

INNKEEPERS ACT.

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 24, 1968.

An Act to make provision with respect to certain rights and liabilities of innkeepers and persons having dealings with innkeepers; to repeal the Innkeepers' Liability Act, 1902; to amend the Liquor Act, 1912, as subsequently amended; and for purposes connected therewith. [Assented to, 10th October, 1968.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Innkeepers Act, 1968".
(2) Short title and commencement.

Innkeepers.

No. 24, 1968 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Repeal. 2. The Innkeepers' Liability Act, 1902, is hereby repealed.

Interpretation and construction of Act. 3. (1) In this Act—
 "inn" means a common inn;
 "innkeeper" means the keeper of an inn.

(2) Nothing in this Act shall be construed as affecting—

- (a) any right, liability or legal proceeding saved by the Interpretation Act of 1897, as subsequently amended;
- (b) any lien that took effect before the commencement of this Act; or
- (c) the liability of any person for loss of, or damage to, property caused before or after the commencement of this Act by his default, neglect or wilful act, or that of his servant.

Meaning of "guest". 4. For the purposes of this Act, a traveller shall be deemed to be a guest at an inn only where sleeping accommodation at the inn has been engaged by or for him and, where such accommodation has been so engaged, shall be deemed to be such a guest during the period—

(a) commencing—

- (i) where this Act commences on a day on which he is entitled pursuant to that engagement to use that sleeping accommodation as a traveller—at the commencement of this Act; or

(ii)

Innkeepers.

(ii) where the day on which he becomes so entitled is a day that is later than the day on which this Act commences—at the commencement of that later day; and

(b) ending—

(i) where this Act commences on the day on which he ceases to be so entitled—at the expiration of that day; or

(ii) where the day on which he ceases to be so entitled is a day that is later than the day on which this Act commences—at the expiration of that later day.

5. Subject to this Act, the keeper of an inn shall be under the like liability to make good damage to property brought to the inn by or on behalf of a traveller using its facilities as is imposed on him by law with respect to the loss thereof.

Liability for damage to property.

6. The liability imposed by law on the keeper of an inn to make good the loss while at the inn, whether by theft or otherwise, of property brought to the inn by or on behalf of a traveller using its facilities, and the like liability imposed by section five of this Act with respect to damage thereto, shall not be incurred by the innkeeper where—

Exclusion of liability in certain cases.

(a) the property lost or damaged is a vehicle or anything therein, or a horse or other live animal or its harness or other equipment; or

(b) the traveller is not a guest at the inn within the meaning of this Act,

unless the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.

7. (1) Subject to this section and section six of this Act, the amount payable in respect of the liability of the keeper of an inn to any one traveller who is a guest at the inn with respect to property that, while at the inn, is lost, whether by theft or otherwise, or damaged shall not exceed one hundred dollars.

Limitation of liability in certain cases.

In this subsection "liability" means liability imposed by law and includes the like liability imposed by section five of this Act.

(2)

Innkeepers.

No. 24, 1968

(2) Subsection one of this section shall not have effect unless at the time the property that was lost or damaged was brought to the inn, and at all times while the traveller was a guest at the inn, a copy of the notice set forth in the Schedule to this Act, printed in plain type, was conspicuously displayed—

- (a) in a place at or near the reception office or reception desk of the inn or, where there is no such office or desk, at or near the main entrance to the inn where it could conveniently be read—
 - (i) by the traveller, on and after his arrival at the inn; and
 - (ii) where the property was not brought to the inn by the traveller, by the person who brought the property to the inn; and
- (b) in a place where it could conveniently be read in the room in which was situated the sleeping accommodation engaged for the traveller.

(3) Notwithstanding compliance with the conditions specified in subsection two of this section, subsection one of this section shall not have effect where, after the traveller became a guest at the inn—

- (a) the property that was lost or damaged was deposited by him or on his behalf expressly for safe custody with the innkeeper or his servant authorised, or appearing to be authorised, for the purpose and, if so required by the innkeeper or that servant, in a container fastened or sealed by the depositor; or
- (b) he, or some person on his behalf, was unable to deposit the property as provided by paragraph (a) of this subsection by reason of the refusal of the innkeeper or such a servant to receive it or by reason of some other default of the innkeeper or servant,

or where the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.

Innkeepers.

8. Without prejudice to any other right he may have with respect thereto, an innkeeper, in his capacity as an innkeeper, shall not have any lien on property referred to in paragraph (a) of section six of this Act.

No. 24, 1968
Abolition of innkeeper's lien over certain property.

9. Any person supplied with a meal or accommodation at an inn the premises whereof are not licensed under Part III of the Liquor Act, 1912, as subsequently amended, who on demand of payment made by the innkeeper or by his servant or agent fails or refuses to pay a reasonable sum therefor or by his actions avoids such demand or renders such demand impossible and fails to pay a reasonable sum therefor shall be liable on summary conviction to a penalty not exceeding forty dollars; and in addition thereto, the court hearing and determining the matter may order the offender to pay to the innkeeper such sum as it deems reasonable in respect of the meal or accommodation supplied to the offender.

Penalty on person failing or refusing to pay for meal or accommodation.
cf. Act No. 42, 1912, s. 69.

10. The Liquor Act, 1912, as subsequently amended, is amended—

Amendment of Act No. 42, 1912.

- (a) by omitting from section seventy-two the words "Innkeepers' Liability Act, 1902" and by inserting in lieu thereof the words "Innkeepers Act, 1968, and any Act amending or replacing that Act";
- (b) by omitting from the same section the words "of the said cited Act" and by inserting in lieu thereof the word "thereof".

Sec. 72.
(Innkeepers' Liability, saving of.)

SCHEDULE.

Innkeepers.

No. 24, 1968

SCHEDULE.

Sec. 7.

NOTICE.**LOSS OF OR DAMAGE TO GUESTS' PROPERTY.**

UNDER the Innkeepers Act, 1968, an innkeeper 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 innkeeper or any servant in his employ.

This liability however—

- (a) extends only to the property of guests who have engaged sleeping accommodation at the inn;
- (b) is limited to one hundred dollars to 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-vehicles or other vehicles of any kind or any property left in them, or horses or other live animals.

This notice does not constitute an admission either that the Act applies to these premises or that liability thereunder attaches in any particular case.

MORATORIUM