# The Singapore framework for a duty of care

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Singapore applies a single test for the existence of a duty of care in negligence, set by the Court of Appeal in *Spandeck Engineering v Defence Science and Technology Agency*. There is a threshold requirement of factual foreseeability of harm. The court then asks whether there is sufficient legal proximity between the parties, taking into account physical, circumstantial and causal proximity and any assumption of responsibility and reliance. If proximity is established, a prima facie duty arises which may be negated by policy considerations.[1] The test applies to all claims in negligence, including claims for pure economic loss. Singapore rejected the English exclusionary rule for pure economic loss, which means that a claimant who has lost money through another's carelessness is not barred at the outset but must satisfy the proximity and policy stages.[2] For crypto claims, which are always claims for economic loss, this is a significant advantage over an English forum.

## Notes

1. *Spandeck Engineering (S) Pte Ltd v Defence Science & Technology Agency* [2007] SGCA 37 at [73]–[86]. ↩

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2. *Spandeck* [2007] SGCA 37 at [69]–[72], declining to follow the English approach that treats pure economic loss as a special category. ↩

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