L'exécution des jugements sur des jetons

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Un jugement portant sur une somme d'argent s'exécute en vertu de l'O 22 des Rules of Court 2021 par une ordonnance d'exécution (enforcement order) aux fins de saisie et de vente de biens, de saisie de créances ou de remise de biens meubles. Les Rules de 2021 mentionnent expressément la cryptomonnaie parmi les biens qu'une ordonnance d'exécution peut viser, ce que le jugement *ByBit* a relevé comme une reconnaissance législative de sa nature de bien.[1] En pratique, le Sheriff ne peut pas saisir une clé privée. L'exécution passe donc par la saisie du solde du compte du débiteur sur une plateforme d'échange, en tant que créance due par la plateforme, ou par une ordonnance enjoignant au débiteur de remettre les jetons ou les clés sous peine de contempt of court. Lorsque le jugement ordonne la remise de jetons déterminés détenus en constructive trust, l'ordonnance est adressée à la plateforme qui les détient.

Notes

1. ByBit Fintech Ltd v Ho Kai Xin [2023] SGHC 199, par. [30], renvoyant à l'O 22 r 1(1) des Rules of Court 2021. ↩

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