实务影响：1963–1965年的法律遗产

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法律的延续性

1965年采用的立法技术至今仍影响着法律实务。由于《独立法》第13条规定所有现行法律继续有效，新加坡的成文法典包含三种来源的法令：殖民地条例、新加坡自治邦法律，以及1963年至1965年间延伸适用于新加坡的马来西亚联邦法律。其中若干法令后来经过修订或被取代，另一些则以修正后的形式保留至今，其立法沿革对解释仍有意义。

《1967年公司法》就体现了这种联系。正如第B部分第I章所述，该法以马来西亚《1965年公司法》为蓝本，而后者又以澳大利亚维多利亚州《1961年公司法》为基础。[1]因此，马来西亚法院就对应条文作出的判决，在新加坡仍可作为具有说服力的先例。其他源于短暂联邦时期或共同殖民历史的法规也是如此。

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法院、上诉与供水协定

《独立法》第11条在新加坡另行作出规定之前，保留了向马来西亚联邦法院和枢密院上诉的途径。此后，新加坡设立了自己的上诉法院，后来又废除了向枢密院上诉的制度，详见第J部分第III章。1985年修订版中第11条的编者注指出，凡提及联邦法院之处，应理解为指新加坡本国的上诉法院。[2]

供水协定表明，一项分家条约可以带来长达一个世纪的经济义务。根据1962年签订、1965年获得担保的协定，新加坡每天可从柔佛河抽取最多2.5亿加仑原水，每千加仑支付3仙，协定有效期至2061年。[3]第I部分第IV章将探讨新加坡与马来西亚当今的关系。

执业者核对清单

- 援引外国判例之前，先追溯新加坡某项法规的来源：殖民地条例、新加坡自治邦法律以及1963–1965年间延伸适用的马来西亚联邦法律，可能各自指向不同的说服性先例。
- 核查1965年以前的法律是否曾根据《1965年新加坡共和国独立法》第13条第(3)款（该款允许在独立后三年内发布此类命令）以总统令加以修改，或曾被后来的立法修改。
- 处理可追溯至1963–1965年的财产或债务纠纷时，应考虑该法第9条，该条将合并时移转给马来西亚的财产和责任归还新加坡。
- 在设计涉及文莱的付款安排时，应留意新加坡元与文莱元按面值等值互换的安排，这是货币联盟的遗留。
- 在马来西亚与新加坡之间的交易中，应将两地视为同源而独立的法律体系：经过六十年各自发展，相似的措辞并不保证相同的解释。

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注释

1. 会计与企业管制局（ACRA），“Companies Act Reform: Background”（acra.gov.sg，2026年11月访问）：新加坡《公司法》以马来西亚Companies Act 1965为基础，而后者“was based on the Companies Act 1961 of Victoria, Australia”。↩
2. Republic of Singapore Independence Act 1965（1985年修订版，自1987年3月30日起生效的非正式合并文本），第11条及编者注：“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月访问）：根据1962年协定，新加坡每天从柔佛河抽取2.5亿加仑原水；价格为“3 sen per thousand gallons of raw water”；2061年届满。↩

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