

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**  
**PRACTICE DIRECTIONS**  
**AMENDMENT NO. 11 OF 2015**

It is hereby notified for general information that, with effect from 3rd January 2016, the State Courts Practice Directions will be amended as follows:

- (a) the existing Practice Direction 12 will be deleted and replaced by the following Practice Direction:

*New Practice Direction 12*

- (b) the existing Practice Direction 30 will be deleted and replaced by the following Practice Direction:

*New Practice Direction 30*

- (c) the existing Forms 6A and 6B in Appendix A will be deleted and replaced by the following Forms 6A and 6B:

*New Forms 6A and 6B*

2. The amendment to Practice Direction 12 gives effect to the new Section 173 of the Companies Act (Cap. 50) (effective from 3 January 2016) which allows the company's officers to stipulate an alternate address and sets out the conditions of an alternate address.

3. The amendments to Practice Direction 30 and Forms 6A and 6B in Appendix A clarifies the requirements and undertakings in a Mareva injunction, in line with the practice applicable in the Supreme Court.

Dated this 22nd day of December 2015.



JENNIFER MARIE  
REGISTRAR  
STATE COURTS

## 12. Substituted Service

- (1) In any application for substituted service, the applicant should persuade the Court that the proposed mode of substituted service will bring the document in question to the notice of the person to be served.
- (2) Two reasonable attempts at personal service should be made before an application for an order for substituted service is filed. In an application for substituted service, the applicant shall demonstrate by way of affidavit why he or she believes that the attempts at service made were reasonable.
- (3) The applicant should, where appropriate, also consider other modes of substituted service, such as AR registered post or electronic means (including electronic mail or Internet transmission) in addition to or in substitution of substituted service by posting on doors or gates of residential and business premises.
- (4) An application for substituted service by posting at an address or by AR registered post should contain evidence (for example, relevant search results from the Inland Revenue Authority of Singapore, the Singapore Land Authority, the Housing & Development Board or the Accounting and Corporate Regulatory Authority) that the person to be served is either the owner of, resident or can be located at the property.
- (5) For the avoidance of doubt, substituted service by AR registered post is deemed to be effective when the postal service has delivered the document, or attempted to deliver the document (in cases where no one is present or willing to accept the document).
- (6) If substituted service is by electronic mail, it has to be shown that the electronic mail account to which the document will be sent belongs to the person to be served and that it is currently active.
- (7) An application for substituted service by advertisement (in one issue of the Straits Times if the person to be served is literate in English, or one issue of the Straits Times and one issue of one of the main non-English language newspapers where his language literacy is unknown) should only be considered as a last resort and should contain evidence that the person to be served is literate in the language of the newspaper in which the advertisement will be placed.
- (8) For the avoidance of doubt, posting on the Notice Board of the Registry of the State Courts is not available as a proposed mode of substituted service.

## 30. Mareva injunctions and search orders

- (1) Applicants for *Mareva* injunctions and search orders are required to prepare their orders in accordance with the following Forms in Appendix A to these Practice Directions:
  - (a) Form 5: Search order;
  - (b) Form 6A: Worldwide *Mareva* injunction; and
  - (c) Form 6B: *Mareva* injunction limited to assets within the jurisdiction.
- (2) These Forms, inevitably, are complicated, but their language and layout are intended to make it easier for persons served with these orders to understand what they mean. These standard form orders should be used save to the extent that the Judge hearing a particular application considers there is a good reason for adopting a different Form. Any departure from the terms of the prescribed Forms should be justified by the applicant in his supporting affidavit(s).
- (3) The applicant should undertake not to inform any third party of the proceedings until after the return date.
- (4) Wherever practicable, applications should be made sufficiently early so as to ensure that the Judge has sufficient time to read and consider the application in advance.
- (5) On an *ex parte* application for a *Mareva* injunction or an search order, an applicant may be required, in an appropriate case, to support his cross-undertaking in damages by a payment to be made into Court, a bond to be issued by an insurance company with a place of business within Singapore, a written guarantee to be issued from a bank with a place of business within Singapore or a payment to the applicant's solicitor to be held by the solicitor as an officer of the Court pending further order.

### *Applications for search orders*

- (6) It was suggested in *Universal Thermosensors Ltd v Hibben* [1992] 3 All ER 257 at 276 that the order be served by a supervising solicitor and carried out in his presence and under his supervision. The supervising solicitor should be an experienced solicitor who is not a member or employee of the firm acting for the applicant and who has some familiarity with the operation of search orders. The evidence in support of the application should include the identity and experience of the proposed supervising solicitor. These guidelines are equally applicable in the local context and the Judge in his discretion may, in appropriate cases, require a supervising solicitor.

- (7) Where the premises are likely to be occupied by an unaccompanied woman, at least one of the persons attending on the service of the order should be a woman.
- (8) Where the nature of the items removed under the order makes this appropriate, the applicant will be required to insure them.

**Form 6A**

**INJUNCTION PROHIBITING DISPOSAL OF ASSETS WORLDWIDE**

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**

MC/DC No.

