新加坡注意义务的判断框架

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

新加坡对过失侵权中注意义务的存在采用单一检验标准，该标准由上诉庭在*Spandeck Engineering v Defence Science and Technology Agency*案中确立。门槛要求是损害在事实上可以预见。随后，法院会考察当事人之间是否存在足够的法律上的近因关系，同时考虑物理上、情境上和因果上的近因关系，以及任何责任承担和信赖。如近因关系成立，即产生一项初步的注意义务，但该义务可因政策考量而被否定。[1]该检验标准适用于所有过失请求，包括纯经济损失的请求。新加坡拒绝采纳英国针对纯经济损失的排除规则。这意味着，因他人疏忽而蒙受金钱损失的索赔人并不会在一开始就被拒之门外，但必须满足近因关系和政策考量两个阶段的要求。[2]加密资产请求总是涉及经济损失，因此与在英国诉讼相比，这是一项重大优势。

注释

1. *Spandeck Engineering (S) Pte Ltd v Defence Science & Technology Agency* [2007] SGCA 37 第[73]–[86]段。 ↩
2. *Spandeck* [2007] SGCA 37 第[69]–[72]段，拒绝沿用将纯经济损失视为特殊类别的英国做法。 ↩

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