



# British Telecommunications Act 1981

## 1981 CHAPTER 38

### PART I

#### NEW CORPORATION FOR THE PROVISION OF TELECOMMUNICATION AND DATA PROCESSING SERVICES

##### *Limitation of liability*

#### **23 Exclusion of certain liabilities in tort in relation to telecommunications**

- (1) No proceedings in tort shall lie against the Corporation 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 ; or
  - (c) error in, or omission from, a directory for use in connection with a telecommunication service.
- (2) No employee of the Corporation shall be subject, except at the suit of the Corporation, to any civil liability for any loss or damage in the case of which liability of the Corporation therefor is excluded by subsection (1).
- (3) No person engaged in or about—
- (a) the receipt or collection in material form of communications which are to be transmitted by means of a system run by the Corporation ; or
  - (b) the delivery in material form of communications which have been so transmitted,

and no employee, agent or sub-contractor of such a person shall be subject, except at the suit of the Corporation, to any civil liability for loss or damage in the case of which liability of the Corporation therefor is excluded by subsection (1).

- (4) In the application of subsection (1) to Scotland, the reference to proceedings in tort shall be construed in the same way as in section 43(b) of the Crown Proceedings Act 1947.