

Chapter 10

Injunctions



10.3 Asset-freezing injunctions

- 10.3.1** Where the *FCA* applies to the court under section 380(3) or sections 381(3) and (4) of the *Act*, the *FCA* may ask the court to exercise its inherent jurisdiction to make orders on an interim basis, restraining a *person* from disposing of, or otherwise dealing with, assets. To succeed in an application for such interim relief, the *FCA* will have to show a good arguable case for the granting of the *injunction*. The *FCA* will not have to show that a contravention has already occurred or may have already occurred.
- 10.3.2** The *FCA* may request the court to exercise its inherent jurisdiction in cases, for example, where it has evidence showing that there is a reasonable likelihood that a *person* will contravene a requirement of the *Act* and that the contravention will result in the dissipation of assets belonging to investors.