新加坡有關謹慎責任的框架

Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland and Germany),
Solicitor (England & Wales and Hong Kong)
Of Counsel, KGP Legal LLC
alexander.ressos@kgplegal.com.sg
www.ressos.com.sg

新加坡就疏忽法下謹慎責任是否存在採用單一測試，由上訴法院在*Spandeck Engineering v Defence Science and Technology Agency*一案中訂定。門檻要求是損害在事實上可以預見。法院其後會考慮雙方之間是否有足夠的法律上的近因關係，當中顧及實際、情況及因果上的近因關係，以及任何承擔責任及依賴的情況。如確立近因關係，即產生表面的謹慎責任，但該責任可因政策考慮而被否定。[1] 這項測試適用於所有疏忽申索，包括純經濟損失的申索。新加坡拒絕採納英國有關純經濟損失的排除規則，這意味着因他人疏忽而損失金錢的申索人不會在一開始便被拒諸門外，但必須通過近因關係及政策考慮兩個階段。[2] 加密資產申索一律屬經濟損失申索，因此與英國審裁地相比，這是一項重大優勢。

註釋

1. *Spandeck Engineering (S) Pte Ltd v Defence Science & Technology Agency* [2007] SGCA 37，第[73]至[86]段。 ↩
2. *Spandeck* [2007] SGCA 37，第[69]至[72]段，拒絕沿用英國把純經濟損失視為特別類別的做法。 ↩

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Author contact: Dr Alexander Ressos, TEP · contact@ressos.com