Between

[Intended] Plaintiff

And

[Intended] Defendant

BEFORE THE DISTRICT JUDGE \_\_\_\_\_ IN CHAMBERS

**INJUNCTION PROHIBITING DISPOSAL  
OF ASSETS WORLDWIDE**

**IMPORTANT:-**

**NOTICE TO THE DEFENDANT**

- (1) 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.**
- (2) 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 District Judge [ ] by way of ex-parte summons no. \_\_\_\_ of \_\_\_\_ . District Judge [ ] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application **IT IS ORDERED** by District Judge [ ] that:

### Disposal of assets

- 1 (1) 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. This prohibition includes the following assets in particular:-
  - (a) the property known as ... or the net sale money after payment of any mortgages if it has been sold;
  - (b) 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
  - (c) any money in the accounts numbered ..... at .....
- (2) 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 above \$ . 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 above \$ .

### Disclosure of information

- 2 (1) 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.
- (2) 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**

- (1) 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.
- (2) 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.
- (3) 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**

- (1) 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.
- (2) 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**

- (1) Effect of this order  
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.

(2) Effect of this order outside Singapore

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.

(3) Set off by banks

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.

(4) Withdrawals by the defendant

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**

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

**UNDERTAKINGS**

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

**DURATION OF THIS ORDER**

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



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

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**

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: [Contact telephone number.]

Fax: [Contact facsimile number.]

Ref: [File reference of law firm.]

### **INTERPRETATION OF THIS ORDER**

- (1) In this order references to “he”, “him” or “his” include “she” or “her” and “it” or “its”.
- (2) Where there are 2 or more defendants then (unless the context indicates differently)
  - (a) References to “the defendants” mean both or all of them;
  - (b) 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
  - (c) 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 \_\_\_\_, 20 .

*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) The plaintiff, in respect of any order the Court may make pursuant to paragraph (1) above, will:
  - (a) on or before [date] provide to the defendant security in the sum of [\$ ] by causing [payment to be made into Court / a bond to be issued by an insurance company with a place of business within Singapore / a written guarantee to be issued from a bank with a place of business within Singapore / payment to the plaintiff's solicitor to be held by the solicitor as an officer of the Court pending further order]\*; and  
(\*Delete where appropriate)
  - (b) cause evidence of the provision of security to be extended to the defendant immediately after the security has been put up.]
- (3) 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.
- (4) 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].
- (5) 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.
- (6) Anyone notified of this order will be given a copy of it by the plaintiff's solicitors.
- (7) 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.

- (8) If this order ceases to have effect, the plaintiff will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
- [(9) 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.
- (10) 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].]



**Form 6B**

**INJUNCTION PROHIBITING DISPOSAL OF ASSETS IN SINGAPORE**

**IN THE STATE COURTS OF  
THE REPUBLIC OF SINGAPORE**

DC/MC No.

Between

[Intended] Plaintiff

And

[Intended] Defendant

BEFORE THE DISTRICT JUDGE \_\_\_\_\_ IN CHAMBERS

**INJUNCTION PROHIBITING DISPOSAL OF ASSETS  
IN SINGAPORE**

**IMPORTANT:-**

**NOTICE TO THE DEFENDANT**

- (1) **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.**
- (2) **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 indorsement of a penal notice

## THE ORDER

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

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

### Disposal of assets

- 1 (1) 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 \$ . This prohibition includes the following assets in particular
  - (a) the property known as ... or the net sale money after payment of any mortgages if it has been sold;
  - (b) 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
  - (c) any money in the accounts numbered ..... at .....
- (2) 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 remain above \$ .

### 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 plaintiffs solicitors within ... days after this order has been served on the defendant.

### **EXCEPTIONS TO THIS ORDER**

- (1) 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.
- (2) 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.
- (3) 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**

- (1) 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.
- (2) 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**

- (1) Effect of this order  
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.
- (2) Set off by banks  
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.
- (3) Withdrawals by the defendant  
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**

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

### **UNDERTAKINGS**

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

### **DURATION OF THIS ORDER**

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

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

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**

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: [Contact telephone number.]

Fax: [Contact facsimile number.]

Tlx: [Contact telex number and answer back code.]

Ref: [File reference of law firm.]

### **[INTERPRETATION OF THIS ORDER**

- (1) In this order references to "he", "him" or "his" include "she" or "her" and "it" or "its".



- (2) Where there are 2 or more defendants then (unless the context indicates differently)
- (a) References to “the defendants” mean both or all of them;
  - (b) 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
  - (c) 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      , 20      .

*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) The plaintiff, in respect of any order the Court may make pursuant to paragraph (1) above, will:
  - (a) on or before [date] provide to the defendant security in the sum of [\$ ] by causing [payment to be made into Court / a bond to be issued by an insurance company with a place of business within Singapore / a written guarantee to be issued from a bank with a place of business within Singapore / payment to the plaintiff's solicitor to be held by the solicitor as an officer of the Court pending further order]\*; and  
(\*Delete where appropriate)
  - (b) cause evidence of the provision of security to be extended to the defendant immediately after the security has been put up.]
- (3) 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.
- (4) 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].
- (5) 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.
- (6) Anyone notified of this order shall be given a copy of it by the plaintiff's solicitors.
- (7) 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.
- (8) If this order ceases to have effect, the plaintiff will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.