all the administrators or co-administrators stating:
  - (a) the efforts made to find sureties and/or why they cannot be found;
  - (b) that the estate duty is either paid, not payable, postponed or has otherwise been cleared;
  - (c) who the beneficiaries are, their shares, ages and whether there are any minors as at the date of the summons-in-chambers;
  - (d) the relationship of the administrators and co-administrators (if any) to the minors;
  - (e) whether the estate has any creditors and the amount of the debt owed to them; and
  - (f) any other information which may be relevant to the application.
- (2) A letter or certificate from the Commissioner of Estate Duties confirming the fact stated in paragraph (1)(b) must be exhibited in the affidavit supporting the summons-in-chambers.
- (3) The consents in writing at all adult beneficiaries to the dispensation of sureties, duly signed in the presence of a solicitor or a person before whom an affidavit can be sworn or affirmed, must be filed.
- (4) Paragraphs (1) to (3) apply equally to applications for dispensation of sureties in cases of re-sealing of Commonwealth grants of Letters of Administration and grants from a court of probate in a country or territory, being a country or territory declared by the Minister for Law as a country or territory to which section 46(1) of the Probate and Administration Act (Cap. 251) applies.

4.

Para. 23 (1)(a)

**ORDER TO ALLOW  
ENTRY AND SEARCH OF PREMISES**

**IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

[SUIT NO.]

Between

[Intended] Plaintiff

And

[Intended] Defendant

BEFORE THE HONOURABLE JUSTICE \_\_\_\_\_ IN CHAMBERS

**ORDER TO ALLOW ENTRY AND SEARCH OF PREMISES**

**IMPORTANT:- NOTICE TO THE DEFENDANT**

(a) This order orders you to allow the persons mentioned below to enter the premises described in the order and to search for, examine and remove or copy the articles specified in the order. This part of the order is subject to restrictions. The order also requires you to hand over any of the articles which are under your control and to provide information to the plaintiff's solicitors. You are also prohibited from doing certain acts. You should read all the terms of the order very carefully. You are advised to consult a solicitor as soon as possible.

(b) Before you the defendant or the person appearing to be in control of the premises allow anybody onto the premises to carry out this order, you are entitled to have the solicitor who serves you with this order explain to you what it means in everyday language.



(c) You are entitled to insist that there is nobody [or nobody except (name)] present who could gain commercially from anything he might read or see on your premises.

(d) You are entitled to refuse to permit entry before 9.00 a.m. or after 5.00 p.m. or at all on Saturdays, Sundays and public holidays.

(e) You are entitled to seek legal advice, and to ask the Court to vary or discharge this order, provided you do so at once, and provided that meanwhile you permit [the supervising solicitor (who is a solicitor of the Court acting independently of the plaintiff) and]<sup>+</sup> the plaintiff's solicitor to enter, but not start to search. See paragraph 3 below.

(f) If you, [ ] (the defendant), disobey this order, you will be guilty of contempt of Court and may be sent to prison or fined.<sup>1</sup>

## THE ORDER

An application was made today [date] by counsel for the plaintiff, [ ] to Justice [ ] by way of ex-parte summons-in-chambers no. [ ] of [ ]. Justice [ ] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application IT IS ORDERED by Justice [ ] that:

### Entry and search of premises and vehicles on the premises

1. (a) The defendant must allow [Mr/Mrs/Miss ("the supervising solicitor"), together with] + [name] a solicitor of the Supreme Court from the firm of the plaintiff's solicitors and up to [ ] other persons being [their capacity] accompanying [him/them/as appropriate] to enter the premises mentioned or described in Schedule 1 to this order and any vehicles on the premises so that they can search for, inspect, photograph or photocopy, and deliver into the safekeeping of the plaintiff's solicitors all the documents and articles which are listed or described in Schedule 2 to this order ("the listed items") or which [name] believes to be listed items. The defendant must allow those persons to remain on the premises until the search is complete, and if necessary to re-enter the premises on the same or the following day in order to complete the search.

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[ ] Relevant information to be inserted.

<sup>+</sup> Where a supervising solicitor is ordered.

<sup>1</sup> This Notice is not a substitute for the endorsement of a penal notice.

- (b) This order must be complied with either by the defendant himself or by a responsible employee of the defendant or by the person appearing to be in control of the premises.
- (c) This order requires the defendant or his employee or the person appearing to be in control of the premises to permit entry to the premises immediately when the order is served upon him, except as stated in paragraph 3 below.

