



ANALYSIS

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1980, No. 15

An Act to limit the liability of Cable and Wireless Limited in certain matters arising out of its operation

BE IT ENACTED by the Legislative Assembly of the Cook Islands (30 October 1980) in Session assembled, and by the authority of the same as follows:

1. Short Title - This Act may be cited as the Cable and Wireless Limited (Limitation of Liability) Act 1980)

2. Interpretation - In this Act - unless the context otherwise requires, -

"Telecommunication" means any communication by way of the transmission, emission or reception to, from or within the Cook Islands of signs, signals, writing images, or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

3. Liability in Tort - No proceedings in tort shall lie against Cable and Wireless Limited in respect of any loss or damage suffered by any person by reason of:

- (a) Failure to provide, or delay in providing, a telecommunication service, apparatus associated therewith or a service ancillary thereto;
- (b) Failure, interruption, suspension or restriction of a telecommunication service or a service ancillary thereto or delay of, or fault in, communication by means of a telecommunication service;
- (c) Error in or omission from a directory for use in conjunction with a telecommunication service.

4. Liability in Contract - Proceedings in contract against Cable and Wireless Limited in respect of any loss or damage suffered by any person for any of the reasons stated in paragraph (b) in the foregoing section shall be limited to the recovery by the person affected of the fee or charge made by Cable and Wireless Limited for the transmission of the particular communication which was not transmitted or incorrectly transmitted in breach of the contract for transmission.

5. Liability of Officer or Servant - No officer or servant of Cable and Wireless Limited shall be subject, except at the suit of Cable and Wireless Limited to any civil liability for any loss, or damage in the case of which liability of Cable and Wireless Limited is excluded by the two foregoing sections.

This Act is administered by Cable and Wireless Limited