

**Singapore International Commercial Court Practice Directions
(Amendment No. 1 of 2016)**

Part X: Originating Processes and Documents

66A. Timelines for proceedings commenced by Writ of Summons and by Originating Summons

(1) For the avoidance of doubt, save as otherwise provided in Order 110 of the Rules of Court, all timelines set out in the Rules of Court for the conduct of proceedings commenced by Writ of Summons or by Originating Summons shall apply to proceedings in this Court.

(2) Where parties agree that a case should proceed on an expedited basis, they may, in accordance with paragraph 75(2)(c) of these Practice Directions, apply to the Court to fix a Case Management Conference for the purposes of obtaining directions for expedited timelines.

Part XII: Case Management

76. Preparation for the first Case Management Conference

(1) Prior to the first Case Management Conference, counsel for all parties should take instructions from their clients on their intention and willingness to proceed with mediation or any other form of ADR. If parties are willing to proceed with mediation or any other form of ADR, counsel should consider whether consequential directions are required.

(2) Counsel for all parties should also confer, and where possible, reach a consensus on the conduct of the case. The matters which should be discussed include the matters set out in the Proposed Case Management Plan (see paragraph 81 of these Practice Directions), but are not limited to:

(aa) whether parties agree that the case should proceed on an expedited basis, and if so, the timelines which parties have discussed and agreed upon;

- (a) whether parties wish to apply under Order 110, Rule 23 of the Rules of Court to disapply the Evidence Act (Cap. 97) and to substitute other rules of evidence;
- (b) whether there are any questions of foreign law, and if so, whether parties wish to apply under Order 110, Rule 25 of the Rules of Court for any question of foreign law to be determined on the basis of submissions instead of proof;
- (c) whether parties wish to apply for any confidentiality orders under Order 110, Rule 30 of the Rules of Court;
- (d) whether the cause or matter should be heard by one trial Judge or three trial Judges;
- (e) the timelines for the production of documents;
- (f) the number of witnesses of fact and expert witnesses for each party;
- (g) whether experts are necessary in view of the issues in the case, and if so:
 - (i) the respective fields of the expert witnesses;
 - (ii) whether parties can agree on a single Court expert;
 - (iii) if it is not possible for parties to agree on a single Court expert, whether the parties have any objections to any other parties' individual expert witnesses and if so, the grounds on which they are objecting to the other parties' experts;
 - (iv) when the parties' respective experts can meet to discuss and narrow the issues for trial;

- (v) whether expert witnesses should be examined concurrently as a panel;
 - (h) the expected length of the trial; and
 - (i) the expected period during which trial may be fixed.
- (3) Parties should prepare and furnish to the SICC Registry, at least 7 working days before the first Case Management Conference unless otherwise directed by the Court:
- (a) a Case Management Bundle (see paragraph 78 below);
 - (b) a Case Memorandum (see paragraph 79 below);
 - (c) a List of Issues (where possible, a joint list of issues) (see paragraph 80 below); and
 - (d) a Proposed Case Management Plan (see paragraph 81 below).

77. Conduct of Case Management Conferences

- (1) Unless otherwise directed by the Judge:
- (a) a Case Management Conference~~s~~ will be conducted as an oral hearing;
 - (b) the attendance of lead counsel at a Case Management Conference is compulsory; and
 - (c) parties are not required to attend a Case Management Conference.

~~(2) At the Case Management Conference, the Judge may:~~

- ~~(a) discuss the issues in the case including the matters set out at paragraph 76(2) of these Practice Directions;~~
- ~~(b) discuss the requirements of the case;~~
- ~~(c) discuss the possibility of trial or summary determination of a preliminary issue or issues the resolution of which is likely to shorten the proceedings;~~
- ~~(d) discuss whether a stay of proceedings would be appropriate while the parties try to settle the dispute by ADR;~~
- ~~(e) fix the entire pre trial timetable or as much of the pre trial timetable as possible, including the fixing of timelines for production of documents, exchange of affidavits of evidence in chief, pre trial review and trial; and~~
- ~~(f) give any directions for the just and efficient management of the case.~~