Restrictions on the service and carrying out of paragraph 1 of this order

2. Paragraph 1 of this order is subject to the following restrictions:

- (a) This order may only be served between 9.00 a.m. and 5.00 p.m. on a weekday which is not a public holiday.
- (b) This order may not be carried out at the same time as any search warrant.
- (c) [This order must be served by the supervising solicitor, and paragraph 1 of the order must be carried out in his presence and under his supervision.]<sup>+</sup> [At least 1 of the persons accompanying him as provided by paragraph 1 of this order shall be a woman.]<sup>2</sup> [At least 1 of the persons carrying out the order shall be a woman.]<sup>3</sup>
- (d) This order does not require the person served with the order to allow anyone [or anyone except (name)] who could gain commercially from anything he might read or see on the premises if the person served with the order objects.
- (e) No item may be removed from the premises until a list of the items to be removed has been prepared, and a copy of the list has been supplied to the person served with the order, and he has been given a reasonable opportunity to check the list.
- (f) The premises must not be searched, and items must not be removed from them, except in the presence of the defendant or a person appearing to be a responsible employee of the defendant.

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<sup>+</sup> Where a supervising solicitor is ordered.

<sup>2</sup> These words are to be included in a case where the premises are likely to be occupied by an unaccompanied woman and the supervising solicitor is a man.

<sup>3</sup> These words are to be included in a case where the premises are likely to be occupied by an unaccompanied woman.

- (g) If the supervising solicitor is satisfied that full compliance with subparagraphs (e) or (f) above is impracticable, he may permit the search to proceed and items to be removed without compliance with the impracticable requirements.]<sup>+</sup>

Obtaining legal advice and applying to the Court

3. Before permitting entry to the premises by any person other than [the supervising solicitor and]<sup>+</sup> the plaintiff's solicitors, the defendant or other person appearing to be in control of the premises may seek legal advice, and apply to the Court to vary or discharge this order, provided he does so at once. While this is being done, he may refuse entry to the premises by any other person, and may refuse to permit the search to begin, for a short time [not to exceed 2 hours, unless (the supervising solicitor or)<sup>+</sup> the plaintiff's solicitor agrees to a longer period].

Delivery of listed items and computer print-outs

4. (a) The defendant must immediately hand over to the plaintiff's solicitors any of the listed items which are in his possession or under his control.
- (b) If any of the listed items exists only in computer readable form, the defendant must immediately give the plaintiff's solicitors effective access to the computers, with all necessary passwords, to enable them to be searched, and cause the listed items to be printed out. A print-out of the items must be given to the plaintiff's solicitors or displayed on the computer screen so that they can be read and copied. All reasonable steps shall be taken by the plaintiff to ensure that no damage is done to any computer or data. The plaintiff and his representatives may not themselves search the defendant's computers unless they have sufficient expertise to do so without damaging the defendant's system.

Disclosure of information by the defendant

5. (a) The defendant must immediately inform the plaintiff's solicitors:
- (i) where all the listed items are; and
- (ii) so far as he is aware:

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<sup>+</sup> Where a supervising solicitor is ordered.

(A) the name and address of everyone who has supplied him, or offered to supply him, with listed items;

(B) the name and address of everyone to whom he has supplied, or offered to supply, listed items; and

(C) the full details of the dates and quantities of every such supply and offer.

(b) Within [ ] days after being served with this order, the defendant must prepare and swear an affidavit confirming the above information.

(c) Nothing in this order shall abrogate the defendant's right against self-incrimination.

#### Prohibited acts

6. (a) Except for the purpose of obtaining legal advice [or advising his banker], the defendant must not directly or indirectly inform anyone of these proceedings or of the contents of this order, or warn anyone that proceedings have been or may be brought against him by the plaintiff until [ ].

(b) [Insert any negative injunctions.]

#### **EFFECT OF THIS ORDER**

7. (a) A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

(b) A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

## **UNDERTAKINGS**

8. The plaintiff, [the supervising solicitor and]<sup>+</sup> the plaintiff's solicitors give to the Court the undertakings contained in Schedules 3, 4 and 5 respectively to this order.

## **DURATION OF THIS ORDER**

9. Paragraph 6(b) of this order shall remain in force until the trial or further order.

## **VARIATION OR DISCHARGE OF THIS ORDER**

10. The defendant (or anyone notified of this order) may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's solicitors.

## **NAME AND ADDRESS OF PLAINTIFF'S SOLICITORS**

11. The plaintiff's solicitors are:

[Name of lawyer(s) having conduct of action or charge of matter.]

