

# Hotel Proprietors Act

## Principal Act

<b>Act. No. 1958-15</b>	<i>Commencement</i>	5.12.1958
	<i>Assent</i>	4.12.1958

Amending enactments	Relevant current provisions	Commencement date
---------------------	-----------------------------	-------------------

Act. 1963-13 ss. 2(4), 3, 5, 6(3), Sch.

## English source:

Hotel Proprietors Act 1956 (4 & 5 Eliz. 2 c.62)

**ARRANGEMENT OF SECTIONS**

## Section

1. Short title.
2. Inns and innkeepers.
3. Hotel proprietors bound to receive valuables if in a sealed container.
4. Hotel proprietor not liable in certain circumstances.
5. Guest to lose protection in case of delay in notifying hotel proprietor.
6. Modification of liabilities and rights of innkeepers as such.

**SCHEDULE.**

Loss of or damage to guests' property.

AN ACT RELATING TO INNS AND INNKEEPERS.

**Short title.**

1. This Act may be cited as the Hotel Proprietors Act.

**Inns and innkeepers.**

2. (1) An hotel within the meaning of this Act shall, and any other establishment shall not, be deemed to be an inn; and the duties, liabilities and rights which immediately before the commencement of this Act by law attached to an innkeeper as such shall, subject to the provisions of this Act, attach to the proprietor of such an hotel and shall not attach to any other person. *(1956 c.62, s.1)*

(2) The proprietor of an hotel shall, as an innkeeper, be under the like liability, if any, to make good to any guest of his any damage to property brought to the hotel as he would be under to make good the loss thereof.

(3) In this Act, the expression “hotel” means an establishment held out by the proprietor as offering food, drink and, if so required, sleeping accommodation, without special contract, to any traveller presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and who is in a fit state to be received.

(4) For the purposes of this Act, any property—

- (a) which is at the hotel during the time when the guest has the accommodation at his disposal; or
- (b) of which the proprietor of an hotel or a person for whom he is responsible takes charge outside the hotel during the period for which the guest has the accommodation at his disposal; or
- (c) of which the proprietor of an hotel or a person for whom he is responsible takes charge whether at the hotel or outside it during a reasonable period preceding or following the time when the guest has the accommodation at his disposal,

shall be deemed to be property brought to the hotel.

**Hotel proprietor bound to receive valuables if in a sealed container.**

3.(1) The proprietor of an hotel shall be bound to receive securities, money and valuable articles; he may only refuse to receive such property if it is dangerous or if, having regard to the size or standing of the hotel, it is of excessive value or cumbersome.

(2) The proprietor of an hotel shall have the right to require that the article shall be in a fastened or sealed container.

**Hotel proprietor not liable in certain circumstances.**

4. The proprietor of an hotel shall not be liable in so far as the damage, destruction or loss of property brought to the hotel is due:—

- (a) to the guest or any person accompanying him or in his employment or any person visiting him; or
- (b) to an unforeseeable and irresistible act of nature or an act of war; or
- (c) to the nature of the article.

**Guest to lose protection in case of delay in notifying hotel proprietor.**

5. Except in any case to which paragraph (a) of section 6(3) applies (that is to say, where property is stolen, lost or damaged through the default, neglect or wilful act of the proprietor of an hotel or some servant of his) the guest shall cease to be entitled to the benefit of the provisions of this Act if after discovering the damage, destruction or loss he does not inform the hotel proprietor without undue delay.

**Modifications of liabilities and rights of innkeepers as such.**

*(1956 c.62, s.2)* 6. (1) Without prejudice to any other liability incurred by him with respect to any property brought to the hotel, the proprietor of an hotel shall not be liable as an innkeeper to make good to any traveller any loss of or damage to such property except where—

- (a) at the time of the loss or damage sleeping accommodation at the hotel had been engaged for the traveller; and
- (b) the loss or damage occurred during the period commencing with the midnight immediately preceding, and ending with the midnight immediately following, a period for which the traveller was a guest at the hotel and entitled to use the accommodation so engaged.

(2) Without prejudice to any other liability or right of his with respect thereto, the proprietor of an hotel shall not as an innkeeper be liable to make good to any guest of his any loss of or damage to, or have any lien on, any vehicle or any property left therein, or any horse or other live animal or its harness or other equipment.

(3) Where the proprietor of an hotel is liable as an innkeeper to make good the loss of or any damage to property brought to the hotel, his liability to any one guest shall not exceed 50

times the daily charge for the room in respect of any one article, or 100 times the daily charge for the room in the aggregate, except where—

- (a) the property was stolen, lost or damaged through the default, neglect or wilful act of the proprietor or some servant of his; or
- (b) the property was deposited by or on behalf of the guest expressly for safe custody with the proprietor or some servant of his authorized, or appearing to be authorized, for the purpose, and, if so required by the proprietor or that servant, in a container fastened or sealed by the depositor; or
- (c) at a time after the guest had arrived at the hotel, either the property in question was offered for deposit as aforesaid and the proprietor or his servant refused to receive it, or the guest or some other guest acting on his behalf wished so to offer the property in question but, through the default of the proprietor or a servant of his, was unable to do so:

Provided that the proprietor shall not be entitled to the protection of this subsection unless, at the time when the property in question was brought to the hotel, a copy of the notice set out in the Schedule printed in plain type was conspicuously displayed in a place where it could conveniently be read by his guests at or near the reception office or desk or, where there is no reception office or desk, at or near the main entrance to the hotel.

**SCHEDULE**

## Section 6

## NOTICE.

## LOSS OF OR DAMAGE TO GUESTS' PROPERTY.

Under the Hotel Proprietors Act a hotel proprietor may in certain circumstances be liable to make good any loss of or damage to a guest's property even though it was not due to any fault of the proprietor or staff of the hotel. This liability however—

- (a) extends only to the property of guests who have engaged sleeping accommodation at the hotel;
- (b) is limited to 50 times the daily charge for the room for any one article and a total of 100 times the daily charge for the room in the case of any one guest, except in the case of property which has been deposited, or offered for deposit, for safe custody;
- (c) does not cover motor-cars or other vehicles of any kind or any property left in them, or horses or other live animals.

Failure to notify the hotel proprietor of any damage, destruction or loss of property without undue delay after its discovery may result in the guest losing the benefit of the Act.

This notice does not constitute an admission either that the Act applies to this hotel or that liability thereunder attaches to the proprietor of this hotel in any particular case.