(2) Counsel appearing at the Case Management Conference are expected to be in a position to inform the Judge of all matters pertinent to the making of orders or giving of directions for the just, expeditious and economical disposal of the cause or matter. These include, but are not limited to:

- (a) resolution of the matter by way of mediation or any other form of ADR;

- (b) identification of the real issues in dispute, as well as the matters set out at paragraph 76(2) of these Practice Directions;
- (c) identification of preliminary issues or separate questions, the resolution of which is likely to shorten the proceedings;
- (d) provision of a proper estimate of the timeframe for the trial, taking into account matters such as the need for interpreters, evidence to be given by audio or video link, expert conclaves and/or concurrent evidence; and
- (e) provision of a proposed agreed timetable for the preparation of the matter to trial, including the proposal of timelines for production of documents, exchange of affidavits of evidence-in-chief, pre-trial review and trial.

The Judge will play an active role in the management of the proceedings and may, after discussion with counsel, make such order or give such direction as the Judge thinks fit.

Conduct of Case Management Conferences by teleconference or video conference

(3) The Court may give directions for the conduct of Case Management Conferences via teleconference or video conference where the Court considers that it is appropriate to do so.

(4) Parties who wish to apply for the Case Management Conference to be conducted via teleconference or video conference shall submit a request to the SICC Registry in accordance with paragraph 11 of these Practice Directions. The request shall be submitted at least 7 working days before the date of the Case Management Conference, and only after seeking the consent of all the other parties to do so.

(5) In the event that parties are unable to agree on the conduct of Case Management Conferences by teleconference or video conference (including whether the Case Management Conferences should be conducted by the same), the requesting party shall seek directions from the Judge by submitting the appropriate request in accordance with paragraph 11 of these Practice Directions. Such request shall be submitted at least 7 working days before the date of the Case Management Conference.

Conduct of Case Management Conferences by review of papers

(6) With the consent of all parties, the Court may direct that a Case Management Conference be conducted by a review of papers in lieu of a hearing.

(7) Where parties wish to apply for a Case Management Conference to be conducted by a review of papers in lieu of a hearing, parties shall, at least 7 working days before the Case Management Conference, submit the appropriate request in accordance with paragraph 11 of these Practice Directions for consideration by the Judge.

(8) The request referred to in sub-paragraph (7) shall be accompanied by a statement signed by counsel for each party to the proceedings:

- (a) confirming that the parties have considered and discussed all the relevant issues (including the matters set out at paragraph (2) of these Practice Directions) and brought to the Court's attention anything that was unusual;
- (b) setting out information about any steps that had been taken to resolve the dispute by mediation or any other form of ADR, any future plans for mediation or any other form of ADR, or an explanation as to why mediation or any other form of ADR would not be appropriate;
- (c) giving a time estimate for the trial;
- (d) setting out any pre-trial timetable that parties have agreed to, including any timelines for production of documents, exchange of affidavits of evidence-in-chief, pre-trial review and trial; and
- (e) setting out any agreed directions which parties wish to seek from the Judge.

Consideration of mediation or any other form of ADR at Case Management Conferences

(9) Counsel should be in a position to inform the Judge of all matters relating to the suitability of the case for mediation or any other form of ADR. These include but are not limited to:

- (a) whether parties have previously attempted mediation or any other form of ADR;
- (b) whether parties are amenable to making a genuine attempt at mediation or any other form of ADR;
- (c) whether there are other related disputes and a possibility of a global settlement;
- (d) whether parties are seeking specific court-ordered remedies such as injunctions;
- (e) whether parties have interests that cannot be satisfied by court-ordered remedies such as the preservation of business reputation; and
- (f) whether parties are in a subsisting commercial relationship and whether the preservation of that relationship is important.