[Name of law firm.]

[Address of law firm.]

Tel : [Telephone number.]

Fax : [Facsimile number.]

Ref : [File reference of law firm.]

## **[INTERPRETATION OF THIS ORDER**

12. (a) In this order references to "he", "him", or "his" include "she" or "her" and "it" or "its".
- (b) Where there are 2 or more defendants then (unless the context indicates differently):
- (i) References to "the defendants" mean both or all of them;
  - (ii) An order requiring "the defendants" to do or not to do anything requires each defendant to do or not to do the specified thing;

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<sup>+</sup> Where a supervising solicitor is ordered.

- (iii) A requirement relating to service of this order, or of any legal proceedings, on “the defendants” means service on each of them; and
- (iv) Any other requirement that something shall be done to or in the presence of “the defendants” means to or in the presence of one of them.]

Dated this [ ] day of [ ] [ ].

Registrar.

**SCHEDULE 1**

*The premises*

**SCHEDULE 2**

*The listed items*

**SCHEDULE 3**

*Undertakings given by the plaintiff*

1. If the Court later finds that this order or the carrying out of it has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the plaintiff shall comply with any order the Court may make.

[2. As soon as practicable to issue a writ of summons [in the form of the draft writ produced to the Court] [claiming appropriate relief].]

3. To [swear and file an affidavit] [cause an affidavit to be sworn and filed] [substantially in the terms of the draft produced to the Court] [confirming the substance of what was said to the Court by the plaintiff’s solicitors.]

4. To serve on the defendant at the same time as this order is served on him, the writ and copies of the affidavits and copiable exhibits containing the evidence relied on by the plaintiff. [Copies of the confidential exhibits (specify) need not be served, but they must be made available for inspection by or on behalf of the defendant in the presence of the plaintiff’s solicitors while the order is carried out. Afterwards they must be provided to a

solicitor representing the defendant who gives a written undertaking not to permit the defendant to see them or make copies of them except in his presence and not to permit the defendant to make or take away any note or record of the exhibits.]

[5. To serve on the defendant a copy of the supervising solicitor's report on the carrying out of this order as soon as it is received and to produce a copy of the report to the Court.]<sup>+</sup>

6. Not, without the leave of the Court, to inform anyone else of this order or the carrying out of this order or to use any information or documents obtained as a result of carrying out this order except for the purposes of these proceedings or to inform anyone else of these proceedings until the trial or further order.

7. To insure the items removed from these premises.<sup>4</sup>

#### **SCHEDULE 4**

##### *Undertakings given by the plaintiff's solicitors*

1. To answer at once to the best of their ability any question as to whether a particular item is a listed item.

2. To return the originals of all documents obtained as a result of this order (except original documents which belong to the plaintiff) as soon as possible and in any event within 2 working days of their removal.

3. While ownership of any item obtained as a result of this order is in dispute, to deliver the article into the keeping of solicitors acting for the defendant within 2 working days from receiving a written undertaking by them to retain the article in safekeeping and to produce it to the Court when required.

4. To retain in their own safekeeping all other items obtained as a result of this order until the Court directs otherwise.

5. To execute this order calmly and orderly and in a manner respectful of the defendant's business.

6. Not, without the leave of the Court, to inform anyone else of this order or the carrying out of this order or to use any information or documents obtained as a result of the carrying out of this order except for the purposes of these proceedings or to inform anyone else of these proceedings until the trial or further order.

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<sup>+</sup> Where a supervising solicitor is ordered.

<sup>4</sup> In appropriate cases.

**SCHEDULE 5**

*Undertakings given by the supervising solicitor*

1. To offer to explain to the person served with the order its meaning and effect fairly and in everyday language, and to inform him of his right to seek legal advice and apply to vary or discharge the order as mentioned in paragraph 3 of the order.
  
2. To make and provide the plaintiff's solicitor a written report on the carrying out of the order.]<sup>+</sup>

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<sup>+</sup> Where a supervising solicitor is ordered.



5.

Para. 23 (1)(b)

**INJUNCTION PROHIBITING  
DISPOSAL OF ASSETS WORLDWIDE**

**IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

[SUIT NO.]

Between

[Intended] Plaintiff

And

[Intended] Defendant

BEFORE THE HONOURABLE JUSTICE \_\_\_\_\_ IN CHAMBERS

**INJUNCTION PROHIBITING DISPOSAL OF ASSETS  
WORLDWIDE**

**IMPORTANT:- NOTICE TO THE DEFENDANT**

(a) This order prohibits you from dealing with your assets up to the amount stated. The order is subject to the exceptions stated at the end of the order. You should read all the terms of the order very carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge this order.

