



ANALYSIS

Title	
1. Short Title	3. Deemed ownership of of bottles
2. Interpretation	4. Re-use of bottles

1988, No. 4

An Act to provide for the re-use of bottles

(14 June 1988)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled and by the authority of the same as follows;

1. Short Title - This Act may be cited as the Re-use of Bottles Act 1988.

2. Interpretation - In this Act,-

"Bottle" means any carboy flagon bottle jar pot tubular and other similar container of glass plastic or ceramic manufacture of any kind commonly used for the conveyancing storage packing or sale of liquids whether such liquids shall be intended for human consumption or otherwise."

3. Deemed ownership of bottles - (1) Notwithstanding any rule of law or equity to the contrary, any person who lawfully comes into possession of an empty bottle or comes into possession of a bottle by virtue of having purchased its contents, shall become the lawful owner of all rights and interests both in law and equity in and pertaining to that bottle and all prior rights and interests of whatsoever nature in respect of that bottle and vested in any other person shall cease and determine.

(2) The provisions of this section shall have effect notwithstanding anything to the contrary stamped embossed printed or otherwise indicated on the bottle or its labelling or packaging.

4. Re-use of bottles - (1) Where any person becomes the owner of a bottle pursuant to section 3, then neither he nor any subsequent owner shall be answerable to any former owner of that bottle as to its subsequent use re-use or disposal except in circumstances where any re-use of that bottle amounts to the passing off of its contents as being the product of a prior owner.

(2) The re-use of a bottle by refilling that bottle with a liquid of the same or substantially similar nature as that which the bottle originally contained, shall not of itself amount to a passing off notwithstanding that the bottle may be of some peculiar or distinctive shape provided that the person re-using that bottle shall have labelled the bottle to identify fairly its contents and the origin of those contents.

This Act is administered by the
Department of Trade, Labour and Transport.