

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE  
PRACTICE DIRECTIONS  
AMENDMENT NO 3 OF 2013**

It is hereby notified for general information that, with effect from 17<sup>th</sup> May 2013, the Subordinate Courts Practice Directions will be amended as follows:

(a) the existing paragraph 21 will be deleted and replaced by the following paragraph:

*New paragraph 21*

(b) the following new paragraph 22A will be inserted immediately after the existing paragraph 22:

*New paragraph 22A*

2. The new paragraphs 21 and 22A incorporate certain new requirements to be complied with by applicants for *ex parte* injunctions, in line with paragraphs 41 and 42A of the Supreme Court Practice Directions.

Dated this 10<sup>th</sup> day of May 2013.



JENNIFER MARIE  
REGISTRAR  
SUBORDINATE COURTS

## 21. Ex parte applications for injunctions

- (1) Order 29, Rule 1, of the Rules of Court provides that an application for the grant of an injunction may be made *ex parte* in cases of urgency. However, the cases of *Castle Fitness Consultancy Pte Ltd v Manz* [1989] SLR 896 *'The Nagasaki Spirit'* (No.1) [1994] 1 SLR 434 take the position that an opponent to an *ex parte* application, especially where the application seeks injunctive relief, should be invited to attend at the hearing of the application.
- (2) In view of this, any party applying *ex parte* for an injunction (including a *Mareva* injunction) must give notice of the application to the other concerned parties prior to the hearing. The notice may be given by way of facsimile transmission or the use of any other electronic means (including electronic mail or Internet transmission), or, in cases of extreme urgency, orally by telephone. Except in cases of extreme urgency or with the leave of the Court, the party shall give a minimum of two hours' notice to the other parties before the hearing. The notice should inform the other parties of the date, time and place fixed for the hearing of the application and of the nature of the relief sought. If possible, a copy of the originating process, the *ex parte* summons and supporting affidavit(s) should be given to each of the other parties in draft form as soon as they are ready to be filed in Court. At the hearing of the *ex parte* application, in the event that some or all of the other parties are not present or represented, the applicant's solicitors should inform the Court of:
  - (a) the attempts that were made to notify the other parties or their solicitors of the making of the application;
  - (b) what documents were given to the other parties or their solicitors and when these documents were given; and
  - (c) whether the other parties or their solicitors consent to the application being heard without their presence.
- (3) The Directions set out in sub-paragraph (2) need not be followed if the giving of the notice to the other parties, or some of them, would or might defeat the purpose of the *ex parte* application. However, in such cases, the reasons for not following the

Directions should be clearly set out in the affidavit prepared in support of the *ex parte* application.

**22A. Documents in support of *ex parte* applications for injunctions (including *Mareva* injunctions) and search orders**

(1) Without prejudice to the requirements stated in Paragraphs 21 and 22 of these Practice Directions, in order to assist the Court hearing *ex parte* applications for injunctions (including *Mareva* injunctions) and search orders, an applicant must include in the affidavit prepared in support of the application the following information under clearly defined headings:

- (a) reason(s) the application is taken out on an *ex parte* basis, including whether the applicant believes that there is a risk of dissipation of assets, destruction of evidence or any other prejudicial conduct;
- (b) urgency of the application (if applicable), including whether there is any particular event that may trigger the dissipation of assets, destruction of evidence or any other prejudicial conduct;
- (c) factual basis for the application, including the basis of any belief that there will be dissipation of assets, destruction of evidence or any other prejudicial conduct, whether there have been any past incidents of the opponent dissipating assets, destroying evidence or engaging in any other prejudicial conduct, and whether there is any evidence of dishonesty or bad faith of the opponent;
- (d) factual basis for any reasonable defences that may be relied on by the opponent;
- (e) whether the applicant is aware of any issues relating to jurisdiction, *forum non conveniens* or service out of jurisdiction, and, if so, whether any application relating to these issues has been or will be made;
- (f) an undertaking to pay for losses that may be caused to the opponent or other persons by the granting of the orders sought, stating what assets are available to meet that undertaking and to whom the assets belong; and
- (g) any other material facts which the Court should be aware of.

(2) An applicant must prepare skeletal submissions on the points to be raised at the hearing of the *ex parte* application. At the hearing, the applicant shall give a copy of the skeletal submissions to the Court and to any opponent present. The applicant shall file the skeletal submissions by the next working day.

(3) The Court may also require the applicant to prepare a note of the hearing setting out the salient points and arguments canvassed before the Court and may order such a note to be served together with the court documents on any opponent who is not present at the hearing or within a reasonable time after the service of the court documents.