(b) If you disobey this order you will be guilty of contempt of Court and may be sent to prison or fined.<sup>1</sup>

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<sup>1</sup> The notice is not a substitute for the endorsement of a penal notice.

## THE ORDER

An application was made today [date] by counsel for the plaintiff, [ ] to Justice [ ] by way of ex-parte summons-in-chambers no. [ ] of [ ]. Justice [ ] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application IT IS ORDERED by Justice [ ] that:

### Disposal of assets

1. (a) The defendant must not:
  - (i) remove from Singapore any of his assets which are in Singapore whether in his own name or not and whether solely or jointly owned up to the value of [\$ ]; or
  - (ii) in any way dispose of or deal with or diminish the value of any of his assets whether they are in or outside Singapore whether in his own name or not and whether solely or jointly owned up to the same value.
- (b) This prohibition includes the following assets, in particular:
  - (i) the property known as [ ] or the net sale money after payment of any mortgages if it has been sold;
  - (ii) the property and assets of the defendant's business known as [ ] (or carried on at [ ]) or the sale money if any of them have been sold; and
  - (iii) any money in the accounts numbered [ ] at [ ].
- (c) If the total unencumbered value of the defendant's assets in Singapore exceeds [\$ ], the defendant may remove any of those assets from Singapore or may dispose of or deal with them so long as the total unencumbered value of his assets still in Singapore remains not less than [\$ ]. If the total unencumbered value of the defendant's assets in Singapore does not exceed [\$ ], the defendant must not remove any of those assets from Singapore and must not dispose of or deal with any of them, but if he has other assets outside Singapore, the defendant may dispose of or deal with those assets so long as the total unencumbered value of all his assets whether in or outside Singapore remains not less than [\$ ].

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[ ] Relevant information to be inserted.

### Disclosure of information

2. The defendant must inform the plaintiff in writing at once of all his assets whether in or outside Singapore and whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets. The information must be confirmed in an affidavit which must be served on the plaintiff's solicitors within [ ] days after this order has been served on the defendant.

### **EXCEPTIONS TO THIS ORDER**

3. This order does not prohibit the defendant from spending [\$ ] a week towards his ordinary living expenses and also [\$ ] a week [or a reasonable sum] on legal advice and representation. But before spending any money, the defendant must tell the plaintiff's solicitors where the money is to come from.

4. This order does not prohibit the defendant from dealing with or disposing of any of his assets in the ordinary and proper course of business. The defendant shall account to the plaintiff [state interval] for the amount of money spent in this regard.

5. The defendant may agree with the plaintiff's solicitors that the above spending limits should be increased or that this order should be varied in any other respect but any such agreement must be in writing.

### **EFFECT OF THIS ORDER**

6. A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

7. A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

## **THIRD PARTIES**

### Effect of this order

8. It is a contempt of Court for any person notified of this order knowingly to assist in or permit a breach of the order. Any person doing so may be sent to prison or fined.

### Effect of this order outside Singapore

9. The terms of this order do not affect or concern anyone outside the jurisdiction of this Court until it is declared enforceable or is enforced by a Court in the relevant country and then they are to affect him only to the extent they have been declared enforceable or have been enforced UNLESS such person is:

- (a) a person to whom this order is addressed or an officer or an agent appointed by power of attorney of such a person; or
- (b) a person who is subject to the jurisdiction of this Court; and
  - (i) has been given written notice of this order at his residence or place of business within the jurisdiction of this Court; and
  - (ii) is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this order.

### Assets located outside Singapore

10. Nothing in this order shall, in respect of assets located outside Singapore, prevent any third party from complying with:

- (a) what it reasonably believes to be its obligations, contractual or otherwise, under the laws and obligations of the country or state in which those assets are situated or under the proper law of any contract between itself and the defendant; and
- (b) any orders of the courts of that country or state, provided that reasonable notice of any application for such an order is given to the plaintiff's solicitors.

### Set-off by banks

11. This injunction does not prevent any bank from exercising any right of set-off it may have in respect of any facility which it gave to the defendant before it was notified of the order.

Withdrawals by the defendant

12. No bank need enquire as to the application or proposed application of any money withdrawn by the defendant if the withdrawal appears to be permitted by this order.

