實務影響：1963年至1965年的法律遺產

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法律的延續

1965年採用的立法技術至今仍影響實務。由於《獨立法》第13條使所有現行法律繼續有效，新加坡的成文法典包含三個來源的法例：殖民地條例、新加坡自治邦的法律，以及1963年至1965年間延伸適用於新加坡的馬來西亞聯邦法律。其中若干法例其後經修訂或被取代，另一些則以經修訂的形式保留至今，其歷史對解釋仍有意義。

《1967年公司法》說明了這種聯繫。正如第B部分第I章所述，該法以馬來西亞《1965年公司法》為藍本，而後者又以澳洲維多利亞州的《1961年公司法》為基礎。[1]因此，馬來西亞法院就相應條文作出的判決，在新加坡仍可作為具說服力的權威。其他源於短暫聯邦時期或共同殖民歷史的法例，亦是如此。

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法院、上訴與水供協議

《獨立法》第11條保留了向馬來西亞聯邦法院及樞密院上訴的途徑，直至新加坡另行作出規定為止。新加坡其後設立了本身的上訴法院，後來又廢除了向樞密院上訴的途徑，第J部分第III章對此有所說明。1985年修訂版就第11條所加的編輯註釋指出，凡提述聯邦法院之處，須解釋為提述新加坡本身的上訴法院。[2]

水供協議顯示，一份分家條約可以承載長達一個世紀的經濟義務。根據1962年訂立、於1965年獲得擔保的協議，新加坡每日可從柔佛河抽取最多2.5億加侖原水，每千加侖支付3仙，協議有效期至2061年。[3]第I部分第IV章探討新加坡與馬來西亞今天的關係。

執業者核對清單

- 在依賴外國案例之前，先追溯新加坡某項法例的來源：殖民地條例、新加坡自治邦的法律，以及1963年至1965年間延伸適用的馬來西亞聯邦法律，可能各自指向不同的具說服力權威。
- 查核1965年以前的法律是否曾根據《1965年新加坡共和國獨立法》第13(3)條以總統命令修改（該條容許在獨立後三年內發出此類命令），或是否曾由後來的立法修改。
- 處理源自1963年至1965年的財產或債務爭議時，須考慮該法第9條，該條把合併時轉歸馬來西亞的財產及責任交還新加坡。
- 安排涉及汶萊的付款時，須記得新加坡元與汶萊元可按面值互換，這是貨幣聯盟的遺留安排。
- 在馬來西亞與新加坡之間的交易中，應把兩地視為同源但獨立的法律制度：經過六十年各自發展，相近的措辭並不保證相同的解釋。

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註釋

1. 會計與企業管制局（ACRA），“Companies Act Reform: Background”（acra.gov.sg，2026年11月瀏覽）：新加坡《公司法》以馬來西亞《1965年公司法》為基礎，而後者“was based on the Companies Act 1961 of Victoria, Australia”。 ↩
2. Republic of Singapore Independence Act 1965（1985年修訂版，自1987年3月30日起生效的非正式綜合本），第11條及編輯註釋：“By section 84(2)(a) of the Supreme Court of Judicature Act ‘Federal Court’ is to be construed as the Court of Appeal or the Court of Criminal Appeal in Singapore.” ↩
3. 新加坡外交部，“Water Agreements”（2026年11月瀏覽）：根據1962年協議，新加坡每日從柔佛河抽取2.5億加侖原水；價格為“3 sen per thousand gallons of raw water”；2061年屆滿。 ↩

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