

Exclusion Clauses

Law

Clauses limiting liability, and the hurdles they must clear.

The tests a clause must survive.

1

Incorporation

Was it part of the contract before or at formation?

2

Notice

Was reasonable notice given, especially for unusual terms?

3

Construction

On its wording, does it cover this loss?

4

Statutory control

Is it permitted by consumer and unfair terms legislation?

5

Reasonableness

Where the test applies, is it reasonable in the circumstances?

Educational reference. Liability for death or personal injury from negligence cannot be excluded in many jurisdictions.