**[SERVICE OUT OF THE JURISDICTION AND SUBSTITUTED SERVICE**

13. (a) The plaintiff may serve the writ of summons on the defendant at [ ] by [mode of service].

(b) If the defendant wishes to defend the action, he must enter an appearance within [ ] days of being served with the writ of summons.]

**UNDERTAKINGS**

14. The plaintiff gives to the Court the undertakings set out in Schedule 1 to this order.

**DURATION OF THIS ORDER**

15. This order will remain in force until the trial or further order.

**VARIATION OR DISCHARGE OF THIS ORDER**

16. The defendant (or anyone notified of this order) may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's solicitors.

**NAME AND ADDRESS OF PLAINTIFF'S SOLICITORS**

17. The plaintiff's solicitors are:  
[Name of lawyer(s) having conduct of action or charge of matter.]  
[Name of law firm.]  
[Address of law firm.]  
Tel: [Telephone number.]  
Fax: [Facsimile number.]  
Ref: [File reference of law firm.]

## **[INTERPRETATION OF THIS ORDER**

18. (a) In this order references to “he”, “him” or “his” include “she” or “her” and “it” or “its”.
- (b) Where there are 2 or more defendants then (unless the context indicates differently):
- (i) References to “the defendants” mean both or all of them;
  - (ii) An order requiring “the defendants” to do or not to do anything requires each defendant to do or not to do the specified thing; and
  - (iii) A requirement relating to service of this order, or of any legal proceedings, on “the defendants” means service on each of them.]

Dated this [ ] day of [ ] [ ].

Registrar.

### **SCHEDULE 1**

#### *Undertakings given to the Court by the plaintiff*

1. If the Court later finds that this order has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the plaintiff shall comply with any order the Court may make.
2. As soon as practicable the plaintiff shall [issue and] serve on the defendant [a] [the] writ of summons [in the form of the draft writ produced to the Court] [claiming appropriate relief] together with this order.
3. The plaintiff shall cause an affidavit to be sworn and filed [substantially in the terms of the draft affidavit produced to the Court] [confirming the substance of what was said to the Court by the plaintiff’s solicitors].
4. As soon as practicable the plaintiff shall serve on the defendant a copy of the affidavits and exhibits containing the evidence relied on by the plaintiff.
5. Anyone notified of this order will be given a copy of it by the plaintiff’s solicitors.

6. The plaintiff shall pay the reasonable costs of anyone other than the defendant which have been incurred as a result of this order including the costs of ascertaining whether that person holds any of the defendant's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the plaintiff will comply with any order the Court may make.

[7. The plaintiff shall not without the leave of the Court begin proceedings against the defendant in any other jurisdiction or use information obtained as a result of an order of the Court in this jurisdiction for the purpose of civil or criminal proceedings in any other jurisdiction.

8. The plaintiff shall not without the leave of the Court seek to enforce this order in any country outside Singapore [or seek an order of a similar nature including orders conferring a charge or other security against the defendant or the defendant's assets].]

6.

Para. 23 (1)(c)

**INJUNCTION PROHIBITING  
DISPOSAL OF ASSETS IN SINGAPORE**

**IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

[SUIT NO.]

Between

[Intended] Plaintiff

And

[Intended] Defendant

BEFORE THE HONOURABLE JUSTICE \_\_\_\_\_ IN CHAMBERS

**INJUNCTION PROHIBITING DISPOSAL OF ASSETS  
IN SINGAPORE**

**IMPORTANT:- NOTICE TO THE DEFENDANT**

(a) This order prohibits you from dealing with your assets up to the amount stated. The order is subject to the exceptions stated at the end of the order. You should read all the terms of the order very carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge this order.

(b) If you disobey this order you will be guilty of contempt of Court and may be sent to prison or fined.<sup>1</sup>

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<sup>1</sup> This notice is not a substitute for the endorsement of a penal notice.



## THE ORDER

An application was made today [date] by counsel for the plaintiff, [ ] to Justice [ ] by way of ex-parte summons-in-chambers no. [ ] of [ ]. Justice [ ] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application IT IS ORDERED by Justice [ ] that:

### Disposal of assets

1. (a) The defendant must not remove from Singapore in any way dispose of or deal with or diminish the value of any of his assets which are in Singapore whether in his own name or not and whether solely or jointly owned up to the value [\$ ].
- (b) This prohibition includes the following assets, in particular:
  - (i) the property known as [ ] or the net sale money after payment of any mortgages if it has been sold;
  - (ii) the property and assets of the defendant's business known as [ ] (or carried on at [ ]) or the sale money if any of them have been sold; and
  - (iii) any money in the accounts numbered [ ] at [ ].
- (c) If the total unencumbered value of the defendant's assets in Singapore exceeds [\$ ], the defendant may remove any of those assets from Singapore or may dispose of or deal with them so long as the total unencumbered value of his assets still in Singapore remains not less than [\$ ].