(10) Where parties are agreeable to mediation or any other form of ADR, the Judge may give directions for the subsequent conduct of the case, including the following:

- (a) timelines for parties to contact the Singapore International Mediation Centre or any preferred mediation or ADR service provider;
- (b) timelines for parties to conduct mediation or any other form of ADR;

- (c) timelines for parties to update the court on the outcome of mediation or any other form of ADR;
- (d) extensions of time for outstanding matters or a stay of proceedings pending the completion of mediation or any other form of ADR;
- (e) timelines for outstanding matters that can continue in parallel;
- (f) fixing of hearing dates for subsequent Case Management Conferences; and
- (g) other consequential directions.

(11) Where parties are not willing to attempt mediation or any other form of ADR, the Judge may direct that the issue of mediation or any other form of ADR be reconsidered at the next Case Management Conference or at a specified stage in the proceedings.

(12) If parties reach a settlement agreement through mediation or any other form of ADR, a consent order may be recorded on the terms of the settlement if the Judge considers that it is appropriate to record the terms of settlement as a consent order.

81. **Proposed Case Management Plan**

(1) All parties attending a Case Management Conference must be prepared to discuss the issues raised in the Proposed Case Management Plan. The Proposed Case Management Plan shall be in Form 10 of Appendix B of these Practice Directions.

(2) The purpose of the Proposed Case Management Plan is to facilitate the conduct of the proceedings by providing a framework to guide the discussion of various matters that may have to be dealt with prior to trial. The Judge may, after discussion with counsel, make such order or give such direction as the Judge thinks fit.

~~(2)~~(3) The judge may require parties to provide clarification in relation to the information set out in the Proposed Case Management Plan or any other additional information as the Judge deems fit. When so directed by the Court, the parties shall provide to the Court (and copied to all other parties) such information in accordance with the timelines stipulated in paragraph 76(3) above, or otherwise in accordance with any timelines that the Judge may direct.

~~(3)~~(4) If parties have any specific or particular directions which they wish to seek from the Judge at a Case Management Conference, the parties shall indicate the orders sought in the Proposed Case Management Plan and provide the Court (and copied to all other parties) such proposed orders in accordance with the timelines stipulated in paragraph 76(3) of these Practice Directions.

Part XVII: Interlocutory Applications (Including Applications for Injunctions)

106. Hearing of “*ex parte*” and “by consent” summonses

(1) Ordinary summonses which are endorsed:

- (a) “*ex parte*” must bear a certificate to that effect signed by the applicant’s counsel;
- (b) “by consent” must bear a certificate to that effect signed by all counsel concerned.

(2) Any other summons not endorsed as described in sub-paragraph (1) will be regarded as a contentious matter.

(3) After the filing of any “*ex parte*” or “by consent” summons, the application will be considered by a Judge. If the Judge is satisfied that the application is in order and all other requirements have been complied with, he may, ~~with the parties’ consent and~~ in accordance with Order 110, Rule 51 of the Rules of Court, dispose of the application on the day fixed for the hearing of the application without the attendance of the parties or their counsel.

108. *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 B of these Practice Directions:

- (a) Form 13: Search order;
- (b) Form 14: Worldwide *Mareva* injunction; and
- (c) Form 15: *Mareva* injunction limited to assets within the jurisdiction.

(2) The language and layout of the forms are intended to make it easier for persons served with these orders to understand what they mean. These forms of orders should be used save to the extent that the Judge hearing the 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) Where 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 either a *Mareva* injunction or search order, an applicant may be required, in an appropriate case, to support his cross-undertaking in damages by ~~a payment into Court, the provision of a bond by an insurance company,~~

a banker's guarantee or a payment to the applicant's counsel to be held by the counsel as an officer of the Court pending further order 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 any other mode which the Court deems fit.

