Сингапурский подход к обязанности проявлять заботливость

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

Сингапур применяет единый тест для установления обязанности проявлять заботливость (duty of care) в деликте небрежности, сформулированный Апелляционным судом в деле *Spandeck Engineering v Defence Science and Technology Agency*. Пороговое требование — фактическая предвидимость вреда. Затем суд выясняет, есть ли между сторонами достаточная правовая близость (proximity), учитывая физическую, ситуационную и причинную близость, а также принятие на себя ответственности и разумное доверие. Если близость установлена, возникает презюмируемая обязанность, которую могут исключить соображения правовой политики.[1] Тест применяется ко всем искам из небрежности, в том числе к искам о чисто экономических убытках. Сингапур отверг английское правило, исключающее возмещение чисто экономических убытков.

© 2026 Dr Alexander Ressos. General information only, not legal, tax or investment advice. No client relationship is created. All Singapore law advice is provided by a duly licensed and regulated firm of Singapore advocates and solicitors only on the basis of an express written letter of engagement. More information at SingaporeIQ.com and ressos.com.sg.

Поэтому истец, потерявший деньги из-за чужой небрежности, не получает отказа с самого начала, но должен пройти этапы близости и правовой политики.[2] Для требований в сфере криптоактивов, которые всегда являются требованиями об экономических убытках, это существенное преимущество перед рассмотрением спора в Англии.

Примечания

1. *Spandeck Engineering (S) Pte Ltd v Defence Science & Technology Agency* [2007] SGCA 37, п. [73]–[86]. ↩
2. *Spandeck* [2007] SGCA 37, п. [69]–[72], где суд отказался следовать английскому подходу, выделяющему чисто экономические убытки в особую категорию. ↩

Disclaimer

This article is provided for general information only. It is based on publicly available sources as at its date of publication. These sources have not been independently verified against licences, regulatory registers or the records of the entities concerned. It is not legal, tax, financial or investment advice. Nor is it a recommendation to invest in, transact with or use the services of any entity mentioned. Law and regulation change frequently, so the content may be incomplete or outdated. To the fullest extent permitted by law, Dr Alexander Ressos and the publisher of SingaporeIQ exclude all liability for loss or damage arising from the use of or reliance on this article. Readers should obtain advice on their specific circumstances before acting or refraining from action.

Names and trademarks of the entities discussed belong to their owners and are used for identification only. Their mention implies no endorsement, affiliation or allegation of wrongdoing. All Singapore law advice is provided by a duly licensed and regulated firm of Singapore advocates and solicitors only on the basis of an express written letter of engagement. Corrections and updates: contact@ressos.com.

© 2026 Dr Alexander Ressos. General information only, not legal, tax or investment advice. No client relationship is created. All Singapore law advice is provided by a duly licensed and regulated firm of Singapore advocates and solicitors only on the basis of an express written letter of engagement. More information at SingaporeIQ.com and ressos.com.sg.

© 2026 Dr Alexander Ressos. This article may be quoted with attribution to SingaporeIQ (SingaporeIQ.com). Reproduction in full and any commercial use require prior written consent. The Legal Terms at https://singaporeiq.com/legal-terms apply.

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

© 2026 Dr Alexander Ressos. General information only, not legal, tax or investment advice. No client relationship is created. All Singapore law advice is provided by a duly licensed and regulated firm of Singapore advocates and solicitors only on the basis of an express written letter of engagement. More information at SingaporeIQ.com and ressos.com.sg.