

CHAPTER 203

THE HOTEL PROPRIETORS ACT

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HOTEL PROPRIETORS

An Act relating to the rights and liabilities of hotel proprietors.

(27th December, 1984.)

1511984.

1. This Act may be cited as the Hotel Proprietors Act. **Short title.**
2. In this Act— **Interpretation.**

"guest" means a person received into an hotel for the purpose of partaking of food or drink or using sleeping accommodation provided in the hotel;

"hotel" means any place or establishment held out by the proprietor as offering food and drink, and if

so required, sleeping accommodation to any person presenting himself who is willing and able to pay a reasonable sum for the services and facilities provided and who is in a fit state to be received therein;

"proprietor" means any person having the management or control of an hotel and the conduct of the business therein.

Common tariff.

3. (1) The proprietor shall fix a scale of charges for the provision of facilities to guests at that hotel and may in the common tariff specify different charges for the provisions of different facilities based on the differences in quality or quantity of those facilities.

(2) The proprietor shall cause to be kept conspicuously displayed in a place at or near the reception desk, or at or near the main entrance to the hotel a copy of the common tariff printed in plain type so that it may easily be read by a guest or visitor.

(3) A proprietor who—

(a) fails to comply with subsection (2); or

(b) charges for the provision of any facility to a guest at his hotel an amount exceeding that specified in the common tariff in relation to that facility;

is guilty of an offence and is liable on summary conviction to a fine of one thousand dollars.

Obligation of hotel proprietor.

4. Any proprietor who refuses to receive any person as a guest by reason of such person's race, religion or colour is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.

Duty to receive goods in safe custody.

5. (1) Subject to subsections (2) and (3) a proprietor shall receive and keep in safe custody any property tendered to him or his servant by a guest for safe custody.

(2) A proprietor or his servant may refuse to receive and keep in safe custody any property tendered by a guest

which appears to him to be noxious, unwholesome or dangerous, or, having regard to the size or standing of the hotel, to be cumbersome or of excessive value.

(3) A proprietor or his servant may, as a condition to accepting property for deposit, require that it be deposited in a container fastened and sealed by the person depositing it and that the value of the property be declared by the depositor at the time of the deposit.

(4) Any property required to be deposited in a container fastened and sealed by the person depositing it shall be so dealt with in the presence of the proprietor or his servant after that property has been inspected or checked, as the case may be, by the proprietor or his servant.

(5) For the purposes of this section, "servant" means a servant authorised or appearing to be authorised to receive property for safe custody.

6. (1) Subject to subsection (2), a proprietor is liable to make good to a guest any damage to or loss of any property brought to the hotel by a guest where—

Liability of proprietor for loss of or damage to property of guest.

(a) at the time of the damage or loss, sleeping accommodation had been engaged for the guest;

(b) the damage or loss occurred during the period commencing with the acceptance of the guest into the hotel and ending with his departure therefrom at the end of his stay.

(2) A proprietor is not liable—

(a) to make good to a guest any damage to or loss, of, nor shall he have any lien on—

(i) any motor vehicle or any property left in it, or

(ii) any live animal or its harness or other equipment; or

(b) where the damage to or loss of the property referred to in subsection (1) is due to—

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- (i) the default, neglect or wilful act of the guest or a person accompanying or visiting him or in his employment;
 - (ii) an act of God; or
 - (iii) an act of war by the enemies of Her Majesty or to civil commotion.

Limits of liability.

7. (1) Subject to subsection (2); the liability of the proprietor referred to in section 6 to any one guest shall not exceed five hundred dollars in respect of any one article or one thousand dollars in the aggregate.

(2) The limitation on the liability of a proprietor provided by subsection (1) does not apply—

(a) where the property was stolen, lost or damaged through the default, neglect or wilful act of the proprietor, his agent or his servant;

(b) where the property was received for safe custody in accordance with section 5, in which case the proprietor's liability to a guest in respect of that property shall not exceed its value as declared by the depositor at the time it was received for safe custody;

(c) where at the time of the acceptance of the guest into the hotel—

(i) the property was tendered for safe custody in accordance with section 5 and the proprietor, his agent or servant refused to receive it for reasons other than those specified in that section, or

(ii) the guest or a person acting in his behalf was unable, due to the default of the proprietor or that of his servant, to tender the property for safe custody in accordance with section 5;

(d) unless at the time when the property 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 at or near the reception desk, or at or near the main entrance, to the hotel, or in the bedroom allocated to the guest, so that it may easily be read by the guest.

Schedule.

8. (1) Subject to paragraph (a) of section 6(2), a proprietor in the exercise of a lien, may seize and detain at the hotel any property brought to the hotel by a guest who is or becomes indebted to the proprietor for food, drink or accommodation or other services or facilities provided by the proprietor for the guest; and the proprietor may in addition to any other remedy, sell such property by public auction. ^{Lien and power of sale.}

(2) The right to sell under subsection (1) shall not be exercised unless—

(a) the property, other than perishable property, has remained in the safe custody of the proprietor for a period of at least six weeks;

(b) the guest has not satisfied his debt;

(c) the proprietor—

(i) in the case of any perishable property, as soon as practicable prior to the sale, or

(ii) in the case of any other property, at least one month prior to the sale,

causes to be published in a newspaper circulating in Antigua and Barbuda notice of the intended sale containing a brief description of the property to be sold, the time and place of the sale, and the name of the indebted guest.

(3) The proceeds of a sale under this section shall be applied in payment of the amount of the debt, and the costs of advertising and sale; and the remainder of the proceeds, if any, shall be paid to the person entitled to it upon application by him; but if there is no application it shall be paid to the Accountant-General to be kept for one year unless claimed by the person entitled to it, then if no such person claims, it shall form part of the Consolidated Fund.

SCHEDULE

NOTICE

HOTEL PROPRIETORS ACT

LOSS OF OR DAMAGE TO GUEST'S PROPERTY

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

2. This liability however—

(a) extends only to the property of guests for whom sleeping accommodation has been engaged at the hotel;

(b) is limited to five hundred dollars for any one article and a total of one thousand dollars in the case of any one guest, except in the case of property which has been deposited or tendered for safe custody;

(c) does not cover motor vehicles or other vehicles or any property left in them or any live animals.