Appendix B

Form 10

Para 81(1)

Proposed Case Management Plan

[Title as in cause or matter]

[PLAINTIFF'S/DEFENDANT'S] PROPOSED CASE MANAGEMENT PLAN

The [Plaintiff/Defendant] hereby sets out his/her proposed Case Management Plan for the conduct of [case number] as follows:

[To state response in **bold** immediately after every question]

List of Factual, Legal & Technical Issues

1. Have you discussed the factual, legal and technical issues with opposing counsel?
 - a. If yes, please categorise the issues according to “Agreed Factual/Legal/Technical Issues” and consolidate the issues into a document entitled “List of Issues” for discussion at the Case Management Conference (“CMC”). Please also see Q2 below.
 - b. If not, please take the necessary steps to meet and confer with opposing counsel on parties’ respective lists of issues with the objective of preparing a list of factual, legal and technical issues. This should take place before the CMC. Please also see Q2 below.
2. Have you furnished a “List of Issues” to the SICC Registry at least 7 clear working days prior to the first CMC?

Pleadings

3. Do you intend to amend any pleadings or make a request for particulars? If yes, please state briefly:
 - a. What amendments will be made to the pleadings and when can the draft amendment(s) be furnished to the other parties?
 - b. What requests for particulars will be made and when can the request for particulars be served on the other parties?
4. Are there any outstanding requests for particulars? If yes, please provide brief details of the outstanding requests and when a response can be expected.

Interlocutory Applications

5. Do you intend to make any applications between now and 4 weeks after the date of the CMC? If yes, what are the intended interlocutory applications and when can they be filed?

6. Have you informed your opposing counsel about your intended interlocutory applications? If yes, what was opposing counsel's response?

Production of Documents

If parties have not completed providing to the Court and all parties documents on which each party relies pursuant to Order 110 rule 14(1):

7. When can you expect to provide to Court and to all parties documents on which you rely?

If parties have complied with Order 110 rule 14(1):

8. Do you expect to serve a request to produce pursuant to Order 110 r 15(1) and if so, when will you serve the request to produce and how much time do you expect the opposing party will require to produce the documents?
9. Have you been served with a request to produce? If so, are you objecting to the request to produce? If you are objecting, when can you serve the notice of objection? If not, when can you produce the documents?
10. Have you been served with a notice of objection pursuant to Order 110 r 16(1)? If so, when will you be filing the application to the Court for documents to be produced?

Witnesses

Factual Witnesses

11. How many witnesses of fact do you propose to call to give evidence at trial? Please state the name of each witness and briefly describe the facts to which the witness will attest to.
12. Will an interpreter be required for any of the witnesses listed in Q11 above? If yes, please state which language the witness will be giving evidence in. You are reminded to make the necessary arrangements for interpreters at trial.
13. If you are unable to give the name of any of the witnesses, please explain why.

Experts

14. Do you wish to adduce expert evidence at the trial? If yes:
- Are parties able to agree on having a single Court expert to give expert evidence?
 - If your answer to Q14a. is in the negative, how many expert witnesses do you propose to rely on at trial?
 - Please give the names of each expert and identify the expert's field of expertise.
 - If you are unable to give the expert's/experts' names, please explain why.
 - Please state whether the parties have any objections to any other parties' individual expert witnesses and if so, the grounds on which the objections are being made.
15. Has the expert(s) named in Q14 above prepared a report?
- If yes, has that report been served on the other party/parties?
 - If not, when can the expert's/experts' reports be served on the other party/parties?

16. When will your expert(s) named in Q14 above be available for a meeting of the experts? Please confer with opposing counsel to propose a range of dates for the meeting of the experts and/or joint inspection.
17. Is this a suitable case for a joint expert, amicus curiae and/or assessor to be appointed for any particular issue/field?
- If yes, please state name(s) of the joint expert(s), amicus curiae and/or assessor(s) whom parties propose to use and attach their curriculum vitae.
 - If not, please explain.
18. Is this a suitable case to employ the concurrent evidence procedure at the trial? Please explain why.

Factual and Expert Witnesses – Video Link

19. Will any of the factual or expert witnesses be required to give evidence via video link? If yes, please state the names of the witness(es) who will be giving evidence via video link and when you propose to take out the relevant application for evidence to be given in such a manner.

