



Unfair Contract Terms Act 1977

1977 CHAPTER 50

PART II

AMENDMENT OF LAW FOR SCOTLAND

16 Liability for breach of duty

- (1) Where a term of a contract purports to exclude or restrict liability for breach of duty arising in the course of any business or from the occupation of any premises used for business purposes of the occupier, that term—
 - (a) shall be void in any case where such exclusion or restriction is in respect of death or personal injury ;
 - (b) shall, in any other case, have no effect if it was not fair and reasonable to incorporate the term in the contract.
- (2) Subsection (1)(a) above does not affect the validity of any discharge and indemnity given by a person, on or in connection with an award to him of compensation for pneumoconiosis attributable to employment in the coal industry, in respect of any further claim arising from his contracting that disease.
- (3) Where under subsection (1) above a term of a contract is void or has no effect, the fact that a person agreed to, or was aware of, the term shall not of itself be sufficient evidence that he knowingly and voluntarily assumed any risk.