

Appendix A

7.

Para 42(2)(b)

Injunction Prohibiting Disposal of Assets Worldwide

IN THE GENERAL DIVISION OF THE HIGH COURT OF

THE REPUBLIC OF SINGAPORE

[CASE 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.φ**

φ The notice is not a substitute for the endorsement of a penal notice.

[] Relevant information to be inserted.

THE ORDER

An application was made today [date] by counsel for the plaintiff, [] to Justice [] by way of ex-parte summons 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 [\$].

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. The plaintiff, in respect of any order the Court may make pursuant to para (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].]