Evidence

20. Do you intend to make an application to disapply the Evidence Act (Cap 97) and to substitute other rules of evidence?

Questions of Foreign Law

21. Are there any questions of foreign law involved in the case?
22. If so, do you intend to make an application for questions of foreign law to be determined on the basis of submissions instead of proof?

Confidentiality Orders

23. Do you intend to make an application to seek any confidentiality orders for the proceedings?

Trial

24. How long do you estimate the trial or final hearing will take? You may provide a range of days, if appropriate.
25. What is the earliest date by which you believe you can be ready for trial?
26. Do you intend to make a request for the trial to be heard by a panel of three trial Judges instead of one trial Judge?
27. Do you intend to apply to bifurcate the trial? If yes, what are your grounds?

Costs

28. What is your estimate of your costs incurred to date?
29. What do you estimate your overall costs will likely to be in the event that the matter proceeds to trial?

Any Other Issues

30. Apart from the questions listed above, are there any other issues or concerns that you wish to highlight to the Court and/or opposing counsel? If yes, please state these issues briefly and how you propose for them to be addressed.

Settlement and Alternative Dispute Resolution ("ADR")

31. Have parties attempted mediation or ~~some any~~ other form of ~~alternative dispute resolution~~ ADR prior to the commencement of this action? If yes, please provide brief details of when this was done and why litigation remains necessary.

32. Are parties contemplating settlement through mediation or ~~some any~~ other form of ~~alternative dispute resolution~~ ADR?

If yes, please indicate:

a. Whether parties have agreed to proceed for mediation or ~~some any~~ other form of ~~alternative dispute resolution~~ ADR.

b. When the proposed date of mediation or ~~some any~~ other form of ~~alternative dispute resolution~~ ADR would be.

c. Whether parties require any directions on how they should proceed to mediation or any other form of ADR.

If no, please state why mediation or ~~some any~~ other form of ~~alternative dispute resolution~~ ADR will not be appropriate.

Dated this day of , 20 .

[The Plaintiff/Defendant or the Counsel for the Plaintiff/Defendant as the case may be]

Form 14

Para 108(1)(b)

Injunction Prohibiting Disposal of Assets Worldwide

[Title as in cause or matter]

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 lawyer 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**

[] Relevant information to be inserted.

φ 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 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 counsel 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 counsel the source of that money.
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 counsel 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 counsel.

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 COUNSEL

17. The plaintiff's counsel are:
[Name of lawyer(s) having conduct of action or charge of matter.]
[Registered Foreign Lawyer No. (if applicable)]
[Name of law firm.]
[Address of law firm.]
Tel: [Telephone number.]
Fax: [Facsimile number.]
Email: [Email address(es)]
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 / any other mode which the Court deems fit]*; 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.]
- ~~23.~~ 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.
- ~~34.~~ 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 counsel].
- ~~45.~~ 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.
- ~~56.~~ Anyone notified of this order will be given a copy of it by the plaintiff's counsel.
- ~~67.~~ 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.
- ~~79.~~ 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.

810. 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 15

Para 108(1)(c)

Injunction Prohibiting Disposal of Assets in Singapore

[Title as in cause or matter]

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 lawyer 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**

[] Relevant information to be inserted.

φ 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 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 counsel 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 counsel the source of that money.
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 counsel 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 counsel.

NAME AND ADDRESS OF PLAINTIFF'S COUNSEL

15. The plaintiff's counsel are:
[Name of lawyer(s) having conduct of action or charge of matter.]
[Registered Foreign Lawyer No. (if applicable)]
[Name of law firm.]
[Address of law firm.]
Tel : [Telephone number.]
Fax : [Facsimile number.]
Email: [Email address(es)]
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. 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 / any other mode which the Court deems fit]*; 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.]
23. 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.
34. 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 counsel].
45. 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.
56. Anyone notified of this order shall be given a copy of it by the plaintiff's counsel.
67. 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.