### Disclosure of information

2. The defendant must inform the plaintiff in writing at once of all his assets in Singapore whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets. The information must be confirmed in an affidavit which must be served on the plaintiff's solicitors within [ ] days after this order has been served on the defendant.

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[ ] Relevant information to be inserted.

### **EXCEPTIONS TO THIS ORDER**

3. This order does not prohibit the defendant from spending [\$ ] a week towards his ordinary living expenses and also [\$ ] a week [or a reasonable sum] on legal advice and representation. But before spending any money, the defendant must tell the plaintiff's solicitors where the money is to come from.
4. This order does not prohibit the defendant from dealing with or disposing of any of his assets in the ordinary and proper course of business. The defendant shall account to the plaintiff [state interval] for the amount of money spent in this regard.
5. The defendant may agree with the plaintiff's solicitors that the above spending limits should be increased or that this order should be varied in any other respect but any such agreement must be in writing.

### **EFFECT OF THIS ORDER**

6. A defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
7. A defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

### **THIRD PARTIES**

#### Effect of this order

8. It is a contempt of Court for any person notified of this order knowingly to assist in or permit a breach of the order. Any person doing so may be sent to prison or fined.

#### Set-off by banks

9. This injunction does not prevent any bank from exercising any right of set-off it may have in respect of any facility which it gave to the defendant before it was notified of the order.

Withdrawals by the defendant

10. No bank need enquire as to the application or proposed application of any money withdrawn by the defendant if the withdrawal appears to be permitted by this order.

**[SERVICE OUT OF THE JURISDICTION AND SUBSTITUTED SERVICE**

11. (a) The plaintiff may serve the writ of summons on the defendant at [ ] by [mode of service].
- (b) If the defendant wishes to defend the action he must enter an appearance within [ ] days of being served with the writ of summons.]

**UNDERTAKINGS**

12. The plaintiff gives to the Court the undertakings set out in Schedule 1 to this order.

**DURATION OF THIS ORDER**

13. This order will remain in force until the trial or further order.

**VARIATION OR DISCHARGE OF THIS ORDER**

14. The defendant (or anyone notified of this order) may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's solicitors.

**NAME AND ADDRESS OF PLAINTIFF'S SOLICITORS**

15. The plaintiff's solicitors are:  
[Name of lawyer(s) having conduct of action or charge of matter.]  
[Name of law firm.]  
[Address of law firm.]  
Tel : [Telephone number.]  
Fax : [Facsimile number.]  
Ref : [File reference of law firm.]

## **[INTERPRETATION OF THIS ORDER**

16. (a) In this order references to “he”, “him” or “his” include “she” or “her” and “it” or “its”.
- (b) Where there are 2 or more defendants then (unless the context indicates differently):
- (i) References to “the defendants” mean both or all of them;
  - (ii) An order requiring “the defendants” to do or not to do anything requires each defendant to do or not to do the specified thing; and
  - (iii) A requirement relating to service of this order or of any legal proceedings on “the defendants” means service on each of them.]

Dated this [ ] day of [ ] [ ].

Registrar.

### **SCHEDULE 1**

#### *Undertakings given to the Court by the plaintiff*

1. If the Court later finds that this order has caused loss to the defendant, and decides that the defendant should be compensated for that loss, the plaintiff shall comply with any order the Court may make.
2. As soon as practicable the plaintiff shall [issue and] serve on the defendant [a] [the] writ of summons [in the form of the draft writ produced to the Court] [claiming appropriate relief] together with this order.
3. The plaintiff shall cause an affidavit to be sworn and filed [substantially in the terms of the draft affidavit produced to the Court] [confirming the substance of what was said to the Court by the plaintiff’s solicitors].
4. As soon as practicable the plaintiff shall serve on the defendant a copy of the affidavits and exhibits containing the evidence relied on by the plaintiff.

5. Anyone notified of this order shall be given a copy of it by the plaintiff's solicitors.

6. The plaintiff shall pay the reasonable costs of anyone other than the defendant which have been incurred as a result of this order including the costs of ascertaining whether that person holds any of the defendant's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the plaintiff will comply with any order the Court may make.